



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Tuesday, August 13, 2019

12:00 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139



ORDINANCE COMMITTEE - AUGUST 13, 2019 TRANSCRIPT OF PROCEEDINGS

Dennis J. Carlone: Welcome everyone. Um, we have a quorum. We're joined today by Mayor McGovern, Councillor Siddiqui, Councillor Mallon, Vice Mayor Devereux, and myself, Councillor Dennis Carlone, Co-Chair of the Ordinance Committee. We are expecting other Councillors to be here. Um, and when they come I'll introduce them. So, we have more than a necessary quorum to begin. The call of the Meeting is as follows: the Ordinance Committee will reconvene its recessed Public Hearing of August 8th to continue to discuss proposed Amendments to the Zoning Ordinance to create an Affordable Housing Overlay district. There will be no Public Comment. This hearing is being televised. Uh, the reason we're not having any more Public Comment is to focus on all the Amendments. We've gone a little more than halfway through in our seven hour uh, marathon of last week. And nobody intends to uh, have a meeting of that length today. So, hopefully we can make speedy progress. Uh, there is uh, there are papers on the floor and there is a Planning Board Meeting tonight that both Community Development and the City Solicitor have to prepare for. Um, but we still have a good amount of time to get work done. There isn't a um, well, we're not having an attendee or we're not having a speaker sign up sheet, but there is an attendee sign up sheet at the front. Um, the format of the Meeting is as follows. Uh, Assistant City Manager, um, there is no formal presentation. You're here to answer questions primarily. And that's true of the whole staff. Great. So, we will directly go into um, the Amendments, uh, questioning them and then voting on them. Uh, we are joined by Councillor Zondervan. Welcome. And at the conclusion of the hearing uh, we'll make a recommendation as to the status of this Petition. Whether it stays in Committee or moves forward, assuming we get done with all the Amendments. Um, I do want to say that uh, the length of the Meeting last time led to um, some dis- uh, disgruntled comments on all sides and because we went seven hours uh, uh, in the effort of trying to get as much done as possible. Uh, we will not proceed with that

length of time. There will be a recess at two hours and if need be there will be a recess in the following hours before that. Um, I've been asked that um, there be a decent amount of time for staff, as I said, to prepare for the Planning Board Meeting later tonight on the Courthouse. So, we have uh, two documents uh, one you've seen before. First by uh, (inaudible) the Council has sort of an update on where we are. It's a black and white copy um, and that is from uh, the City Clerk just for clarity. Um, and also an update um, from the Mayor's Office. Will has prepared an update in the multicolored handout, which I believe the public also has. And we're going to start where we left off um, and come back to earlier ones that um, were put aside briefly. Um, so, we're on Pg. 15 of 26 and it's Amendment no- and what do you need? It's uh, No. 26 the middle of the page and it's actually um, my proposed Amendment. I have to read it to uh, remember what I'm doing here. Oh, so, all this is is that um, whatever the setback is the treatment of the front yard should theoretically match the street context. That is if it's on Mass Avenue, it could be an extended sidewalk between Harvard and Porter which is part of the Zoning, or uh, if it's on a residential street it should obviously match what's on either side. The street context meaning lawns or paved material. Um, and I've crossed out of any combination uh, meaning that it should match what's there. So, that is before us. Any comment? I want to welcome Councillor Kelley and Councillor Toomey uh, as well. Uh, any comment? Okay. The notion is obvious. It's trying to- to mesh with its surroundings. So, all those in favor of moving the word change and the strikeout in this Amendment please say, yay. Those against? So, I believe that is a yes. So, that Amendment has been approved. Do we need two votes? Strikeout and the addition? I said both. No. Okay. So, um, the next Amendment No. 27 is also mine. And this is from my experience um, looking at courtyard buildings and frankly walking around the City and looking at courtyard buildings. And um, so, a courtyard is actually an entry courtyard and if you think of how buildings are laid out, you want to enter literally at where the stairs or an elevator are, which is usually set back from the facade. Not always, but usually, especially in big buildings. And if you look at the dimensions here, these are big buildings. Uh, the original text said a building footprint exceeding 250 feet. I crossed that out and modified it to 150, 150 is a big building. And uh, and it said measured parallel to the street shall contain portions. And I said entry courtyards, which is what this is, that are set back 40 feet. And um, let's see here, measure from in perpendicular to the front line and at least 40 feet in width. And I reduced that to 30 feet. Many of the courtyard entries are 30 feet and this gives a little more flexibility whereas the 150 is uh, is definitely smaller. Any discussion on this? I don't think I see any. So, all those in favor of this Amendment please vote, yea. I couldn't tell but those against, So, I believe this has been passed. Please challenge me if I misinterpret the vote. So, that's No. 27 that's been passed. The next one uh, looks like I'm on a run here.

Alanna Mallon: Mr. Chair.

Dennis J. Carlone: The next one.

Alanna Mallon: Mr. Chair. Pardon me.

Dennis J. Carlone: Yes.

Alanna Mallon: I'm wondering- I just want to I have a quick question about No. 26. I know we voted on it um, but I'm just reading a note that I have from the last Meeting and I wanted to just ask staff quickly um, the shall match its street context. I'm just reading a note that Jeff Roberts said on last week, at the very end, which was Zoning has to be a yes or no question cannot be required- cannot require subjective authority. And I'm just wondering if the staff can just tell us if this is requiring subjective authority or if this is something that would be okay in Zoning. I'm- I'm really sorry to- I'm just reading this note that I put here.

Nancy Glowa: Uh, through you Mr. Chair and perhaps uh, Ms. Farooq will add something but um, the issue here is that this is a review process only without um, any body making determinations on a subjective basis as to what will meet certain standards. So, since there's no uh, other person who will determine whether this standard is met than the applicant other than comments that may be received during the review process, it means that it's not really enforceable. Um, and yet at the same time, to the extent that uh, the Council's interested in trying to avoid litigation where possible by having a subjective

standard that no one is evaluating like the Planning Board if it were in a special permit context, since it is subjective if the applicant feels that he or she has met that standard. But some opponent disagrees then there still could be some um, potential for the building permit uh, that- that issues to be appealed on the basis that it didn't comply with the Zoning requirements. So, it's a tricky dance uh, that I think we're trying to achieve by um, having a sort of non-appealable process. But I think that we have the best chance of being able to enforce these provisions if they're clear and unambiguous to the fullest extent possible and not subjective.

Dennis J. Carlone: So, your conclusion is this is not valid? What I am proposing?

Nancy Glowa: Um, no, Mr. Chair, I'm not saying it's not valid. I'm saying that it's difficult to have a subjective standard where you don't have a reviewing body making the determination as to whether that standard has been met.

Dennis J. Carlone: So, whatever happens goes.

Iram Farooq: So, if- if I might suggest this is the sort of thing that the sort of statement that might be better as guidance for the Planning Board in- in as part and the developer, as part of urban design guidelines, um, rather than in the Zoning text because it does introduce the sort of subjective uh, ambiguity that the Solicitor is speaking of that might lead to challenging situations as it is implemented.

Dennis J. Carlone: What do you recommend? Moving it to the guidelines?

Iram Farooq: I think that that would be better. Um, I think we might already have some text and that- that you- I think that you might have suggested later on um, that this- this ties well too. So, um, yes I- I would from my perspective I would say that that would be a better place for it.

Dennis J. Carlone: Okay. And- and you understand that guidelines without teeth might not mean anything. That's why I'm trying to make the Zoning work in a minimal way to guide people.

Iram Farooq: Understood, um, Mr. Chair. I think the challenge is that this will- a statement like this while it might provide guidance, it will actually uh, create um, challenging situations in terms of enforcement, in terms of appealability, not- we- the ISD would not really have a way to make a determination really about whether something matches its street context or not because that is a discretionary judgment uh, that they are not uh, in a position to make.

Dennis J. Carlone: Uh, Councillor Zondervan, thank you. Councillor Zondervan.

Quinton Zondervan: Thank you Mr. Chair. I would like some clarification on the difference between the design guidelines and the Zoning because my understanding is that both are discretionary.

Iram Farooq: Um, through you Mr. Chair. No, the Zoning is not discretionary. The Zoning is um, in a- in an as of right situation the Zoning has to be- everything in the Zoning has to be met in order for somebody to be able to get their building permit. Um, the design guidelines are the piece that guide the uh, Planning Board, the developer, um, the community in terms of what will be the character of a new building or- or assemblage of buildings and so, that um, I think discretionary is a little I- I'm sticking to the uh, the way we would use it in a- in a Zoning context. Uh, so, there is no discretionary permit associated with this Zoning. It's all yes or no type. Was it met or was it not met?

Nancy Glowa: Mr. Chair?

Dennis J. Carlone: Yes.

Nancy Glowa: Are you- did you have a follow-up? I don't want to cut you off.

Quinton Zondervan: Sorry, I guess maybe I used the term incorrectly but- but my understanding is that the Planning Board doesn't get to say the Zoning was met or not. So, what difference does it make whether it's in the Zoning or in the guidelines?

Iram Farooq: You want to say it?

Nancy Glowa: Through you, Mr. Chair. The difference is that if it's in guidelines you are relying upon applicants and interested parties, neighbors, other residents, etc. to all make best efforts to go through a process and to voluntarily come to some um, conclusion that we all hope will uh, meet the objectives of the Ordinance through the language in the guidelines that helps to um, channel the conversation in the right direction. But to the extent that there are subjective standards such as matching street context which

that is a matter of opinion whether it matches or not. If it's in the Zoning Ordinance, it's very difficult for the Commissioner of Inspectional Services to determine whether that standard has been met. If some neighbor or other resident comes in and says this does not match the street context, it's very difficult for the Commissioner to make that determination. So, what Ms. Farooq is suggesting is- and what I agree with is to have um, more black and white standards in the Ordinance itself that can either be met or not be met. And if they are met you get your building permit. And that hopefully avoids the prospect of appeals tying things down. You- you- you don't have teeth completely in design guidelines. But if you don't have a binding review process, then you don't have teeth. So, there really isn't a 100% solution as a way around that. But having the guidelines be prescriptive for the dialogue to take place and s- setting forth the goals that should be achieved is a reasonable approach that we all hope that applicants and others will participate in. But no, it doesn't have teeth, but it wouldn't make it better to put in the Ordinance.

Dennis J. Carlone: Please. Thank you, Vice Mayor.

Jan Devereux: Well, I- I see your point and I think we could leave it both in the Ordinance and in the guidelines and that would uh, reinforce its importance. It- it seems to me that we're describing an ISD that are essentially equivalent to robots if they can only follow a checklist and make yes/no decisions and- and I can't believe that in practice with the existing Zoning there aren't uh, numerous instances where they are called to use the powers of some subjective judgment. I mean the Zoning is very complicated to read and interpret and there have certainly been lawsuits and challenges to how they have interpreted it. So, it is not as black and white as drafted as one would conclude from this conversation. So, on the strength of that, I think it's important to try to tell them that this is important by putting it in the Zoning. Um, and in terms of, you know, this isn't using a word like pretty or attractive where beauty is in the eye of the beholder, this is talking about matching street context. And if I'm standing on a street, I- I think I can tell if what Councillor Carlone as an architect/urban planner is getting at, if you can think of language that is more clear, please add it. But it doesn't seem- it seems like somebody who is skilled in that can tell you what the street context is and can match it. And he's not, I don't think he's talking about, you know, a one-to-one match where it has to be identical to the building. But we're talking about this whole this whole thing is premised on the concept of forma based Zoning where anything new added is adds to the overall harmony of of the street. And that is the context. So, I just am really struggling to see the resistance to putting in language that would get to that. Thank you.

Marc McGovern: Mr. Chair.

Dennis J. Carlone: Please, Madam.

Nancy Glowa: Mr. Chair, through you, um, thank you, um, Vice Mayor. I just would like to note, however, that under both our Municipal Code and the provisions of Chapter 40A, the Inspectional Services Department and the Commissioner is not a permit-granting authority and he does not make discretionary determinations. And when his determinations are challenged, I would say that our uh, success rate in effectively defending those determinations is well over 90 somewhere between 90 and 99 point something percent. So, it's- it is an objective analysis and it may be complex and he um, and we, and Community Development staff meet regularly in terms of making sure that the correct interpretations are being made in order to ensure that the Ordinance is followed to the T. But it is an objective standard that is being applied and he, as I said, he does not have discretionary authority um, in in as part of his powers.

Marc McGovern: Mr. Chair?

Dennis J. Carlone: Um, Madam Farooq wanted to speak first and then we'll go to you, Mr. Mayor.

Iram Farooq: Um, no, I couldn't say it much better than the Solicitor, So, I will...

Dennis J. Carlone: Mr. Mayor.

Marc McGovern: Thank you, Mr. Chair. Um, So, I guess- I guess what sort of jumped out from- from what you said um, Madam Solicitor. Um, you know, we're spending- we're spending a lot of time and it's- I know it's a big step to um, eliminate the ability to appeal through the Planning Board. But if I heard you correctly this would be another- this would be a place where someone could potentially appeal. So, are

we- it- I mean how does this work? So, if- if the Inspectional Services believes that the building matches the context and someone else doesn't, are we looking at another appeal of that decision and a court case and everything else? Or I mean I would, you know, if we're just- if we're just putting the appeals in other places- the ability to appeal in other places then why are we put, you know, might as well just let the Planning Board have their discretion. I mean the whole point of not of making that big step, and it is a big step, is to not- is to allow projects to move forward and- and- and- and, you know, not be blocked. So, is that what you're saying. I mean I guess I just what happens when someone appeals an inspectional an ISD decision.

Nancy Glowa: Through you Mr. Chair, the state building code governs um, the actions of the Inspectional Services Department in- in issuing building permits and they are appealable as a matter of right under state law. So, you can't completely take away that uh, Zoning appeals are- typically take longer and um, are more complex. So, I think there still is a benefit in avoiding having appeals from the Planning Board in addition to the fact that the Planning Board process itself often takes several months or more to go through the whole thing from start to finish, which I thought was also one of the objectives. But you- you never will be taking away someone's right to appeal something about a project.

Marc McGovern: So, just to follow up, Mr. Chair...

Dennis J. Carlone: I'm willing to take this out because we're going to talk about it and it comes up later in design- advisory design consultation procedure where I say the applicant shall prepare an analysis and then make a statement of how it fits in. Um, I'm seeing heads say yes, so, maybe we'll get that approved. So, I'm willing to eliminate this.

Marc McGovern: Mr. Chair. But yeah, I'm sorry I said that off mic. I'm- just procedurally, do we have to? I guess, through you to the Clerk, suspend the rules to go back and change, because we voted on this one already?

Dennis J. Carlone: I'm happy to do that because it the issue comes up later on in a much, I think, more approved way. But we'll see when we get to that. So...

Craig Kelley: Mr. Chair, over here.

Dennis J. Carlone: Yes. Sorry.

Craig Kelley: No- no worries. But I- and we talked about this a lot last time, and I think we're going to talk about it a lot this time. As the Mayor and others have said, I think that's at the very heart of this proposal is what is it that it is worth granting an unappealable right to do? And I don't know that we're all on the same page, but I guess we can just acknowledge that that's what this Affordable Housing Overlay will do. And some of us will like various parts of it and some of us won't. But it is, as the Mayor said, a big step.

Dennis J. Carlone: So, we have to vote to suspend the rules. All those in favor say, aye. So, the rules are suspended. Uh, we will vote o- once again on Amendment No. 26. All those in favor say aye. All those against.

Madam Clerk: What are we doing?

Dennis J. Carlone: That's- we already approved it. We suspended the rules to vote on it again.

Madam Clerk: What are you doing? What is the Motion uh, to withdraw it or...?

Dennis J. Carlone: Okay, the Motion is to withdraw No. 26. Excuse me. I- I thought we'd get to it through voting on it again. All those who wish to withdraw say, aye.

Unknown Male: Aye.

Dennis J. Carlone: Those against? All right. (Inaudible) Say again.

Madam Clerk: You need unanimous...

Dennis J. Carlone: Okay, you need unanimous consent to withdraw. So, that stays.

Marc McGovern: Mr. Chair, would you move- would you move it to the guidelines? Would you make that Motion?

Dennis J. Carlone: uh, we might come back to that. It all depends how it- what happens later on. And- and it's relative to what I had said about the procedure of how the applicant works with the neighborhood. All

right, we're on No. 28. Hi Chris. Thank you. We're on 28. And um, so, 28 is the amount of glass in a building. And uh, I understand housing um, especially affordable housing wants to limit glass, which I concur 100% by the way in general, but 15% was overly done. Um, the Trust told me that their average is 23% in a building. So, I raised it to 20%. And then you will- that's the first uh, comment. And then the second sentence for buildings located in business districts this figure shall be- and I increased residential to 30% and retail active use on the first floor to 70%. Now I want you to know this comes right out of Zoning Article 19 I believe it is um, these are not numbers that I made up. And the notion is in a business district you- if we want to reduce the residential fine, retail can be as much as 85% glass. Um, so, let's first talk about the 20% given that the Trust told me 23% is what their standard was, or at least members of the Trust um, 15%- what I think is ironic about this is we here, we have to have full glass buildings and office buildings. And- and uh, and I actually concur with housing being smaller. Engineers say no more than 40% typically except at retail locations. Um, so, I would recommend that the 20% stay in the 15% be- since that's what's normal anyway. And we're talking about the whole building facing a public street or public open space. This isn't the sides of the building where if they want to go smaller, they can go smaller. So, this is public presentation. Um, any comments on this?

Marc McGovern: I don't know if the City...

Dennis J. Carlone: The City can make... any time please.

Iram Farooq: Through you, Mr. Chair. Um, I- I would say that these are, you know, these are instances where some of these might be difficult to achieve. Like uh, if you have on the- as long as we can be sure that the 70% relates only to the retail section, and not if there are entry ways and such. And we might, if that's fine with you, we might want to go in and just clarify that in the text. Um, and, you know, the thing- thing with this Amendment and the prior Amendment is just that they are um, essentially consistent with what the City Solicitor was talking about. They may be hard to achieve, but they're very clear uh, and so, they're- they're easy to um, to know whether they've been met or- or not um, as compared to what we were discussing- discussing about the subjectivity of No. 26. So, I would say um, we- we might as we talked about the others, we might want to do a little word edits to just make that clear about lobbies or entryways being not counted within that 70%. But I think um, otherwise this is reasonable.

Dennis J. Carlone: I- I see nothing wrong with that. Um, I will tell you, if you look at the City, retail is almost always at least 70% and in some cases it's 100% which is the opposite problem. It's too much. Um, entries are usually fully glassed for security reasons and for friendliness to make it an attractive entry. But you're right, a lobby might not be that full amount. So, yes, by all means. So, we're going to uh, what about the 20% of the area building facades, since we're told 23%? We're talking about public facades now, not the back of a building, not the side of a building.

Iram Farooq: Um, so, Mr. Chair, I guess what I would say not having the benefit of that detailed information uh, with me right now, I would say it's possible that this might be a little bit of a reach, but I don't think it's completely unachievable. So, unless is that what you're saying? Yeah. So, Cassie is reminding me that existing properties um, are less than that as we've looked at them. Um, you might recall the analysis that Eric was sharing when we did the Urban Design look at the Urban Design guidelines. So, as we've looked at existing properties, it's a little lower. Um, but that's I- I say that just as a statement and I think...

Dennis J. Carlone: So, you want to look at this more fuller. That's fine.

Iram Farooq: I think it's- I think it's- if the- if the Council feels like this might be a little bit of a reach for folks, but I don't think it's gonna be a- it's gonna be the thing that breaks the camel's back. I think this is...

Dennis J. Carlone: Well, you know, it'd be nice to have some guidance and glass is the eyes of a building, if you will. And the Urban Design Study you talked about had panels in lieu of windows to make it- and you never see that, or rarely see that. So, that was a nice way of dealing with it if you don't have enough glass. Um, again, I'm not for total glass buildings, but I know that that is the character in a facade and without that- so, if you wish to look at it, if not, I'll call the vote on the 20%.

Iram Farooq: Mr. Chair, I think I'm maybe talking too much. This is fine from our perspective.

Dennis J. Carlone: Okay, thank you. I usually am told that I do that. All right. So, I'm going to call the 20% only because from a humane point of view in a building, I think that's the minimum on a front facade. There's no question in my mind Vice Mayor, did you want to comment?

Jan Devereux: Um, I- I, you know, defer to you in a- the wording actually says that it's not only the front facade. So, it would be the facade facing a public street and the- the building that I can think of that has panels where you would expect to see windows is that hotel in Porter Square um, where on the side of the building they have big red panels instead of windows. And it just looks stupid to me. So, I would hope that no one would do that um, for one of these projects.

Dennis J. Carlone: Yeah, that is called, believe it or not, a blind window. That feature. All right, so, we're going to vote on the 20% I guess. So, all those in favor say aye.

Group: Aye.

Dennis J. Carlone: Those against? Thank you. And we will hold on the 30% and 70% um, and we welcome your feedback on that. And I agree the entry lobby can be considered different than active, publicly available space. Um, so, No. 29., so, that has been moved to Amendment 41. So, there's no vote on that. That's a good thing. Um, No. 30, all I did here is add and/or bicycle storage. So, the sent- the- the statement was when structured parking is provided within the ground floor of a building, the portion of the building immediately behind the front wall plane shall consist of residential units, common areas, or other populated portions of the building in order to screen the provided parking over at least, it said 50% of the length of the facade measured parallel to the street. Now, I just added bicycle storage in case there's bicycle storage in the building and not parking as we're now talking. Um, and it's said over at least 50% of the length of the facade parallel to the street. So, that's the street facade. And there's no reason why that has to be that. It- it could just have the driveway going into the building and- and be screened by units. And that's where the 75% comes from, in other words, half the building. Why do you want to see a dead wall or parking? Um, um, but I'm open to changing that um, percentage.

Craig Kelley: Mr. Chair.

Dennis J. Carlone: Please. Councillor.

Craig Kelley: Thanks.

Dennis J. Carlone: Sorry, I for some reason, I have a hard time...

Craig Kelley: I'm omnipresent.

Dennis J. Carlone: Yes, you are.

Craig Kelley: I mean from all directions. Um, so, I- I won't claim expertise in getting in the details on much of this stuff. But I will claim expertise on pretty much all things having to do with bikes to include storage. And reading this it seems like what might happen is bikes would be put someplace and then to access the street you'd walk the length of however long the bike storage was and then pop out through some sort of uh, access point or- or portal. And that can be really difficult because the way bikes work in terms of getting locked up, they sort of come in straight and then they back out straight. And when we start constraining access, it- it just makes it really more challenging to use that storage.

Dennis J. Carlone: It's a good point. Other comments? I'm willing to take out bicycle storage. So, then we would only be talking about parking. Any other comments?

Jan Devereux: Um, um, it- since I'm not an architect, it's a little hard for me to visualize this. Are we imagining that um, these projects could have uh, like the one on Concord Islands on Concord Avenue has essentially parking that is under, not underground, but under the building so, that you drive under the building and there are parking spaces that are not necessarily screened. They're just under the building kind of carport style.

Dennis J. Carlone: Um, that's not my- I mean, I sense of what Concord Avenue is but um...

Jan Devereux: It's kind of built- the way that you get- since it's a very long deep lot, you drive underneath the front portion...

Dennis J. Carlone: Yes, I know.

Jan Devereux: ...of the building, and then I thought there was parking behind it, and so, you are left with Concord Avenue having a big gap that is essentially a double wide driveway. I think kind of- I don't know.

Dennis J. Carlone: Yes, that's what the 25% would be.

Jan Devereux: That would be the 25%, yeah.

Dennis J. Carlone: So, again, I'm willing to reduce the 75. I was trying to make a point. Why do we want 50% of the building being a garage?

Jan Devereux: No, we don't...

Dennis J. Carlone: Yeah, I'm just- I'm just yeah, no, I'm not questioning...

Jan Devereux: ...to help visualize what- what parking will look- I mean we've kind of eliminated requirements for parking, but that doesn't mean there won't be parking. So, what will the parking look like and how much of it will we have to look at from the street, right?

Dennis J. Carlone: I agree. Thoughts, comments from the City.

Iram Farooq: Um, thank you Mr. Chair. I think the one thing I would suggest is um, especially since 75% on some parcels might get to be a lot, to also include a minimum driveway width and allow that to happen uh, as well.

Dennis J. Carlone: A- and do you want to get that back to us or should we assume that's 25 feet or...?

Iram Farooq: We can- well, I- I think that the uh, the Committee could vote on this with the understanding that we will put in a number and then you can um, always decide if that's appropriate or not when it comes up.

Dennis J. Carlone: Yes, a- a driveway would have to fit in. That's absolutely right. I apologize for not calling that out. S- so, I- I see um, to address Councillor Kelley's comment to remove- because it seems like unlikely now anyway, and/or bicycle storage uh, unless I hear other comments. So, I- I need to vote on that to remove both- both instances.

Madam Clerk: (Inaudible) both (inaudible).

Dennis J. Carlone: Yes. Do we need a vote for that or just...

Madam Clerk: Yeah, why don't we do it.

Dennis J. Carlone: Okay, I'm sorry for this, but let's just vote- vote for removing indoor bicycle storage and / bicycle storage. So, it's strictly parking. And then knowing that um, the 75% might be altered or certainly allowing um, two-way driveway with enough space on either side uh, for safety. It's probably two feet on either side um, like normal driveways are uh, will- will be modified and will be returned to us. So, in essence it's trying to hide the parking as well as we can. All those in favor say aye.

Group: Aye.

Dennis J. Carlone: Those against?

Madam Clerk: (Inaudible) just removed (inaudible).

Dennis J. Carlone: Those are removed. I thought- thought...

Madam Clerk: (Inaudible) we can vote on those (inaudible) 75%.

Dennis J. Carlone: Okay. So, the question is did we vote on and/or bicycle storage being removed? I thought we did but if we didn't uh, all those in favor say aye.

Group: Aye.

Dennis J. Carlone: The two bicycle comments. Those against? And as far as the 70% or on the principal street if on a corner site um, we voted for that knowing that there'll be a comment back- an addition back from City staff saying not including whatever the minimum dimension is for a driveway, two-way driveway. Okay, I think that's correct. All right oh, geez here we go again. Oh, this is uh, No. 20- 31. Is strictly about uh, under II is strictly about the depth of retail, or sorry active non-residential use and the original was 35 feet and I said 40 feet and I must admit I'm thinking retail. I know retail quite well and- and 40 is sort of a minimum break-even point. The ideal retail wants to be 60 feet deep. Um, but the original was 35. And I know we had a discussion on this, um, Ms. Assistant City Manager, um, and that you felt- the City felt 35 feet was appropriate. And that was because of the layout of housing around it. If

I remember correctly that if housing is 65 feet in depth, you're taking about half and 35 is pushing it. So, I'm going to uh, eliminate the 40 feet. And so, I think we need to vote to do that. All those in favor say aye. Thank you. And then under triple I, oh, this is the transparent glass again. So, all I did here was say office use, or library use, or whatever is about 50%, but then I said retail is higher. Um, if you want to look at that, I don't think it matters, but uh, all I'm doing is saying retail frontage on Mass Avenue is different than let's say uh, related use on a secondary street.

Iram Farooq: So, Mr. Chair, let me ask you then the question of if it's a corner lot would- would you imagine the 70% being just on say Mass Ave or would you also want the 70% if it's a retail reference?

Dennis J. Carlone: On the principal street. Sure.

Iram Farooq: So, should we add some text there to say principal facade or front facade?

Dennis J. Carlone: On the principal street, yes. So, um, so, the first- we will add that. I think that's correct. So, unless there are comments about this, um, I don't think there is, um, let's vote on the first in parentheses after 50% office/service meaning other services such as library or Pre-K to 70% for open parentheses closed parentheses retail.

Craig Kelley: Mr. Chair?

Dennis J. Carlone: Yes, Councillor.

Craig Kelley: I don't have my definitions open on the Zoning code but is service a defined term in our code?

Dennis J. Carlone: I believe so. But um...

Iram Farooq: We'll have to look that up. Just give us a moment, please.

Dennis J. Carlone: We would modify that if not.

Craig Kelley: We would. So, if this goes office service, if there's not a definition of service in the code, then we'll...

Dennis J. Carlone: We'll change the word to whatever works for everything else.

Craig Kelley: Or we can submit uh, an Amendment to 2.0 defining the term service.

Dennis J. Carlone: Yeah, I...

Craig Kelley: Either one works, but...

Dennis J. Carlone: I use the- I should explain Councillor, I use that word to relate to everything else that's not retail that is active, whether it's a library, pre-K even um, yet another real estate agent office. Um, they're not retail. And thank you for looking that up for us.

Craig Kelley: I have a copy in my locker. I could go get if I really wanted to look it up. Okay, so, we'll revisit this again. Thanks.

Dennis J. Carlone: Councillor Zondervan.

Quinton Zondervan: Thank you, Mr. Chair. Maybe um, if we change that to say non-retail, so, it would be 50% non-retail to 70% retail.

Iram Farooq: Um, through you, Mr. Chair. Um, you could certainly do for all non-residential uses, not including retail, or you could say 50% for um, office or institutional uses under which some of those um, other elements like library might fall. Um, so, you could either say office or institutional 50% to retail 70% um, because those are big categories in the whoops in- in the use table.

Dennis J. Carlone: That makes sense to me.

Nancy Glowa: Mr. Chair.

Dennis J. Carlone: Yes.

Nancy Glowa: This is Nancy.

Dennis J. Carlone: Sorry.

Nancy Glowa: Um, through you, there is no definition in the definition section of the Zoning Ordinance for service. So, I think that the suggestions that Iram just made would be preferable.

Dennis J. Carlone: Great. Okay.

Madam Clerk: What were they?

Dennis J. Carlone: So, do we have to vote on the word change or we just make the word change?

Madam Clerk: (Inaudible). You've got to amend it to be (inaudible) 50, and then retail 70?

Dennis J. Carlone: Yes, so, we will uh, pros- to follow what was just said we will move uh, to change this to say in parentheses office/institutional to 70% retail. So, it's just- yes?

Iram Farooq: And on the principal facade?

Dennis J. Carlone: Yeah, that's the second Amendment. Yes, but thank you for reminding me. Uh, so, first the word change all in favor say aye. Thank you. And uh, then the Amendment office institutional to 70% retail. All those in favor.

Group: Aye.

Dennis J. Carlone: Thank you. And now we're going to add at the end of that sentence on the principal facade. That's the Amendment. All those in favor say aye.

Jan Devereux: Wait um, hang on. Councillor Carlone, let's- let's read through how that actually sounds because do we mean on the principal street? Because in the beginning of the sentences says that portion of the ground floor facade. So, we've already talked about facade. Do we mean...

Dennis J. Carlone: Yes.

Jan Devereux: ...on the principal street? Is that what you're trying to get at?

Dennis J. Carlone: Yes, you're right.

Jan Devereux: So, put- add that after facade at the beginning of the sentence not at the end of the sentence.

Dennis J. Carlone: Thank you. So, as I was corrected, uh, transparent glass windows adding after that on the principal street.

Madam Clerk: Where is that at?

Dennis J. Carlone: At the end of the sentence, on the principal street, (okay) after transparent glass windows. All those in favor of that Amendment, please say aye. Those against, okay, so, that is passed. The next one is a proposal by Councillor Mallon and Mayor McGovern, please.

Alanna Mallon: So, thank you Mr. Chair. Um, we had put this one forth just to give a little flexibility uh, in- to the affordable housing builders um, because we know that many of them have sort of uh, works-workforce development, other non-retail uses, that actually support their residents and residents in the community. So, this Amendment would give them a little bit of flexibility to either do retail or do something that would support the residents that live in and around um, the developed building. So, I- I do want to just say that I know that there has been some chatter that, you know, this is very anti-business, very anti-small business. And I- I really want to reiterate that that was not our intention. Our intention- I know that I have a pretty good record on the Council of really supporting small business and small retail. So, I don't want that to come through in this Amendment. But it really was to give some flexibility. I know Just-A-Start, right now is really doing an expansion of their IT program and their um, their bio program. And they just don't have the space. So, this would be uh, just giving a little flexibility in that ground floor retail space to make it active, and active ground floor use, not to put housing right on the street. Um, but to make sure that they have that flexibility in that usage space. So, I just wanted to make sure that people understood that and I'm happy to answer any questions that my colleagues might have.

Dennis J. Carlone: A- any comments?

Quinton Zondervan: Mr. Chair.

Dennis J. Carlone: Councillor.

Tim Toomey: Oh, sorry.

Dennis J. Carlone: Oh, count- thank you. I'm having a bad day.

Tim Toomey: For the maker of the Motion, I- I will not be able to support this. I think um, my concern is the lack of retail space. I think when I look at, you know, the major streets as retail on the first floor and residential above, I think this could curtail some much-needed retail space. So, I'm just not comfortable uh, with this one. So, I will vote no on this one.

Dennis J. Carlone: Uh, can I just ask a question to the City then I'll go to Councillor Zondervan. Most business districts, all business districts allow office. Would not these be considered offices or they're considered instruction as written workforce development and job connectors? That's a tough one.

Iram Farooq: Um, it's uh, it is a tough one. I'm not sure it's clearly office. It could be classroom. It could be um, I could imagine them being interpreted in different ways.

Dennis J. Carlone: So, it is an issue then that um, without this clause you might not be able to do it because classrooms aren't allowed in many business districts, if I remember correctly. I'm just trying to get to the point to make sure we have an issue and then then we'll move on Councillor Zondervan. And again, we can...

Iram Farooq: M-mr. Chair, Yeah, I-I think if um, perhaps if the Council could decide on the spirit of this, whether this is something that you want or not, and then um, CDD staff and the City Solicitor's Office, we could sit down and figure out how to make that work Zoning-wise.

Dennis J. Carlone: Okay, I saw Councillor Zondervan, then Councillor Siddiqui, Coun- Mayor, and then Councillor Mallon. Councillor Zondervan.

Quinton Zondervan: Thank you, Mr. Chair. I actually had the same question. I just wanted to clarify whether it was necessary or not.

Dennis J. Carlone: Yeah, my gut is it is a relevant question. So, that was Councillor Siddiqui next.

Sumbul Siddiqui: Yeah, thank you Mr. Chair, through you. If you've been to Jefferson Park uh, the new- the new developments, what they've done is on the first floor they have uh, space for uh, their English classes and the CHA has space for their workforce development. And I think it- it really works and it's important uh, to have that- those central places for residents in the Rindge area to- to gather. So, I think, you know, it is important. And then also the- the text says 'may'. So, we'll have to- that's just a- it's not a shall. So, just to note that. Thanks.

Unknown Female: Councillor Carlone.

Dennis J. Carlone: I'm going to go to them- Mayor next. I just wanted to say I'm not sure Jefferson Park is business Zoned. I- I could be wrong and yes it is good. There's no question about that. Mayor was next and then I believe Councillor Mallon.

Marc McGovern: Thank you, Mr. Chair. So, actually I was gonna bring up the same example. I don't know if it's, in terms of the Zoning, but in terms of the- in terms of what's there right and, you know, if- if- whether it's a daycare, or whether it's some other program to support um, you know, folks who are living in the building as Councillor Mallon said, that was the spirit uh, of this. And um, so, you know, I think allowing that flexibility um, is important and- and I think at the end of the day, we're- we're talking about um, you know, how do we create opportunities, you know, for folks, and so, this would just allow that flexibility. Thank you.

Alanna Mallon: So, Councillor Mallon, I just realized you opened the conversation.

Alanna Mallon: Can I just as a Point of Clarification?

Dennis J. Carlone: Yes, please.

Alanna Mallon: We've been talking about our table of uses and how there are many, many issues with it. What I wanted to say was that yoga studios are considered educational space because they offer classes and those are allowed in business districts. So, I don't know if that changes this conversation or if it triggers anything for CDD, but I just wanted to throw that out there as a Point of Information.

Dennis J. Carlone: Actually, I helped one and they needed a variance to get into the space. So, I- it's a little more confusing than that, but you're absolutely right on updating the uses in a- in a positive way. And this would be one of the ways. Vice Mayor.

Jan Devereux: Um, well, I mean, I- I see the spirit of this Amendment, but I- I'm a little confused because the original language which was drafted, I'm assuming by CDD and and whoever else drafted this, has uh, diff- a different thrust. And it, first of all, it says 'shall' so, ground floors shall be designed to accommodate at least one space for an active non-residential use on sites that are located in a business-based Zoning. And- and this has been struck entirely I believe uh, with this Amendment and where the

project site and at least one of the lots abutting the project site contains, or has contained a retail and consumer service use, at any point within the past two years. So, that- we've -we've lost that entirely in this discussion. Um, and I would like to take a turn at asking CDD why the original language had that. I mean, I'm sure an argument can be made that like everything else it's too much of a constraint for affordable developers to include that but it seems like it also is an important way of trying to ensure that existing business districts remain business districts in the sense that they have been business districts before and don't become entirely um, you know, institutional type uses or uses that only serve the residents of a building.

Iram Farooq: Um, through- through you, Mr. Chair. Um, the- this particular language uh, was drafted in response to a concern that we had heard um, in some of the- from some of the Councillors and also from some uh, in some- some of the Public Comment. Uh, that people wanted to- to try and be sure that affordable - an affordable housing building would not just completely eliminate retail in a particular location. Um, and I know you, Mr. Chair, have talked from time to time about buildings along Mass Ave. that are single storied retail that serve an important purpose in that- in those districts. And so, the idea was that in- in those kinds of contexts, um, a new building would still accommodate um, retail space so, that there was a possibility of um, something that- that served the neighborhood. Now, both- both things could be accomplished if some of that language was revived. And the retail allowed for like either retail or um, one of this broader universe of uses if that's the the direction that the Council wanted to go, in that could- we could accommodate both uh, desires.

Dennis J. Carlone: Uh, as an either or- or as 50 each or...

Iram Farooq: Oh, um, I think it would be hard to say 50% each because we don't know how um, how large particular parcels would be. There would be so many different conditions um, but it would- if it- if it says- if it- if you go back to the original text um, and instead of saying at least one space for active non-residential use, actually that is a fairly broad category and could be defined as either retail or um, and what one could explicitly say that could be either retail or it could be one of these other uses that serve um, a non-profit uh, mission.

Dennis J. Carlone: I personally think it's much too broad. It's- you could have a 400 square foot space in a building that's 100 feet long and it will have a deadly impact on retail. So, I think we need more specificity that services could easily measure. This isn't design. This is strict dimensions now. And I agree. This is why the complexity of an existing street is critical in- in evaluating what should happen there, especially on the first floor. On a residential street or on a small site, no problem, but on a critically located site, corners tend to be critical for retail to get people across the street to invite them. Well, um...

Quinton Zondervan: Mr. Chair?

Dennis J. Carlone: Yes, Councillor Zondervan.

Quinton Zondervan: Um, I agree with the Vice Mayor and also I have some proposed Amendments to the language in paragraph E. Uh, I also believe that the proponents um, were agreeable to offering this Amendment in spirit rather than specific text. So, maybe the way around that is to not um, do the strikeout and then to accept the proposed text as guidance to staff to- to accommodate this consideration, which I support. I- I also think this is an important reminder why it's necessary to protect existing retail. Because if we don't do that, then this becomes another loophole um, for excluding potential retail sites in- in the future. Um, there's no guarantee that It will be used in that way. And so, without some kind of protection for existing retail in- on that site, this could have the negative effect of pushing out existing businesses um, from- from sites that are developed as affordable housing. So, I think we need to go back to that concern as well. But, but I'm suggesting that we don't do the strikeout and then we adopt the text as guidance to the staff.

Dennis J. Carlone: Vice Mayor.

Jan Devereux: Well, um, thank you. Maybe this is a question for the Clerk because we're going through these one by one, which obviously is a methodical way of doing it. But I'm looking further down to No. 34. So, essentially we have competing um, Amendments to the same paragraph E. We have a substituted

language that we've been disgusting, sorry, discussing, and then at the bottom of the page we have your amended language which doesn't strike out these things. So, why are we discussing only one of the two Amendments for this same paragraph. Well, there's three, but you- yes- but Councillor Zondervan's is an addition in that you are adding- you're- you're changing in two- or in two places and also adding something at the end. So, this whole thing is rather difficult to discuss one by one when we have three different interpretations.

Dennis J. Carlone: Well said. Maybe I was just hoping to get- yep. Okay. You're right. So, wow. So, we have three ways of looking at this. Um, and one, the middle way is really just defining affordable rent for retail. So, Councillor Zondervan, why don't you talk about your version?

Quinton Zondervan: Um, sure. I mean we- we could vote on not doing the strikeout and then we can talk about these other ones. But um, I'm- I'm happy to talk about this real quick. So, the changing the ants the Orders I believe is significant because if we leave it as and then it would have to meet all these requirements um, in order for retail to um, to be required on the site. So, that would mean the project um, where the project site and at least one of the lots abutting contains or has container retail um, and consumer service which doesn't make sense. So- so, the last and definitely should be an or and the first and I think should be an or otherwise it mean it it only applies if the site and an abutting site had a retail um, which I don't believe is the intent, right? So, the intent should be that the site or the abiding site had retail. Um, so, that's why I made those strikeouts and then the- the additional text um, was to guarantee affordability of the site um, which I had previously defined in- in another Amendment. So, that it wouldn't be unaffordable to small local businesses uh, trying to offer their services.

Marc McGovern: Mr. Chair.

Dennis J. Carlone: Yes, Mr. Mayor.

Marc McGovern: Um, if my memory serves me correctly in my notes, we haven't- we put 4B I on hold. So, we would have to decide- I mean, if this is referring back to 4B I 4B I doesn't pass, it's not- it's not referring to it. So, we have to kind of deal with that. I would think first.

Dennis J. Carlone: All right. Why don't I uh, just move on? So, all three are spoken about. I did put in my version, I added two portions and it's agreed that a building site could be 60 feet across or it could be 200 feet across. So, how can you say one space is sufficient? Um, and that's why I did percentage. If it's 60 feet you can get a 30 foot storefront in. If it's uh, if it's 100 feet or 200 feet you can get 50% of the- in fact it's easy to do that. So, this only becomes a factor on small sites. And I don't think on Mass Avenue you're going to look at anything smaller than 60 feet but I- again I could be wrong. So, I don't see, I mean, you can't be more specific and more seeking a solution that's the midpoint than 50% of frontage. There are real- retail people, some of whom have lectured in Cambridge, who say anytime you have a dead 50 feet in front of a building, you're hurting the retail viability. And that's where that comes from. The second sentence I can see where people would say oh, here we go again. Each proposed project's non-residential frontage length and its context shall be separately evaluated. Um, I get that. You're saying who's going to evaluate it? Which scares the living daylight out of me if no one's doing it. And I- I could see removing that in the spirit of our other discussions. But the 50% of existing that seems about as basic as you can get. Um, and still allowing a lot of freedom on the other 50%.

Marc McGovern: Mr. Chair.

Dennis J. Carlone: Yes, Mr. Mayor.

Marc McGovern: Thank you. Um, just in terms of and again, I guess maybe through to you or- or to the City, just in terms of the um, will this have any impact on the finances of the project if they're required to do 50%.

Dennis J. Carlone: Uh, I agree that we have to look for another source of funds for this. In fact, I've written about it in my paper on the subject and I think we're foolish not to do that. But now all we have before us is this and we have to solve that. It's been done before. It's not like- it's nothing new. It's been done. Um, and if we're going to use Mass Avenue, which sounds to me like we're not compared to other

zones, um, those are critical community needs and um, we're giving up a lot of freedom to the developer for a good reason, but there's got to be some basics in return.

Marc McGovern: This has been done in an- in affordable funded projects like funding through affordable housing?

Dennis J. Carlone: Yeah, there there are shops around in affordable housing Cambridge Street. Certainly other communities do it. I have a book of them. California does it all the time. How do they do it? And it's usually a community service that's needed whether it's a library or as I said earlier pre-k or whatever. The City comes in and does it or the non-profit does it. Now, they're probably organized differently but if we're expanding what the Zoning allows, it seems to me it's only fair to say, okay, how do you fit in? How do you not hurt the retail on the street or the lack of activity?

Marc McGovern: Yeah, just the reason I ask is, um, you know, I think, you know, we- we've kind of, you know, I remember, you know, going but before the Overlay when we would talk about developers it was always sort of- we always said that- we always said well, the non-profit developers are sort of different. So, I- I just want to make sure that that we're not um, I agree with you totally if it's a for-profit developer and we want to squeeze them for as much as much as we can. I just want to make sure we're not doing something that might hamper an affordable project from going forward.

Dennis J. Carlone: And I'll say it again. We have to find a way to do it because that's a- that's an issue as well. And if we want to do it throughout the City, then it becomes even more imperative. Um, and if we're multiplying the Zoning by three times, um, you would think that that's feasible. Especially if a public service is needed and pre-K is desperately needed. I have uh, Councillor Simmons and then Councillor Zondervan.

E. Denise Simmons: Uh, thank you, Mr. Chair. Uh, so, I certainly do appreciate the um, intention of the- the language amended and not amended. I- my- my concern is how is it paid for? And I think I heard you said well we should make some provision for that, but I don't know this might be a question for CDD is do we have a provision currently that supports small community-based ,I'm going to call services, as you call them uh, businesses that's number one. The second thing I hear what you're saying around that service could be um, day- daycare of preschool or pre-K, which is something we certainly need a lot of, which we do. But the other side of that is we have Human Services doing humans work. There's a whole- there was a whole Committee on pre-K and early K and K to five. And a lot of that pre-K that we have done has been absorbed in our school buildings, particularly as we continue to develop them. We've been making rules, I'm just talking about the services that are related to education. I think there's extraordinary competition just to talk about preschool and pre-k uh, in that area that we have these, I call them storefront Montessori's popping up like weeds. Uh, and they're all in market rate uh, buildings. I don't know what they they charge. I've been saying it's something- a conversation I want to have just to how they relate to our school system. You know, are they trying to make a way to be providers uh, not providers but feeders for our our K-5 programs. That's another discussion. So, my- my only concern is the financial feasibility. Um, because the language is written it says shall. It didn't say may. So, there's no wiggle room uh, for the community-based builder if you build this this space and then it's- it doesn't get rented and that doesn't achieve our purpose. One thing that we have seen in Cambridge in particular on a lot of our green- ground floor retail and some of our urban, not urban, our commercial centers is stores are just staying oh, fake it. Longer and longer and longer because they cannot get um, people to rent their stores particularly they uh, provides a product because everybody wants to shop if they can't get it on their computer they're not going to get it at all. So, that's my concern is just a financial feasibility number one and the fact that in all these iterations it says it doesn't give the community-based developer any wiggle room So, it says it says shall as opposed to may. So, there's some, you know, in other words, I'm sure I sat through Trolley Square and we fought long and hard to have community based space and it it didn't just happen. I- I sat here during 10 Magazine when we built we developed that building uh and that community which was built with the idea that and when the rents were more affordable in Cambridge that we would have sort of below market rate rentals, you know, for the commercial. And it was very, very

hard to fill. And I would venture to say here now who's there are not Community based services that are there now. So, without the supporting legislation to somewhere else in in our economic development language that says we will have a program that supports small, first-time, women owned, minority owned, disenfranchised economically- disenfranchised groups. It's great to put it there but there's no structure for it. So, I- I- I certainly support the sentiment behind it but because we're saying that you're going to do it, I just don't see the financial feasibility. Um, and the one thing I don't want to do is to do a good thing that ends up being an empty space and then we end up putting pop-up art. All good things but pop-up we really pop up our pop up this pop- pop up that but nothing that is long standing. So, that's my concern on this on on these Amendments that speak to ground floor retail and it being locked in. You will do this. Dennis J. Carlone: Let me uh, respond to that and then we'll go to Councillor Mallon. We have all the money we need to do- to make this a holistic project. We don't, well, I won't get into specifics, but let's just say we have over \$100 million more that we could use if we wanted to. Fifteen percent of four-year-olds, um, only 15% of four-year-olds are in our pre-K program, who don't have the funds to pay for the market program. (Okay) That's one thing. We could subsidize easily local retail if we wanted to. The point is do we provide the space for it? And do we hope to keep a street retail strong knowing that retail is changing? We could talk about retail all day. I don't want to go in that direction nor does anyone else. So, we're giving up a lot in this proposal and some of us are saying we're looking at a bigger picture. And if we want anything to be approved, it seems to me there has to be more of a give and take, especially when it comes to planning and sound retail point of view. Now if- if- if- if you don't want to do it, then we'll vote it down. Um, and I can accept that.

E. Denise Simmons: So, if I may, Mr. Chair to follow up. I find that we conflate retail and services all the time. So, there's retail which we don't have any provision for in terms of subsidizing and then we have services. Um, to your point about there are four-year-olds that are not going into pre preschool because they can't afford it. That's a whole nother conversation about funding preschool that we already have that kids can't afford if we are- if we are- if I may, if we are so, inclined. So, can we stop conflating services and retail, number one, and number two, My- my- my point on retail it says shall which means we will have it but there's no funding mechanism for it and and I hear what you're saying. We have a \$100,000 on the Unexpended Fund balance but every time we want to fund something we run to the Unfunded Fund balance and you can't keep running to the rainy day fund when we don't have a rainy day. So, um, I- I truly support the idea. I- I just don't see the feasibility as it is written. I don't see the funding. I'm not going to run to Free Cash for it without seeing some numbers in front of my face. And um, if we could pull apart retail from services that's- would be important to me because you're saying retail, and you're saying services, and you're kind of conflating together. And I don't know what you're talking to- which one you're talking about most of the time. So, the distinction would be important and I just don't see where the funding comes from because there's nothing in this provision that says it and we will pay for that out of Free Cash. Thank you. I yield the floor.

Dennis J. Carlone: Councillor Mallon and then we'll get to voting the Amendment.

Quinton Zondervan: Mr. Chair?

E. Denise Simmons: One last thing... Mr. Chair.

Dennis J. Carlone: Let me go there and then I'll come over.

E. Denise Simmons: Just- and I want to just reiterate we- because we still have vacant storefronts, market rates, storefronts, albeit, but we- we have empty storefronts. So, to tie the housing, even if it's in commercial districts to- to a must for retail when we- we haven't been able to solve the problem of vacancies, which in part because of price, um, I think it is a bit troublesome. Thank you. I do yield the floor.

Dennis J. Carlone: Councillor Mallon.

Alanna Mallon: Thank you, Mr. Chair. I had written down some notes from the other night when Mr. Cotter was here from CDD talking about how this would actually because we you had something earlier and that we had put on hold to have this conversation all together on Pg. 5, I think. And one of the things

he said was, you know, it's challenging to get funding for affordable housing based on having market rate retail on the first level, but that actually having the market rate helps fund the project. So, I just want to be mindful that he said that. I'm sorry that he's not here. He's on vacation as lots of the staff are, but I'm wondering if Ms. Farooq can speak to that a little bit and with the spirit and intention that he had around talking about market rate. Retail rents because what I wouldn't want to do is- I know we have all this money on the back end and we know- we- however we would want to set up a fund or something to do that. I wouldn't want it to um, jeopardize them going for funding on the front end. Right? I don't know that they can say to, you know, state level funds or federal level funds. Oh, we have money to subsidize the rent on the retail. Don't worry about it. I don't know that there's actually a section for them to- to write that into a funding request. So, I wanted to just ask the staff to recall that conversation and maybe provide some clarity around that.

Kathy: Through you, Mr. Chair, it's a good question- that we haven't done a lot of projects that have ground floor retail, but one of the things we always look for is to make sure that it's sustainable. And that it's self supporting, because we don't want the housing to have to support the retail and have the housing, you know, operating revenue be siphoned off to bolster, you know, um, struggling retail. And so, I think that lenders um, including the Trust would want to see that there was a plan for um, accessing the funding necessary on the capitol side to produce it, and then for it to be able to support itself over- over time. So, whether that's at a full market rate or whether it could, you know, be feasible at something less than that, I think that um, given the challenges that the developers, and, you know, of all types I seen with ground floor retail, it would be- I think would cause some anxiety to anticipate a- a budget that would have less than that would have a cap on what that that could generate.

Alanna Mallon: And just as a follow-up to that Kathy, um, when you say housing offsetting the retail because there is a percentage right of units that go from 30 to 80% let's say, and you would not want to be offsetting the number of lower un- lower percentage units to offset the ground floor retail is that what you're saying?

Kathy: Yeah, through you, Mr. Chair, that the- the way we would look at making sure that there was a sustainable operating budget is that there was operating revenue um, on the housing side to support the housing portion of the building. Typically we would condo it so, that there maybe would be a, you know, might be owned by the same non-profit but that there would be a retail condo and a residential condo. And then the operations related to the commercial condo would need to pay for itself. So, it's- its share of the common electricity and taxes and whatever there would- there would- there would be. And if that space was vacant or if they weren't able to charge an adequate rent, then that might be a challenge. And what we wouldn't want is that revenues that were coming in from the rents, albeit low rents on the, you know, it's already a narrow margin that those would be necessary to keep the overall building live because the commercial wouldn't be able to support itself.

Alanna Mallon: Okay, thank you for that. I think that's helpful. Um, I just wanted just quickly because I know other people want to speak, but I would be amenable to um, having CDD look at the spirit of some of these. Um, both Councillor Carlone and Mayor McGovern and my languages here on trying to figure out what we are trying to say in terms of what we're looking for. Whether it be shall be retail or another um, active use active non-residential use on the ground floor that would support the neighborhood and support the residents of the building. Um, but I- I don't think I could move forward with the Councillor Zondervan's suggested language here around affordable rents. Although, I do think it's an excellent conversation to have in terms of how are we going to be having affordable retail because it is a critical issue in the City. I just don't know that it is the right one to be having here in this Affordable Housing Overlay conversation. So, I would be amenable to moving this to CDD and having them work on the spirit and intention of these Amendments and bringing something back that we could um, vote on.

Iram Farooq: Through you, Mr. Chair. Just so that we are clear in terms of what we are um, taking forward and trying to consolidate into text, it is the um, initial Item 32, the spirit of 32 and then the spirit of 34 um, not including the final sentence, right? Because- and then...

Quinton Zondervan: Point of Order and thank you. I still haven't spoken yet and we haven't made any decisions yet.

Dennis J. Carlone: Councillor, are you done?

Alanna Mallon: Yeah, I yeild the floor. Thank you.

Quinton Zondervan: Councillor Zondervan, and thank you for stepping up Assistant City Manager. But the Councillor is right. But your enthusiasm is uh, recognized.

Quinton Zondervan: Thank you, Mr. Chair. Um, so, I-I was in part um, trying to make a similar point to Councillor Mallon that the retail would provide revenues and and that could help offset the cost of building out the retail space. In the project, I understand the complexity of convincing external funders of all that, but we have an internal funder in the affordable housing trust who has some experience with those kinds of projects and should be able to work out some kind of loan mechanism so, that that retail build out can be funded ahead of time and then can be repaid um, through the revenues from renting out that space. Um, also the the vacant storefront issue is significant and seems to be at least in part caused by excessive rents being charged on those spaces. So, we see that particularly in Harvard Square for example. So, that's why it's so important that we make sure that these retail spaces would be offered as an affordable rent. So, that we can have the types of retail or services that actually are needed in our uh, community that cannot afford these high rents that are being charged in the marketplace. And a simple example is grocery stores. We've lost several grocery stores already in Central Square clearly because the rents are being increased. And so, Harvest co-op couldn't stay because they couldn't afford the rent. And those are exactly the kinds of retail that we could house potentially in these buildings at an affordable rent so that they can be in business and yet high enough rent so that the owner of the building can make some money off of that. Which I understand that we don't want to subsidize the retail from the housing, but presumably we have no concerns about subsidizing housing from the retail. So, if the retail is doing really well, then those funds could be used to subsidize some of the housing operations. Um, and in terms of you know the overlay not being the appropriate place to address these issues I think that's I totally disagree with that. I think part of the problem with the overlay is that it's not being approached in a holistic way. That we're saying the only thing we can think about is affordable housing and we have to ignore everything else. That's the wrong way to attack any of our problems. We have to be holistic. We have to look at all the goals of the City and all the problems that we're trying to address at the same time so that any solution we're offering doesn't ignore or make other problems worse. And so, we have an opportunity here to address some of our environmental concerns to address our urban design concerns to address our transportation concerns to address our small business and retail concerns. Why would we not look at those opportunities so, that we are offering a holistic solution rather than a narrowly tailored approach that ignores or worsens other problems that we then have to spend time trying to address as well in other ways. So, I think it's exactly the other way around that this is a great opportunity to incentivize retail to protect retail to provide services to our community that are needed like grocery stores. Uh, and and I think we absolutely should be looking at at ways to do that. I'm not claiming that I have the right answers, but I think we are asking the right questions and we should be looking at at the best ways to answer them. Thank you.

Marc McGovern: Mr. Chair.

Dennis J. Carlone: I- I don't know who spoke, but Councillor Kelley has not spoken yet.

Craig Kelley: Thank you, Mr. Chair. I think this is part of a much wider discussion about what the face of retail is going to look like and who can afford what. I like the idea of setting aside space. If we don't set it aside, whether it's for retail or for community use or for really anything, we can't go back and get it later.

Dennis J. Carlone: Thank you. Was that you, Mr. Mayor?

Marc McGovern: Yes, please.

Craig Kelley: I wasn't sure.

Marc McGovern: So, um, a couple things and I have a, you know, I have a slightly different view of this than Councillor Zondervan. You know, I agree that um, supporting local retail, finding better funding, all

those kinds of things are important, but the overlay is a very specific. It's about built. It's about- it only applies to people who build 100% affordable housing. So, we're not going to solve- I mean, we don't require this for profit developers. Right? Um, so, you know, I do think that trying to put too much into this to try and solve all these other things, we're only talking about- we're talking about solving it on the backs of a very specific group of people. I don't know, Councillor Zondervan is shaking his head, but does the overlay apply to people who build less than 100% affordable housing, market rent housing?

Dennis J. Carlone: Uh, I don't think he's- he's not really asking.

Marc McGovern: I have to say- I just, you know, it's very it's distracting when you're trying to make a point and you got people (okay) rolling their eyes. But the point is this applies to people who build 100% affordable housing or they don't qualify for the overlay. So, to say we should we should be looking at solving our retail issues in the overlay, our tree canopy in the overlay. Not that those things aren't important but the overlay and the affordable housing developers are not going to be the ones to solve all of those issues. And so, for me I do think that trying to put too much into the overlay is what's making it too confusing. Um, I would also say I don't believe, and maybe- maybe this is a question for Ms. Farooq or- or the City Solicitor, you know, it was a comment made that the- that the Housing Trust could subsidize retail. I'm not sure that they can do that. Through you, Mr. Chair.

Marc McGovern: Rock, paper, scissors. Who wants it?

Nancy Glowa: Through you Mr. Chair the Housing Trust cannot.

Marc McGovern: Okay. So, there you go. So, it was thrown out there that the Housing Trust could subsidize retail. Apparently they can't. Um, I would also say the, you know, because we talk about grocery stores and, you know, let's be clear, the Star Market that left Central Square where I was very convenient for me to shop didn't leave because of high rents. They ran because they were failing. um, and the corporate office decided to- to close that store. And Harvest rents may have been a part of it but also Harvest H-mark came in and- and that put a damper on Harvest. And we tried very hard to get another supermarket into the Star Market site. I had a lot of meetings with Forest City. We reached out to Market Basket. We reached out to the Roach Brothers. We reached out to a they didn't want to come here. It wasn't so much about the affordability. It's- it wasn't in their their plan, so, we could make affordable space. It doesn't mean we're going to get a grocery store, right? People have to want to come, so, I'm not- I'm not sure about that. And again, I- this- this all Councillors honor bands Amendment on- on um, No. 33 refers back to uh, No. 8, Amendment No. 8 which we haven't taken action on. And this says that in No. 8 it says an AHL project at a rental amount equal to 5% of the annual gross income. I'm not sure where the 5% came from um, because when I talked to to folks about the they said that that wouldn't- the affordable housing developers aren't subsidizing retail because that- that does impact their ability to provide units. So, again, I think trying to trying to solve this problem on the back of affordable housing is the wrong way to go. Um, and I think it would make these projects- and I don't know if we're going to go back to No. 8 um, you know, financially infeasible. Um, and so, you know, again I- I think this is um, I- I- I understand the intent. We all want to help small businesses. Um, but doing it in this way in- in this Zoning uh, on the backs of affordable housing is not the way to do it.

Jan Devereux: Councillor Carlone.

Dennis J. Carlone: One second.

Madam Clerk: Um, I would suggest that we take the original E and try to amend it with Councillor Zondervan's, Councillor Carlone's Amendments. Um, if you wanted to um, refer Councillor Zondervan's aye to um, No. 8 which was on hold. And then dispose of um, the proposed Amendment offered by Councillor Mallon and Mayor McGovern on E. I think might be the easiest way to resolve this.

Dennis J. Carlone: Well, I was going to ask um, the Assistant City Manager. She had a thought and I don't know if it's still relevant that you wanted to share. Um, this was about the retail, I'm assuming first floor use, but it doesn't seem to be there. All right. I was hoping that would solve everything. Um...

Quinton Zondervan: Mr. Chair.

Dennis J. Carlone: Yes, Councillor.

Quinton Zondervan: I would like to speak and I believe the Vice Mayor would as well.

Dennis J. Carlone: Okay.

Jan Devereux: Um, um, thank you. Just quickly. I- I certainly understand not wanting to try to solve huge problems with one set of uses. But I think the way this was originally worded was very carefully worded to try to address the legitimate concerns in the community that we would inadvertently displace local retail for these projects. Um, and so, that's why it does have the language about what had been there before. And I um, agree with Councillor Zondervan's changes of the uses from and two- or in those two spots. Um, and the- the other thing is, I think the market is also um, you know, going to gradually take away retail because I could be wrong, but I believe that our current business districts don't actually require ground floor retail. Is that correct or...

Iram Farooq: That is correct.

Jan Devereux: Which has been noted by some to be a problem. Because if you want to have business districts that include things like retail to allow the market to dictate what the highest and best use of space is doesn't always get you the result you want. So, part of the bigger problem.

Dennis J. Carlone: And if I could add actually Mass Avenue north of Harvard Square does require active ground floor all the way through north Cambridge. Um, so, there are areas that are leaning in that direction but not specifically. Council...

Jan Devereux: Just a follow-up question. Was that the result of uh, an overlay Zoning, correct? Or rezoning?

Dennis J. Carlone: Yes, that was citizen-inspired, two different citizen-inspired. In fact, I think Councillor Kelley was involved in North Cambridge back when- and I was involved with the one...

Jan Devereux: Yeah, so, it's been identified as a problem already and addressed piecemeal.

Dennis J. Carlone: Yes, Councillor Zondervan and then I hope we can move on this.

Quinton Zondervan: Thank you, Mr. Chair. I think it is important that we get this straight because otherwise we're just going to go around in circles. I'm in no way confused that this overlay is going to solve all of our problems. I fully understand that it only applies to 100% affordable housing developments which are a tiny percent of our development. So- so, maybe an analogy would help. If we're trying to provide a transportation solution and suppose that we're going to put in a free bus service, would we make that a diesel bus that adds to our pollution, or would we make an electronic bus that runs on 100% renewable energy if we can? We would do the latter because it would simultaneously address the transportation issue we're trying to solve and it would also do so, in a way that doesn't make our pollution problems worse. Similarly, what I'm saying is that with the overlay, absolutely it's focused on housing and that's what we should be doing. But we shouldn't try to do solve that housing problem in a way that makes other problems worse or ignores them. And so, that's why it's important that we include tree canopy protection, that we do climate mitigation, that we protect our retail. Not so that we can solve all those problems through the overlay, but so that when we're solving the housing problem to some small extent through the overlay, that we're also addressing these other problems or at least not making them worse. That's all I'm suggesting. I'm not confused that it's somehow going to solve all of our problems.

Dennis J. Carlone: Yes, Madam.

E. Denise Simmons: Just very quickly. So, in in Councillor Zondervan's, um, Amendment one of the things he's saying is if- or it might be struck, so, I hope I'm not confusing things. If it was retail use, we want to sort of hold the people harmless that might have been there is that so- my additional problem to that is let's just assume that- that retail use was a market rate retail use. So, we're now going to take a market rate retail use and now subsidize it because we want it to be available for services for low and moderate income individuals are low, mid, and mod people. So, my- my discussion and you sort of added to it is still the same. It's- we're trying to do this thing by lowering the cost of housing so that we can build it. But we're adding a series of Amendments all different and varied that add more expense. And I think that's one of- one of them. We don't have a program in place to support ground floor retail, that I know of, uh, that meets this and it doesn't seem like we're- it's not like we're doing it in tandem while we're

working on the overlay. We're also working on a ground floor retail program to support uh, low and moderate, low, wide, and mid-range income uh, individuals entrepreneurs that want to start businesses. And I still can't say enough, and it's been said before, that our ground floor retail is struggling. And so, I'm just- I want us to be very cautious about trying to do the right thing and- and by- and instead of doing something that's good, we actually make a liability and- and that's what this looks like to me, even though it's well intended. I see it more as a liability than a benefit because we're hitching our star to something that doesn't quite exist. There's no language, there's no infrastructure for subsidized or low-mod middle income, retail, ground floor retail, whatever that looks like. So, that's my concern. So, I may have to- so- so, for a Point of Information, where are we with all of this? Are we voting Amendments? Are we sending it back to CDD for them to- because I believe Councillor Mallon said there's some things that I think I want to have cleared up before I can make a decisive vote on this. Not to mention, which I have to mention, is what the cost- does this skew the ability for community-based housing, Community-based low-mod and middle-income housing developers to be able to finance housing if we have a stipulation that they're going to have lower below market rate retail uses on the ground floor. So, I- so, the question I really want to answer it is where are we? Are we sending this back for further modification? Are we trying to vote some of this?

Dennis J. Carlone: Well, ten minutes ago I tried to do that discussion, but Councillor has wished to speak and I'm sure we'll get to it. But first, Councillor Siddiqui, who has not spoken yet on this issue.

Sumbul Siddiqui: So, I think that- I wish that we had commercial rent control. I think we've talked about that in many meetings. It's- we hear about what's happening in Harvard Square and we're like there's nothing we can do about it. And rent control in general we have Chapter 40P. So, there's really limited things that we can do without a Home Rule. As to this, as much as I, you know, agree with the- what you're saying, Councillor Zondervan, I think this is, in fact, unreasonably impractical. I think it, as Kathy has said, I think she's maybe even, count on your hand, how many times we've contemplated retail. Uh, and I think given that, I don't think it fits. And so, I don't support it as much as I support the goal. Thank you.

Dennis J. Carlone: Well, if I could conclude, uh, it sounds like everybody supports the goal, but not- we don't have a way to do it. So, if the wording said, if a Cambridge Plan were put in place, then we could do it. And frankly we're the people that would approve a Cambridge Plan to help retail in affordable housing developments, specifically affordable housing developments. Um, that would seem to me to solve everything. I don't know if you can put an "if" in Zoning. I don't ever recall that. If funds available, um, it seems to me that that then we have to work on getting that program in the next six months. I want to repeat, we have the funds. We have the goal. Do we really want it? And um...

Marc McGovern: Mr. Chair, when you're done.

Dennis J. Carlone: Yeah, when I'm done. And uh, that really is the question. This is a City-wide overlay. So, it involves the whole City. And that's very complex. But we have no directive to guide that other than suggestions. So, we have to play the game that is in front of us and if funds are obtained, then this is the way it is. And then we have to make sure those funds are available. Yes, Mr. Mayor.

Marc McGovern: So, um, again the- the 33 refers back to 4B I and 4B I has a lot more in it than just low subsidized rent for- for retail.

Dennis J. Carlone: I'm willing to refer that to 8 and and move on the rest.

Marc McGovern: Well, because- because I- I- there's- I cannot, yeah, support 4B I (yeah) and have relocation expenses. I mean it would- we might as well just as- as Cassie also said the margin on affordable housing projects is slim. This isn't Divco West. This isn't Boston Properties that can flip a building and make a huge profit or can go back to their funders and get more money. It is- it- it's a completely different animal. And so, to expect a Justice-A-Start or an HRI to relocate a 7-Eleven to another, well, 7-Eleven or local businesses, the guy who owns the- again you're rolling your eyes, the guy who owns the 7-Eleven across the street, his kids go to school, went to school with my kids. It's a chain but it's a franchise. He's a local Cambridge resident. So, if you say- if we say local residents, local

businesses, he's going to qualify. And to- to expect that an affordable housing developer is going to relocate a 7-Eleven and pay for all that, I mean- I, again, I get it, but we might as well just not do this because that will be financially impossible for them to do. So, if this is referring back to 4B I, I think we should vote on 4B I and I certainly am not going to vote for it um, because I think that the- financially it's it's impossible.

Dennis J. Carlone: Yeah, 4B I's on hold. Um, I would like- I would like to do what the Clerk suggested, which is take the original Petition Subsection E and add the two ors or instead of the ends and Councillor Zondervan then to move on to mine. And then we'll talk about uh, Mallon, McGovern relative uh, to this. Um, you know, having a program costs money too, but I assume you can get funds for that. It doesn't come out of the housing. Um, so, I move that the original- from the original wording on E that the two ands and Councillor Zondervan's um, Amendment are struck and the word or is replaced in both cases. All those in favor say aye. I'm trying to get done today. Uh, if possible, this Meeting will end around 4:00. Um, and we are going to take a break in a few minutes. Um, now on my Amendment, ground floor shall be designed to accommodate at least one space.

E. Denise Simmons: Point- point of Order. Mr. Chair, what was the outcome of the last vote?

Dennis J. Carlone: All those in favor say I on the two or's those against. Okay. That has been approved.

E. Denise Simmons: You never say what the outcome of the vote is. I think it's important.

E. Denise Simmons: Yeah, yeah it is. Thank you. Maybe there's just a lot here and I'm concentrating on the next thing, but thank you. Um, the next Amendment is ground floor shall be designed to accommodate at least one space and I put 50% of existing frontage. That can be modified, but 50% of a hundred foot frontage is minimum to me. It should be more. And 50% of a smaller building probably should be less. But how else to be definitive in Zoning, uh, other than saying one space, which to me is not definitive. One space is very vague and means nothing spatially. So, um, discussion.

Marc McGovern: Quick- quick question um, of existing frontage is that because the if a building is taken down and redesigned you're talking about the after the redesign...?

Dennis J. Carlone: New space. Yeah, the new space. And- and it's the frontage of the building, I'm assuming there's might be a 30-foot right-of-way for a driveway there might not be, but if it's on a Mass Avenue, it's going to be a big building, and that there's an entry. So, those two together are almost 50%.

Marc McGovern: Thank you.

Dennis J. Carlone: And uh, on a smaller building, I admit it's an issue. But if we can't be um, evaluative, if we can't design review, and this is Zoning, what else do we have other than putting percentage in to get what we want. Um...

E. Denise Simmons: So, Point of Information, a Point of Order, Mr. Chair, just what item are you now proposing? What's the number?

Dennis J. Carlone: Thirty-four.

E. Denise Simmons: Thirty-four. Thank you.

Dennis J. Carlone: It's the 50% of existing frontage in parentheses.

E. Denise Simmons: Thank you.

Dennis J. Carlone: Just that. Any other comments? Okay I'm- I'm sure we'll have to uh, we'll try a voice vote but I'm sure we'll move on for there. All those in favor say aye.

Group: Aye.

Dennis J. Carlone: All those against.

E. Denise Simmons: Against.

Dennis J. Carlone: Okay. I believe it's one against. Now, the second sentence I'm willing to take out for based on our discussions earlier, and I don't want anybody from the City feel they have to say the same thing over again. So, I'm voting to remove the final sentence. Each proposed projects, non-residential frontage, so on. So, I'm voting- we're voting to take that out completely. All those in favor say aye.

Against. Thank you. So, that is out. So, now we're back to the two as they're written and by uh, Vice Mayor, sorry, uh, Assistant City Manager did you want- was that part of the discussion earlier did you

want to take these two alternatives and look at them or you want us to vote and then you would modify if needed?

Iram Farooq: I think Mr. Chair, I guess my- my question is if- if we're retained- are we retaining both pieces? Because this particular Amendment strikes out the section that the Coun- the Committee just voted on. So, if that is retained and the second part is retained, if you vote on that, we will just clean up the language because you may not need this much text to express those two points.

Dennis J. Carlone: I see. So, you're questioning the strikeout, whether we voted to retain it or not, even though mine is based on keeping it?

Jan Devereux: Point of Information.

Iram Farooq: Correct.

Jan Devereux: Or excuse me, uh, Mr. Chair.

Dennis J. Carlone: Yes.

Jan Devereux: I think what the Assistant City Manager is trying to say is, okay, if- if E, the existing E is now revised as both you and Councillor Zondervan have suggested, then this paragraph that was proposed by Councillor's Mallon and the Mayor Would actually be either an F or something another sentence in that. And what it does, I think, is to get at that ability to provide non uh, non-residential uses that may fall between the cracks in the table of uses and/or are these- these uh, vague support services related to their mission? Is that correct? So, it's basically saying you have to have- so, the first- the original E says shall- still says shall be designed to accommodate at least one space, now 50% of the existing frontage in instances that are business districts. And that have either a budding lots or have had something in the last two years that was a non-residential use and in addition will allow them to want that- that use could be something that is related to the affordable developers mission. Is this am I understanding it right? So, I understand you might need to reword that. So, that it's a little...

Iram Farooq: Right, I just wanted to clarify if that's- if you want to retain the- the new version of the language that is stricken out here so, that we would retain both those elements.

Dennis J. Carlone: That is my understanding and I support E in spirit. Where it's appropriate, absolutely. Where it makes sense, I'm sorry, E, Mallon and McGovern. So, they're both- so, that means we have to vote on E as well. I'm sorry. Mallon and McGovern E as well.

Jan Devereux: Yes, but I guess what I was trying to say is to avoid confusion. It isn't- it is no longer a substitute E. It is an amplification of the original E. So, call it F or change it. (Yes) Put at the end of the sentence, do something that makes that clear.

Dennis J. Carlone: All right. So, we're gonna- so, I have to change it to F. So- but do I have to vote for change?

Madam Clerk: Vote to amend it.

Dennis J. Carlone: We have to vote to- yes. And part of that Amendment is changing it to F. Okay, so, we're going to vote on Mallon/McGovern, formerly known as E. We're going to amend it to make it F and approve the Amendment as written. All those in favor say aye.

Group: Aye.

Dennis J. Carlone: Those against? Yes. Now um, Zondervan EI uh, we're going to refer to 8.

Madam Clerk: We should refer it to No. 8 which was placed on hold. So, it would be hold as well.

Dennis J. Carlone: Okay. All those in favor say aye.

Group: Aye.

Dennis J. Carlone: Those against?

E. Denise Simmons: Present.

Dennis J. Carlone: Thank you. Go ahead. Yes.

E. Denise Simmons: I wasn't sure.

Dennis J. Carlone: All right. So, that's been approved and referred. Mayor?

Marc McGovern: Yeah. Um, two- two quick things. So, we- there were a couple things that were put on hold at the last Meeting. Is it your- is it the plan to get through all these and then go back and deal with those if we can?

Dennis J. Carlone: If we can, yes. Absolutely.

Marc McGovern: Um, and then just a quick question on the original language of E. Um, uh, has basically the last sentence has contained a retail or consumer service use at any point within the past two years. Is that two years from ordination if- if the overlay passes, or is it at permitting of the- the building? Those are going to be different things. So, when is the two years start?

Iram Farooq: Through you, Mr. Chair. That is a- that's a really good catch, and I think we should specify that it was our intention to have that be within the two years prior to when somebody's requesting a building permit or maybe we could say issuance of a building permit.

Dennis J. Carlone: Yes. So, is that an Amendment or you'll come back with that in the final draft?

Iram Farooq: We can certainly insert that change. Uh, yeah.

Dennis J. Carlone: Thank you, because you'll be inserting other changes.

Quinton Zondervan: Mr. Chair? J- just clarification on that. We- I don't think we want to say issues of a build- building permit because we won't know that until the building permits been issued. So, presumably we want to say at the time of application.

Dennis J. Carlone: Okay. Thank you. Thank you. Okay um, moving right along. This guy Carlone is back again. Um, number 35. So, this is about mechanical equipment.

Quinton Zondervan: Point of Order Mr. Chair.

Dennis J. Carlone: Yes.

Quinton Zondervan: You said we would do a recess. Sorry, you- you had mentioned we would do a recess around...

Dennis J. Carlone: Oh, thank you. We didn't have it yet, did we? Okay, five minute recess please. Thank you.

Dennis J. Carlone: Okay we're going to reconvene. It's actually been more like 10 minutes. Um, so, we're on No. 35 and this is very straightforward. Now most housing has minimal mechanical equipment on the roof. We think of uh, office buildings and labs in particular that have huge machinery. Um, so, this doesn't happen often but when it does happen what do we want? And the um, so, No. 35 talks about the permanent screening. And all I said- there is setback from the facade meaning you don't- if you don't need a lot of space on the roof there's no reason why the facade of the building and the mechanical equipment screen has to be in the same plane. And even if it's back five feet, even though I think it could be a lot more than that, it's just much more appealing and it lessens the height of the building. Even office buildings like the Harvard Law School new office building, the black brick building, it's set back about 25 feet on each side. So, I just didn't give a dimension. I just said set back from the facade I have no idea why the screening should only be 50%. In fact, many buildings are solid except it will add a little interest to have some light coming through it. So, that's why I made it 75% opaque. Um, that's it. It's pretty straightforward. I'll take any comments and questions.

Alanna Mallon: Councillor Carlone.

Dennis J. Carlone: Yes. Councillor Mallon.

Alanna Mallon: My question is in the rest of Zoning what do we- what is the standard um, for both residential and commercial screening? Is it 50% opaque? Is it- what's the number that we use more generally throughout Zoning?

Dennis J. Carlone: I don't believe there's anything in it.

Alanna Mallon: Oh, well, um, Ms. Farooq. Through you, Mr. Chair could we hear from the City?

Iram Farooq: Through you Mr. Chair, um, this is one of those things- I- I will need to look more carefully in the Zoning to confirm um, just to confirm that but my recollection is similar to the Chair's that we don't have anything in the Ordinance. This has been introduced here um, because it actually can be quantified and um, it's sort of one of those things that we've talked about. It's something that we might- we typically

would have in design guidelines. But as we discussed the last time um, we- we're urged to take a closer look. I mean we had done this already. We had we were urged to take yet another look but we had done this already too, look through the guidelines to see which elements could in fact be more like design standards. And so, this is one of those aspects that the Planning Board certainly looks at carefully when they are doing design review. And it ends up often impacting really because it's quite visible. So, it does impact the feel of a- of a building. And the more opacity, the more structural- I mean the more- more of a part of the building it looks but also it does conceal then more of the mechanical equipment behind. So, ultimately whether it's 50 or 75 is a choice of the Councillors. I don't think that this will make a big financial um, difference to the developer, but it would impact obviously choices of materials that they use for um, the screening.

Alanna Mallon: So, through you, Mr. Chair to CDD. So, this is one of those situations where it can be quantified as either a yes or a no. So, it's a percentage. I just I guess I don't understand the difference between 50 and 75% in this case. If if it exists nowhere else in Zoning 50%/75%, I guess I don't really have a feeling one way or the other. I just want to make sure I know what I'm voting for.

Iram Farooq: I- I can try and think of an example that if you um, if you're familiar with the Porter Square Hotel and it's screening, I don't know if- if everybody can visualize rooftop mechanical screening the way that I can but um, but that's probably closer to 50% or so, which means you can see a hint of the mechanical equipment behind a little bit more clearly. Um, if it were 75% opaque, it would just feel a little bit more solid, but it would better conceal the equipment behind. So, it's it's a little some people prefer the lighter feel of a 50% because it looks less structure- less less like building structure. Um, others prefer those- the greater opacity um, because it does, you know, if you really don't like the clutter of the mechanical equipment, then it's helpful to have the solid screening. So, it is typically in some- some ways what the Council would be doing by putting the number in here is be making a little bit of that judgment um, now universally for the- for all of the buildings that would be built under an Overlay if it were to be adopted. So, um, I don't think that there is a right answer here. Either one could work.

Alanna Mallon: Okay, and I have one more question going back to the- the previous insertion by Councillor Carlone. Um, when carried above the roof shall be set back from the facade and and I'm curious if this is- if we think about something being quantified as a yes/no question, is this enough of a- does this feel a little subjective just set back or do we need some sort of quantitative measure here?

Iram Farooq: Um, I'll look to the City Solicitor but I think it probably would be helpful to have a minimum dimension there if we were talking about setback, like setback five feet or ten feet or something.

Nancy Glowa: Through you Mr. Chair. Yes, I concur that would be preferable.

Dennis J. Carlone: Please.

Jan Devereux: Um, I think that having a dimension for the setback is appropriate. Um, I think screening and opacity, or is that the right way to say that, are important. And we've seen instances where, you know, I'm thinking of the Briston Arms housing, that I think added air conditioning at some point when it was renovated and unfortunately you look at that roof from Danehy Park and all you see is about, I don't know how many units they have, but each one has its own compressor on the roof, and so it looks like a little colony of HVAC things on the roof. It's not- I don't know how you would screen it so that you can't see it from the perspective of Danehy Park, but it is visually annoying to look at that. And it's not because it's affordable housing, it just happens to be in a location where you can see it. So, I think it's important to think about all angles that these things are visible from. The other thing, and it kind of goes back to last week when we discussed this, we talked about allowing common roof decks to serve to meet part of the open space requirement. And it occurred to me that in order to get to a common roof deck, would you have to build like a penthouse? I mean a stairway. You know, how do you get to a roof deck?

Dennis J. Carlone: You would have to have one to get to the- you have to have roof access anyway. Sometimes it's done in a different way. But yes, you would have a stair going up. So, that might need two stairs now that I think of it.

Jan Devereux: So, that adds essentially a structure on the roof right to create a stairway you wouldn't.

Dennis J. Carlone: Yeah, but that's not a mechanical...

Jan Devereux: It's not a mechanical...

Dennis J. Carlone: ...but becomes part of the architecture.

Jan Devereux: Yeah, I'm not sure that people fully understood that last week because that does add more height and bulk to a roof. So, I'm just putting that out there but it's not considered a mechanical. Per se, although it has a mechanical purpose and in an elevator building it well, I don't know.

Dennis J. Carlone: That's a mechanical penthouse, but generally it's about heating, ventilating, air conditioning, the awkward equipment, sometimes awkward equipment you see on tops of buildings.

Jan Devereux: Thank you.

Craig Kelley: Mr. Chair?

Dennis J. Carlone: Yes, sir, Mr. Kelley.

Craig Kelley: We- we come back repeatedly to do- we do this for other parts of the Zoning Ordinance and I think that's a foundational issue here is we're changing the Zoning Ordinance. So, we may not have some sort of shielding or screening legislation for a Res B, for example, because for whatever reason we've decided it's not necessary. But if the Affordable Housing Overlay Passes, the density, the height, the setbacks, all those things on which we've based our thoughts that you do or do not need screening in a Res A or a Res B or anything else disappear. So- so, I think it's irrelevant whether we do this for anything else. It's relevant as to is this the sort of thing we want attached to the sort of developments that we are proposing get built under the Affordable Housing Overlay.

Dennis J. Carlone: Uh, I would say as far as the distance back given that a building is typically 60 feet thick. Now granted again we could have a smaller building in some locations that this is the problem with not being able to evaluate a situation on a 60 foot wide building. You probably would want at least 15 foot setbacks. Um, and you could even say possibly 20 if the mechanical is designed in a coordinated way. Um, so, distance is tough. Assuming most of these buildings are going to be a good size, I probably would say 15 feet setback.

Quinton Zondervan: Um, just for clarification, I believe you mentioned earlier that this wouldn't come up often.

Dennis J. Carlone: That's my understanding. But if the bigger the building, the more it might be a different system.

Quinton Zondervan: Right. So, maybe is there some minimum size building that we should imagine where it's likely that these mechanicals will be on the roof and then base it on that under the assumption that smaller buildings are just very unlikely to require uh, mechanicals on the roof?

Dennis J. Carlone: Well, they will have mechanicals but they're smaller. If there were parapets on the smaller mechanical units you wouldn't see it. And the reason the Vice Mayor and everyone else sees the building she cited is there really isn't a parapet or it's very minimal. And- then you do see what's on there. Parapets cost money however.

Quinton Zondervan: So, so, maybe we can put a...

Dennis J. Carlone: Percentage?

Quinton Zondervan: ...or- or a size building for which this minimum facade would apply. And then maybe there's a different provision for smaller buildings.

Dennis J. Carlone: My guess is a percentage of the dimension is what makes sense. Why don't we just say 20% Of the width of the building and the distance of the building is the setback. If it's a 60 foot building that would be 12 feet on each side leaving a good chunk in the middle. We're open to...

Iram Farooq: Mr.- I feel- I- I don't feel equipped to answer this question just now because now I'm trying to visualize all of the various conditions that one might...

Dennis J. Carlone: I agree, but there are people sort of in that side over there who might inform you later of what they think. And uh, I don't want this to be a problem. I just want to avoid...

Iram Farooq: Right if you...

Dennis J. Carlone: ...terrible situation.

Iram Farooq: If it's okay with uh, with you. We would love to be able to come back with what that number is and we can talk- look at some of the recent examples, as well, as kind of some of the examples of residential buildings that have gone through design review, and see what kind of setbacks there are. So, that we can come back with some- here's what design review might yield.

Dennis J. Carlone: Yeah, having done a number of residential buildings, the setback can be quite a bit. It's when you get to huge equipment that that's where the problems come in. So, it's on hold. Yes, refer back to Community Development.

Iram Farooq: We would be fine with the- if the Council wanted to vote on everything else and we can fill in that dimension. Okay. The setback dimension.

Dennis J. Carlone: That that's fine. I'm sure the Clerk's happy with that too. Did you want to make a comment?

Jan Devereux: Oh, I was just going to ask going back to the 75% opaque. Does that also help if it's more opaque? Does that do more to screen noise?

Dennis J. Carlone: Yes. No, then well, I don't know, because it doesn't let sound through as much but it's the sound still gets through any opening.

Jan Devereux: Okay thanks.

Craig Kelley: But it does appear lighter as the Vice- as the Assistant City Manager said. But if you can see everything and see the outline it's, you know. There were examples where it isn't as successful as it might seem. So- so, what we've said is to vote on this knowing that Community Development will come back with their advice, including on the 75%. No, not on that.

Iram Farooq: I'm not sure that we would have any advice on that, Mr. Chair.

Dennis J. Carlone: Yeah, but you might have somebody on the Trust who has thoughts.

Iram Farooq: Sure.

Dennis J. Carlone: Okay um, so, we're going to vote on the setback from the facade. The question is what is the distance? So, it's the concept instead of it straight going up and we'll get feedback on that. I have a sense of what that will be and that seems fine. So, all those in favor with adding those words set back from the facade say aye. Those against? No. I think I heard one no.

E. Denise Simmons: Me.

Dennis J. Carlone: Councillor Simmons says no. And on the opaqueness, um, I just believe 50% is neither here nor there. And I'm just trying to make it more solid. Um, I'm willing to consider something else, but 50% I know what 50% is and um, it does nothing. Any further thoughts? All right then I'll move forward and I'm open to getting comment and shifting this in the future. Yes. So, we're voting on the 75% opaque. All those in favor say aye. Those against?

E. Denise Simmons: No.

Dennis J. Carlone: So, one no. Councillor Simmons. So, we're moving on the Councillor Zondervan's um, No. 36 and there are three Amendments. Councillor.

Quinton Zondervan: Thank you Mr. Chair. And I think it probably is expedient if we do these one at a time although I'm sure we can discuss them together. Um, so, the first one is the Net Zero ready requirement and we deferred the definition of Net Zero ready in a previous Meeting. Um, but basically and again, I just want to be clear that I'm not trying to solve climate change through the affordable housing overlay. I'm trying to make sure that as we build more affordable housing, we don't add to our climate changing emissions and the- as far as the Net Zero action plan, which would impact um, these developments in the future, it would be smaller developments would have to be Net Zero in 2022 according to Net Zero Action Plan and then larger projects would have to be Net Zero by 2025 and presumably most of the units that would get built would be in larger projects. And so, that means that we could build a significant number of units in the next five years without them being Net Zero. Um, and that's all assuming that we hit those deadlines on the mark. So, the- the Net Zero ready requirement doesn't require the building to operate at Net Zero, but it just ensures that it's ready to do so by making

sure that it's energy efficient, that it's using renewable energy on site and that it is um, not consuming fossil fuels on site. And in terms of cost, this language says that if it's clear that it would be more expensive, which isn't necessarily true in every case, but it might be true in some cases, then we should simply pay for that. And I don't think it's a uh, we shouldn't look at that as a as a scarcity argument to say that if there's a million dollars in the Affordable Housing Trust then, you know, now if we have to pay another \$10,000 to make this unit Net Zero ready then that means that money comes out of the million dollars. We should think of it as that's an additional- and he's playing football and The administrative offices for our School Department uh, a heated pool and a library branch, library building, all of that will be Net Zero ready construction. So, and our City Manager is on record as saying that we're doing it that way because it's the right thing to do. So, I don't see why we wouldn't apply the same logic here. Uh, and we need to reduce our emissions everywhere to respond to climate change and in everything that we do as soon as possible. So, we have an opportunity here to go first again. So, we go first as the City now we are proposing that our nonprofit partners that build affordable housing should have some advantages in the marketplace so that they can more expediently build affordable housing. Why wouldn't we require them to also advance our climate uh, mitigation goals by ensuring that those buildings are constructed Net Zero ready from the get go. And again, if that costs more money, then we should pay for it, not from the existing funds and the Affordable Housing Trust, but from any from additional funds if any are needed. And I do want to point out that again, this is not a net cost. It's -it's an upfront cost potentially in some cases, but down the road it means savings on the utility bills for both the residents and for the common areas which presumably are paid for by the nonprofit owner operator of the building. It also enhances the comfort of- of those- of those residents. So, I think this is a reasonable request that in exchange for the many Zoning advantages that we are giving uh, our nonprofit partners and with the promise that we would pay for any difference in- in cost. That in return they build everything Net Zero ready uh, starting now and of course we will continue to advance the Net Zero action plan and so these requirements would ultimately apply to all our construction. Thank you, Mr. Chair.

Dennis J. Carlone: Thank you. Comments all around? Okay, the um, the Clerk is telling me there is no definition for Net Zero ready building and Zoning. So, that's something we would...

Quinton Zondervan: No, that was provided in earlier Amendment which has been deferred.

Dennis J. Carlone: Yes. Okay. Uh, Councillor Kelley, you were first.

Craig Kelley: Thank you, Mr. Chair. This is one place where if we're gonna do it, I think we ought to do it everywhere and we can have a Net Zero Affordable Housing Overlay and non affordable housing overlay and commercial overlay and everything else and just call it a City Overlay. Um, in other places I have felt that the the type of development proposed under the AHO warrants a different type of standard, but I'm not sure I see that here.

Dennis J. Carlone: Thank you, Councillor. Councillor Mallon.

Alanna Mallon: Thank you Mr. Chair. Through you I have a couple of questions. Um, first is a comment on Councillor Zondervan's uh, statement um, in exchange for the Zoning advantages that we are giving the affordable housing builders. I think- I feel like this is language that we typically hear when we have these large upzoning conversations. I mean what we're getting an advantage in exchange for these Zoning advantages are we're getting more affordable housing. So, I feel like sometimes these things get conflated when we're having a Zoning conversation that, you know, we're- if we're using the same language that we typically hear for an, you know, in a for-profit conversation as this, we're not- these aren't to me the same when we are talking about them. So, what we're getting in exchange for the Zoning advantages that we're giving to our affordable housing builders is that we're actually getting affordable housing built. So, my two questions are um, it looks like we have a housing or a- an Environment Committee hHearing on the Climate Resilience Task Force and what the outcomes are going to be from that. And I don't know if this is going to be something that will be coming out of that task force because I have not been participating in those Meetings. Is this is some kind of recommendation going to be coming out of that task force around Net Zero ready buildings? Does anyone have the answer to that question?

Iram Farooq: Through you, Mr. Chair. Um, that task force is more focused on um, on climate change resilience rather than on the mitigation side. So, the and Net Zero ready time frame is laid out more by the Net Zero Action Plan which the Council adopted a few years ago and per that the Net Zero requirement for more- for residential that is more than three units. So, four or more uh, is triggered in 2025. But that's a full Net Zero requirement, not a Net Zero ready requirement.

Alanna Mallon: Thank you. And then my last question is around the funding uh, coming from the Affordable Housing Trust to offset the full cost differential. Um, this goes back to an earlier question where we asked what the Affordable Housing Trust can and can't pay for. So, I guess I have that same question of City staff.

Nancy Glowa: Through you, Mr. Chair. Uh, first of all, I don't think that you- you can um, put such a provision in a Zoning Ordinance um, because it's not a Zoning provision. Secondly, I believe that it would conflict with both the um, Affordable Housing Ordinance or Affordable Housing Trust Fund Ordinance as well as these legislation that authorizes us to have that fund. So, I- I would advise against this because I don't think it's permissible legally.

Alanna Mallon: Sorry, I saw. So...

Dennis J. Carlone: Please.

Alanna Mallon: I guess my question is if- if- if we decide there's another funding source for this within the City and not the Affordable Housing Trust, would that be acceptable to put into Zoning or you're just saying we can't put a funding source into Zoning to cover the cost differential between one thing and another thing?

Nancy Glowa: I do not think it's appropriate to put information uh, about funding sources in the Zoning Ordinance. So, that's the first question. And then I also think um, that you cannot use the Trust for this purpose by putting a mandatory provision in the Zoning Ordinance. That uh, supersedes the role of the Trust in determining what projects to fund that is provided to the Trust in our Ordinance as well as the enabling legislation that preceded the- or goes hand in hand with the Ordinance.

Alanna Mallon: Okay, thank you. I yield the floor.

Jan Devereux: Mr. Mayor.

Dennis J. Carlone: Madam Mayor.

Jan Devereux: Uh, thank you. Um, well I agree with Councillor Zondervan and- and want to reiterate that my understanding is this is asking for Net Zero ready not Net Zero operation, and that the requirement that smaller buildings be actually Net Zero operationally is the higher bar. And that would come for smaller buildings within two years, which is not very far away at this point. Um, and I would also add that we keep saying that only non profit developers will be using this Zoning and there has been no guarantee of that. So, I just want to say that today because it hasn't been said. Um, and it would perhaps help if Councillor Zondervan- I'm not sure how significant the additional cost actually would be. So, perhaps Councillor Zondervan can tell us what choice a developer might make. It might be for instance deciding to have an entirely electric heat system rather than connecting to an existing gas line. So, I don't know that that's necessarily a huge cost increase for construction. It's a choice. Um, so, maybe Councillor Zondervan can say what kinds of choices developers would be making to be Net Zero ready. Thank you.

Quinton Zondervan: Thank you, uh, through you, Mr. Chair. I'm certainly not an architect um, but I have spoken to some of them who do this and there are indeed as the Vice Mayor suggests um, choices that one makes during the building design and construction that allow it to be Net Zero ready. In particular if one were to install a air-sourced heat pump versus a gas fired boiler heating system, then you would put in additional insulation so that the air source heat pump would be able to effectively heat the building. So, there might be a small increased cost to insulate the building more than would have otherwise been done. That being said, we should maximally insulate the building so that we don't waste energy and cost down the road on heating and cooling that building. So, uh, I think, you know, again when we talk about cost it's- there might be an upfront cost but then there's savings down the road. And what makes the affordable housing uh, situation a little different is that generally speaking, whether it's for profit or non-profit, the

building is owned and operated by the developer. And so they would have ongoing operating costs and similarly they would have ongoing cost savings. Which also applies, for example, to the City, which is why we can justify doing this in our municipal buildings. And I think this is a similar situation. So, um, you know, I can't offer a number, but I certainly don't think it's significant. And I believe the Vice Mayor reported earlier from a conference that Net Zero operations might be on the order of 3 to 4% additional upfront cost. And since this is a lower standard, presumably it wouldn't be as costly in terms of renewable energy. Um, that can be financed a lot of times separate from the construction of the project. Um, and even if it is financed through the project again, it leads directly to operational cost savings down the road. So, I think it is a trade off. It's not a straightforward um, increasing the expense. It's potentially increasing the expense up front a little bit in exchange for um, savings down the road.

Dennis J. Carlone: Councillors. Any further question? Um, M- madam Solicitor um, you mentioned that Zoning really can't have um, funding related l- language. Um, are you suggesting that the last- part of the last sentence has to be struck from a Zoning point of view?

Nancy Glowa: Mr. Chair, with respect to- from a Zoning point of view, I do think that the second sentence in both B and C should be stricken in their entirety.

Dennis J. Carlone: So, the entire four and a half lines to the extent?

Nancy Glowa: Yes.

Dennis J. Carlone: Onward. Okay, okay, at this point, I- I think we have to respect that, even though I wanted to put a funding thing in earlier but I guess I won't be doing that now. Um, do you recognize that? All right.

Quinton Zondervan: Yes, Mr. Chair. I'm happy to vote on that.

Dennis J. Carlone: Okay So, um, first we would strike the sentence. So, we're striking the full last sentence beginning to the extent that meeting the standard can be documented. That is being taken out. All those in favor say aye. Aye. Am I the only one? Those against? All right that is struck. It has been taken out. So, the Amendment before us, notwithstanding any other requirement, any building permitted through the AHO shall be a Net Zero ready building- community development before we vote on that, um, staff or members of the Trust um, could we get feedback from them, no matter how we vote on this?

Iram Farooq: Yes, we are we're happy to speak to the Trust uh...

Dennis J. Carlone: As far as the feasibility.

Iram Farooq: ...even those who have recently built some of the buildings that are um, close, you know, either Net Zero ready or close um, to just get an understanding of what that differential is. Because I think that it is true that it's a lot easier in small buildings, which is why the one to three unit um, trigger is 2022. It gets harder as you get to bigger buildings and more complicated structures. So, we'll try to get some sense from folks.

Dennis J. Carlone: Councillor Zondervan, do you want us to vote on this or wait for the response?

Quinton Zondervan: I- I'd like us to vote on it. Thank you.

Okay. Oh, but it comes back to we don't have a definition for Net Zero ready.

Madam Clerk: We put that on hold.

Dennis J. Carlone: So, we'll put that on hold relative to getting a definition.

Quinton Zondervan: Well, a definition has been provided. I think if- if the sense of the Council is that they want to proceed, then we should discuss the definition. If the sense is that we don't want to proceed this way, then we don't we don't need to bother. So, I think we can vote on this and then if- if the outcome is positive, then we can discuss how we want to exactly define it. And- and I would uh, imagine that uh, we would get feedback from- from the staff and- and the affordable housing developers as well, as to what, you know, if there's any changes they want to make to that definition. So, I think we should vote first on the the spirit of, you know, do we want to require these to be Net Zero ready? And then if- if the answer is yes, then we can dig into the details. And if the answer is no, then then we don't need to.

Dennis J. Carlone: So, am I right? Um, City officials that the definition is being one of the things you're reviewing. Um, so, the Clerk is telling me you can't vote until we get the definition confirmed um, on something that brings up the definition.

Quinton Zondervan: Um, Mr. Chair, it's just a Point of Order. Can we vote on whether we want to pursue Net Zero ready or not? And then if we do, then we can dig into the details. And if we don't, then we don't have to bother.

Dennis J. Carlone: Madam.

Iram Farooq: Just suggest one thought. We are working on a Net Zero ready definition. We were just consulting on that and we as part of the Article 22 Amendments that we are due to bring forward. Um, we're hoping to get those to you in the next uh, either at the next Meeting or the following one of the City Council. And so, you could certainly utilize that definition if you want to vote as you have done on some of the other items in concept. Um, that's something that would be available.

Dennis J. Carlone: Okay. Please Ms. Glowa.

Nancy Glowa: Thank you, Mr. Chair. If I might add, so, uh, you could leave this on the table for the time being. We're hoping through uh, the City Manager and Assistant City Manager for Community Development to bring the um, Article 22 Net Zero building changes to the Zoning Ordinance in early September. And that does have a definition of a Net Zero ready building. So, you could leave this provision on hold until we bring that Amendment forward and then move to pull that definition out of that uh, draft and use it in uh, this Amendment. Or we could pull it out and provide it to you. So, whichever way works for you, we could provide the definition.

Dennis J. Carlone: I'm sorry. So, you could provide the definition earlier?

Nancy Glowa: Um, yes, we could provide it earlier. I hesitate, just because it's a fairly complex um, proposed Amendment and it is sort of complex technical information which I'm not the technical person who knows everything about. But I think we could look into that and if you wanted to, maybe just put this on the table until the next Meeting. We could get back to you on whether we could provide that definition.

E. Denise Simmons: Mr. Chair?

Dennis J. Carlone: Yes, Madam.

E. Denise Simmons: Thank you, Mr. Chair. I just think it's important to- to vote it fully developed as opposed to vote it- say let's vote it, and then we'll get the definition. I think we should wait to get the definition. The uh, City is saying we're working on it. It's uh, I just think it makes more sense. And if you want to vote it now, I will not vote on it uh, because I think we just should wait.

Marc McGovern: Mr. Chair.

E. Denise Simmons: I yield the floor.

Marc McGovern: Mr. Chair.

Dennis J. Carlone: Yes, Mr. Mayor.

Marc McGovern: And while we're getting that definition if I could get a better sense of the cost- the cost- the cost piece of this again, I- I think we're adding a lot of things, and I get- I start to get worried when things get accumulated that we're gonna, again, like I said before, I don't want to it killed this by a thousand different Amendments. So, I don't know. I don't really have a good sense of that. I know Councillor John Evans talked to some people. I will talk to some people in the meantime, but if we can also get a sense of the financial implications of doing this, um, hopefully, they're- they're- they're- they're not, you know, it's not a big deal, but um, I couldn't vote on it today without having that information.

Dennis J. Carlone: Well, I think that yes, Vice Mayor, were you going to add something?

Jan Devereux: Um, well I appreciate that, but it feels like that we have taken votes on this Petition without having all of the definitions squared away. And we have set- trusted the staff to change language or come back with additional information, understanding the spirit of what we're voting on. So, I-I don't know how complicated this definition for Net Zero ready in the proposed Article 22 is. The definition that Councillor Zondervan has offered here is, you know, 25 words and I don't know if if Ms. Glowa is

talking about a definition that is three pages long that's being worked on, or just a different 25 words. So, it's a little hard to know like, how- how much detail the definition here needs to go in to convey what Net Zero ready is.

Quinton Zondervan: Councillor. If I may, I do appreciate my uh, colleague's concerns. Perhaps we can simply vote to formally ask the staff to look into the definition of Net Zero ready, potential cost implications, and to then bring forward a proposal for um, how we might incorporate it into the Zoning.

Quinton Zondervan: Mr. Chair, Point of Info, Point of something. Councillor your voice trails off when you speak sometime and so, I heard the beginning of it and then the longer you spoke the less I heard. So, I heard let's send this forward for more information at (inaudible) and then I couldn't hear the rest.

Quinton Zondervan: I apologize. Um, what I was suggesting is that we vote to ask the staff to bring back more information about potential definition of Net Zero ready potential cost implications, and then any way that we may want to incorporate it into this uh, overlay in terms of language.

E. Denise Simmons: So, uh, through either you, or the Chair. So, if we vote to get information, are we voting for it? Are we just voting for information to come back on?

Dennis J. Carlone: We're voting on information.

E. Denise Simmons: Very good. Thank you. I yield the floor.

Alanna Mallon: Mr. Chair.

Dennis J. Carlone: Yes, Councillor.

Alanna Mallon: I would like to also request that the staff contacts the affordable housing builders to get examples of when they have had trouble converting or when they're doing reconstruction around current utilities versus future Net Zero utilities and if there have been any difficulties, because I think I'd like to have as much information as possible and cost is one of them. But I also want to make sure that what we're asking for is actually possible right now based on some recent examples of renovations that have happened. Thank you.

Marc McGovern: Mr. Chair.

Dennis J. Carlone: Yes, Mr. Mayor.

Marc McGovern: Thank you. And um, you know, given that- I mean, I think something like this again- I guess I come back to is this the appropriate place for it. I'd like given that labs are 80% of our emissions, maybe this is coming in the report that you- that you were talking about um, maybe this is something we have to do every building that gets built needs to be, you know. Again it comes down to, you know, if this is a great idea and this is something that's going to make a difference putting it in under a very tight, specific, circumstance, I mean there aren't going to be- uh, I mean, I don't believe they're going to be a ton of these developments happening under the overlay. Um, so, if we really want to do that I, you know, I say let's- let's look at doing that across the board and really having a bigger impact rather than just again trying to put this in this little bucket.

Dennis J. Carlone: Well, now we're asking for information. We're not going to vote until we get that information. And actually I agree we should be doing it for all buildings. Um, but that isn't before us at the moment. So, I'm not going to repeat the request because I don't think I can repeat the request. Did you get it? (Yeah) Okay. The Clerk will read it now. Thank you.

Madam Clerk: That the City Manager being hereby is requested to instruct the staff of the Community Development Department to provide information regarding the cost implications and the definition for Net Zero ready buildings as it relates to the Affordable Housing Ordinance and said information to be incorporated into the Affordable Housing Ordinance.

Dennis J. Carlone: Yes, Councillor.

Quinton Zondervan: Thank you. I think um, Councillor Mallon also requested any examples that um, may- may be instructive from past experience.

Dennis J. Carlone: Yeah, I was just waiting to see if the Clerk caught that as well. So, that is the Motion before us. All those in favor say aye. Those against So, that Motion has been approved. See, Ms. (Inaudible) uh, Councillor Zondervan.

Quinton Zondervan: Thank you, Mr. Chair. Um, so, this and- and I believe the Solicitor already suggested that we would uh, strike the bulk of this which is very similar to B regarding the Affordable Housing Trust paying for it. But the first sentence is notwithstanding the language of the Tree Protection Ordinance any project permitted under the Affordable Housing over- Overlay. Uh, I do intend to put forward Amendments to the Tree Protection Ordinance that would change that. But in the meantime I think the Affordable Housing Overlay should not perpetuate that exemption because one of the unintended consequences of that exemption in the Tree Protection Ordinance is a kind of environmental injustice where tenants of affordable housing potentially have less tree canopy protection than other residents of our City. And the fair way to deal with that would be to have the same requirements of everyone. Trees are not there for decoration. They are there to provide health and- and safety and environmental benefits to our residents. So, it's very important that as we do affordable housing construction that we ensure that the residents of those homes also have these same benefits of tree protection, including protection from flooding, from heat, and just general health benefits of being around trees, which is- is quite well documented that it has physiological benefits on uh, on- on human beings. So, um, with regards to cost again, um, it may be more expensive to provide uh, the same kind of tree protection. But I think it's- it's necessary that we do that. And if we can't uh, required through the language, we cannot nonetheless have the intention uh, of paying for uh, any additional costs associated with um, making sure that we provide adequate uh, tree canopy in- in our affordable housing construction. Thank you.

Dennis J. Carlone: Councillor's- question? Yes, Mr. Mayor.

Marc McGovern: Through you, to Councillor Zondervan. Um, the Tree Protection Ordinance um, so, you're talking about the- the uh, look at my notes here. Um, so, the- it is the- the current Tree Ordinance that's- that's in front of us now or that's in- that's...

Quinton Zondervan: Um, through you, Mr. Chair. The- the Tree Protection Ordinance is in effect right now. And it stipulates that for uh, large construction projects that any trees that are removed have to be replaced, or if they're not replaced then there has to be payment into a tree fund. Which is then used to plant trees uh, elsewhere through our City. So, this provision would- would remove the exemption for affordable housing from that. And then we can amend the Tree Protection Ordinance in the future so, that it removes the exemption for all affordable housing projects. But that is separate from the Zoning. So, that's why I'm proposing that we say in the Zoning that it would fully comply.

Dennis J. Carlone: Excuse me. Madam Clerk wants to add some information.

Madam Clerk: Point of Information that is a Municipal Code Amendment and will have to be submitted to the Council either for a hearing and it needs to go through the all the stages of being passed to a second reading as well as being Ordained.

Quinton Zondervan: Point of Clarification. Sorry, Madam Clerk. Did you mean to say that this uh, Amendment No. C is an Amendment to the Tree Protection Ordinance?

Madam Clerk: Through you, Mr. Chair, to Councillor Carlone, I mean to Councillor Zondervan. What I'm saying is what you are proposing in the Zoning needs to also be a Municipal Code Amendment. So, that would also have to be amended to strike what you- you are seeking to strike from the Zoning- from the Municipal Code so that they would be consistent.

Quinton Zondervan: Yeah, I understand that. But- but right now all I'm proposing here in this language is that affordable housing construction under the overlay would not be exempt from the Tree Protection Ordinance. And then I would separately bring forward Amendments to the Tree Protection Ordinance as well.

Dennis J. Carlone: Mr. Mayor, did you still want to respond? Mr. Mayor, did you still want to respond?

Marc McGovern: Um, could I uh, maybe through you, to Miss Farooq, in terms of- and that you- you put in- in the original there was an exemption put in for- for the overlay and this would take that exemption out. Can you explain why you put that in originally and what the impact may be by taking it out?

Iram Farooq: Um, through you, Mr. Chair, uh, that Ordinance predates me, but I would imagine that the Tree Protection Ordinance is the one that has the exemption. Um, and that is being removed via this statement here. So, it wasn't in this draft. It was the exemption is actually in the Tree Protection Ordinance. So, um, I mean, it seems like that would be just to support- put less of a burden on affordable housing um, developments and um, I think that people who are building affordable housing tend to be sensitive. We have in to tree removal. They have been following a lot of the discussions and uh, in a couple of instances where they have had to remove some uh, some trees in recent projects. I know that certainly we have received very extensive study and justification as to why that has to happen, because obviously from- from the staff perspective, it's something that we don't take lightly either. And we pose that question quite strongly. And so, they have- they have taken that to heart. The folks who are building affordable housing, they've taken that to heart. And have been uh, very thoughtful about and are only removing trees in instances where it, you know, it would be um, it would really hinder a project or make it or disallow a project from happening in that- in the scale that- that it is planned uh, or a particular thing, you know, is too close to a foundation or such. Uh, so- so, they are uh, they're doing it in a very cautious way. Um, but, you know, this is ultimately a- a choice. It was there as a- as a choice to incentivize or to support financial, you know, support of affordable housing developments and um, it is the Council's choice if that- you want to remove that.

Marc McGovern: And just one more question Mr. Chair.

Dennis J. Carlone: Uh, I think Ms. Glowa wanted to comment. Did- did you change your mind?

Nancy Glowa: No, thank you. Through you Mr. Chair, I just wanted to add I was involved in the development of the Tree Protection Ordinance and I think that that was a very different time and the reason for the exemption for affordable housing projects was the recognition at that time that many significant trees often are removed for construction of new development and the result of that is then having to pay money into the Tree Protection Fund. And so, it was more of a financial issue to simply relieve the affordable housing developers from having to pay into the Tree Protection Fund. Where I think that we have been moving as a City more toward the other provisions of the Tree Protection Ordinance, to- to not necessarily remove trees unless it's absolutely necessary. So, there's a slightly different orientation about that. And I just wanted to uh, as a Point of Information just say that uh, with respect to what the City Clerk said, I think that what this language says, if it is adopted by the Council, is not withstanding meaning aside from the applicability that would otherwise um, be there for affordable housing projects and the Tree Protection Ordinance under this Zoning Ordinance. Um, if this language is approved, then affordable housing developers building pursuant to this overlay would have to comply with provisions of the Tree Protection Ordinance. So, that doesn't necessarily mean that the Tree Protection Ordinance itself has to be amended at this time. Although, if the Council is interested in amending it, of course, then a Petition could be submitted to consider that.

Dennis J. Carlone: Okay. Thank you, Mr. Mayor.

Marc McGovern: And thank you, Mr. Chair. Through you to Ms. Glowa, I would assume also as we did with B, the second part about applying to the Affordable Housing Trust, that all have- that would all have to be stricken, right?

Nancy Glowa: Through you Mr. Chair, yes I did indicate that previously and that is my recommendation.

Marc McGovern: Okay. So, again I guess we're- again it's- I keep struggling with this adding costs and adding costs and adding costs. So, um, if we can have, you know, it's hard, obviously, it's hard to- it's hard to estimate because it depends on what- how many trees and what kind of trees and- and- and everything else. But um, barring a funding source, um, this could be problematic.

Alanna Mallon: Mr. Chair?

Dennis J. Carlone: Councillor Mallon is first.

Alanna Mallon: The Vice Mayor's had her hand up, so, I'll defer to her.

Dennis J. Carlone: Sorry, I didn't see your hands.

Jan Devereux: That's okay. Thank you. Appreciate that. Um, well I would note that the Tree Protection Fund is a Public Fund and so the money in that fund goes to fund other trees that could be uh, beneficial to the residents of of these buildings. So, it's a virtuous circle in a sense. Um, I would also say that yes, it's true, that affordable developers have work- do work and do care about trees and have worked with um, on projects to preserve trees. But that is again, under the current conditions, which do have binding review, and for instance in the 40B project for Frost Terrace there was a lot of back and forth about preservation of trees that were along the side between the new building and the Newport Road condos. And trees- and behind the two houses that were acquired on Frost Street and it's not clear that- that- that those trees would have been treated the same way had there not been, you know, the system that we have now where there is more- there are more teeth. So, I- I feel this is a good goal to strive for um, and would support it. Thank you.

Dennis J. Carlone: Councillor Mallon.

Alanna Mallon: Thank you Mr. Chair. Through you, I'm supportive of this particular Amendment. Um, not so much with Councillor Zondervan's first point, um, around the environmental justice piece of it. But we are trying to replace our tree canopy. It is a goal of the City. It's been subject of a lot of discussion in this Chamber and in the City. Um, my question, I have a couple of questions. One, um, to the Vice Mayor's point, can we use those public funds from the Tree Protection Ordinance to fund affordable housing landscaping and trees? Is it a circular fund as uh, through you, Mr. Chair.

Nancy Glowa: Through you, Mr. Chair. I don't know the answer offhand. I think that if- if Ms. Farooq does she can answer.

Iram Farooq: Sorry. Through you, Mr. Chair. Um, so, the Tree Production um, the Tree Fund is principally used for uh, tree planting. A lot, you know, on street trees and- and also currently used for some back of sidewalk trees um, within a certain distance of the- of the public sidewalk. Uh, one of the things that is being discussed right now as part of the Urban Forestry Master Plan is how might uh, how might that be modified going forward. Uh, but it does interface with what we as a City are allowed to do to support um, private property or not. And that um, goes to some of the retail related discussions um, that we were having. But it's a similar question. It would, once that recommendation is made, it would need to be researched and resolved. But for now it can support trees within um, an affordable housing building, but it would have to be close to the sidewalk.

Alanna Mallon: Okay, thank you. That's interesting and in terms of um, you know, I wrote down back of sidewalks because these projects would be in the back of sidewalks. So, you know, if that is something that is going to be discussed in the Tree Protection or the Tree Canopy Task Force or whatever it's called. That's been a long meeting so far. If that's something that can be discussed.

Quinton Zondervan: Point of information?

Alanna Mallon: Can I just get to my second point, please?

Quinton Zondervan: Yeah, I just wanted to give you a little bit of information on back of the sidewalk is 20 feet from the side.

Alanna Mallon: Right. And so, I guess what I was asking was in the Urban Forest Task Force, it sounds like they are looking at that and maybe making recommendations. So, asking that- that is forefront in the minds of their recommendations is part of this conversation because I think it is interesting what the Vice Mayor said is really using this as a circular fund. Because I get concerned that we are sending a little bit of a mixed message to our affordable housing builders when we all unanimously back to Policy Order to look at whether we could decrease the cost for building permits for affordable housing just to really help defray and offset some of these costs. Because I think it is something that we are all trying to figure out and and work on. And I think it was the Vice Mayor that put that in. And so, I don't want to send a mixed message, like we're trying to get your building costs down, but now you have to pay into this other thing. Um, but I- I agree that the Tree Protection Ordinance should not have an exemption for affordable housing. It's just a question of where those funds are. They're not coming out of the Trust and we can't put

into Zoning. I would like to try to figure out how we're going to do that, but I will support this. Thank you.

Dennis J. Carlone: Other Council- Councillor Simmons.

E. Denise Simmons: Thank you, Mr. Chair. I appreciate your- my colleagues interest in strong advocacy for the tree canopy. Uh, I guess my question here and it goes back, it's been said before. So, at this point we're making these modifications and they're not all cost neutral. And part of the conversation that sort of jump started if you will, the discussion around the housing overlay district is the barrier to building affordable housing. So, I would like to know- I want to hear some weigh in from our community based housing builders of what- what's the cost right now? What costs are they incurring when they replace trees when they currently- when- when they're developing? Because I remember having talked to them and they said some of the things that we are requiring them to do is making the project just more- pushing more unaffordable for them. So, for me, because I certainly would like to support this, and everyone knows that I certainly support tree protection, is that um, to get a better sense of what financial impact. And so, otherwise I would- if this is to go forward now, I'd vote present. Not because I'm against uh, strengthening or broadening the governance of the Tree Protection Ordinance, because I want to know what the financial impact might be from hearing from the community based organizations that build low, moderate and mid income housing. Thank you, Mr. Chair. I yield the floor.

Dennis J. Carlone: Thank you. I- I wanted to say, excuse me, Councillor, that in the paper I submitted last week to you all there was a section on Public Domain and it's my feeling the City can help affordable housing developers by paying for the sidewalks, paying for the trees, and that this again is a wise way to use money. Just like I said the retail construction, a wise way to use money to make development work better, but also get a better product in the end. When we redid Mass Avenue between Shepherd and Martin Street, we the City, a lot of money went into tree pits but those trees have taken off like no other tree on corridors. And that's what we should be doing. And again, we can afford this. This is how you supplement what the housing developers can do. So, I will support this with that in mind, that the City has to step up even beyond just trees with the Public Domain. It's uh, normally developers do that, and there's no reason we should be working together.

E. Denise Simmons: Mr. Chairman, I just, if I may, resume the floor just for a moment. You make a very good point about the City supplementing, but I'm getting to just starting to begin to keep a checklist.

Dennis J. Carlone: I can't hear you Madam.

E. Denise Simmons: I'm beginning to start a checklist of what we're looking for the City to step up and pay for.

Dennis J. Carlone: It will come forward in September.

E. Denise Simmons: Okay I just want my checklist is sidewalks, trees, Net Zero, retailer services. And my fear and this is somewhat equity echoing what our Mayor had said earlier is that we're going to do this thing, this good thing, and kill it off because of all the exceptions, additions, and deletions. And I'm most afraid of the the financial additions, but by adding them without having any real idea what the financial impact is. So, we'll have voted for this wonderful thing called the Affordable Housing Overlay but we'll not be able to move the dime one iota because of all the financial constraints we put on it by adding back. And you're saying yes, it's going to come out of the out of the City's coffers, but uh, you know, this- that's the conversation we're having now about the Affordable Housing Overlay. We'll talk about something else later and we'll look to that same part of money uh, to um, pay for that. We also did get the City Manager to add additional money to the affordable house to the Trust. Uh, and I think we've already spent it. So, those are just my concerns. I think we're doing this great. We're having this wonderful conversation. You're doing an extraordinary job chairing the Meeting Mr. Chair and getting us through the Agenda I hope by 4:00. Uh, but I'm just concerned about how we just keep adding another weight-financial weight, and another financial weight, and a financial weight, until such that we just break the back of the whole process. I yield the floor.

Dennis J. Carlone: Thank you Madam. The weight was on the City not on the AHO. It was weight off of the housing developers and that's why I proposed it. They're paying for it now and it doesn't make sense if it's a public uh, benefit. And that's what I was referring to. Um, so- so, I completely forget where we are on C. So, please correct me Council.

Quinton Zondervan: Mr. Chair, if I may be of assistance. So, we need to vote to strike the language that says to the extent that meeting the standard, etc. And then we can vote on the remaining first sentence.

Dennis J. Carlone: So, that's your desire to vote on it. Okay so, the- we're voting on notwithstanding the language of the Tree Protection Ordinance, any project permitted under the AHO shall be fully compliant with the Tree Protection Ordinance. All those in favor say aye.

Group: Aye.

E. Denise Simmons: No.

Dennis J. Carlone: Those against?

E. Denise Simmons: I'm against. No.

Dennis J. Carlone: Okay. Councillor Simmons is against. And we're moving fast. We're on D. Thank you, Mr. Chair.

Quinton Zondervan: So, this Amendment is to put a limit on the density of projects based on the base Zoning. So, essentially it limits the density of any project to double the base Zoning or 3.0, whichever is less. And the idea is is quite simple. You know, people have um, put forward examples of uh, projects that could be constructed on their property at six or eight times the density that's allowed under the current Zoning. I don't think that is our intent. And so, if it's not then we should codify that in the Zoning. So, this is a uh, proposed way to do that. Um, and there might be other ways to do it, but this- this is what I thought might make sense.

Alanna Mallon: Mr. Chair.

Dennis J. Carlone: Ms. Councillor.

Alanna Mallon: If I may hearken us back to last Thursday for a moment.

Dennis J. Carlone: No, please don't.

Alanna Mallon: I believe that this- I had written that we referred this with No. 13 and No. 14 which are related. Uh, the Mayor and I had an Amendment. You had an Amendment that- I'm just wondering if we could, everybody, look at their notes and see if that was the case and if not it could be referred at this point.

Marc McGovern: That was my recollection as well.

Dennis J. Carlone: So, let me- let me just say what the Clerk has said. If you look at the bottom it says Section D was referred to CDD otherwise no action at Ordinance hearing 8-8.

Quinton Zondervan: That's what it says. So, I agree with Councillor Mallon that...

Dennis J. Carlone: I'm sorry, Councillor.

Quinton Zondervan: I'm sorry. I said that that's correct. So, I agree with Councillor Mallon that um, we- we shouldn't discuss this. We should move on because we've already referred it.

Dennis J. Carlone: Okay, great. Um, thank you. Um, Councillor, Vice Mayor Devereux, you have the next Amendment.

Jan Devereux: Sorry, bear with me because I was...

Dennis J. Carlone: Number 36 a on page 20.

Jan Devereux: Okay, this um, has to do with uh, screening outdoor light fixtures. So, the original language says shall be fully shielded and directed to prevent light trespass onto adjacent residential lots and I am suggesting adding or the public way. As you'll recall, no doubt, that we had a long and unsuccessful uh, series of Meetings to try to have an Outdoor Lighting Ordinance which we do not have. Um, and one of the um, problems with uh, the Lighting Ordinances that if people- the only people who have standing to come well, like the Noise Ordinance, light has an impact on more than just a butters. And so, what I'm trying to get at here is that yes, we want to make sure that lights aren't shining directly into people's windows, but it is also really annoying when you walk by a building and the light shines into

your eyes but you have no standing. And I can think of- of one example which was the Tobin School which had for years had a really obnoxious light fixture on its front door that was unshielded and every time I walked by it like had terrible glare and it took a long time to get that addressed by the School Department. So, you know, as much as we can try to control outdoor lighting, I'm all for it. So, thank you.

E. Denise Simmons: So, Mr. Chair.

Dennis J. Carlone: Councillor.

E. Denise Simmons: Thank you, Mr. Chair. Uh, I- through you, to my colleague. I certainly appreciate the sentiment. I guess I look at it a little bit differently in that um, when I think of lighting on the public way I think of it adding to safety. And so, thi-s there's also a discussion about trying to shield the residents from intrusive lighting and I- I certainly get that. I guess my only my concern and may- just might be my concern, that I don't see the public way the same way. And- and sometimes appreciate the ability to have some lighting, particularly where in the summer months, or spring, summer, and fall months when we have the uh, full flowering and blooming of the trees, and then our own street lanterns are blocked by that. Sometimes the building- the lights from the buildings, not all- not always, but sometimes help in lighting the public way just for the safety purposes. And that safety doesn't- I'm not talking about people that are jumping in out of bushes and trees to cause bodily harm. It's sometimes just lighting the way because the sidewalks may not always be firmly or evenly- the pavement maybe have some sort of eruption that you don't normally see. Just recently a very good friend of mine um, 92-years-old who likes to get out all the time stumbled because the passage wasn't well lit and he didn't see it. So, where I certainly uh, understand the sentiment about light intrusion uh, and how that might certainly encroach on the peaceful enjoyment of residents. Um, I think the way it is- is it's fine, because I would like the added -I personally would like the lighting- light- the additional lighting in the public way for just for safety concerns and safety. I, again, it's not just about crime but sometimes because of obstructions that are in the street that people do not- not normally see. Thank you Mr. Chair. I yield the floor.

E. Denise Simmons: Thank you. Um, Vice Mayor are you referring primarily to glare on the public way?

Jan Devereux: This specifically says directed to prevent light trespass. Now I don't know if without the Outdoor Lighting Ordinance, which we never really actually implemented, if there is an existing definition of light trespass in the Zoning Ordinance someplace else. Um, and I mean, I don't feel as though AHO projects or any building should be lit in order to specifically correct defects with street lighting. That is the job of street lights. So, if we have a problem with sidewalks that are, you know, in bad shape and are tripping hazards and are poorly lit, then that seems- I'm not sure that I look to a building to do that. I don't know. I didn't think that this would be controversial. I was trying to remind us that it's not only adjacent properties that can have light trespass and- and probably, I may have used the wrong preposition here, and/or should probably be and um, in fact, it should be if we're going to approve this, it should be. And the public way not- or the public way um...

Dennis J. Carlone: When I think of the Tobin School in the past it was uh, the direction and the the glare of it- it. You couldn't avoid looking at it and going blind momentarily. And maybe it's choice of word. Um, I agree that supplemental lighting on a building is helpful, especially at entry points or egress points to the backyard or to a service area. UM, Community Development. Any thoughts?

Iram Farooq: Through you, Mr. Chair. And a similar thought to- to yours that we could find this provision to be challenging just as we try to light access to the uh to the entryway uh and such because The public way is one of the few places where we worry a lot less about um, light trespass simply because we are trying as we are trying to protect, you know, even when we were working on the um, The outdoor lighting ordinance. The goal was to protect um, abutters and residential neighbors, but less concern in terms of the the public right of way, because that is where people are only there ephemerally typically. So, even if there is a little bit of trespass, it's less um, it's less problematic. Uh, and plus that is the section that is already lit. So, additional light is typically not much of a problem. I do hear that there may be a particular instance where something is shining straight into people's eyes and we can try to think about um, I think that what we I think having the the light fixtures be fully shielded um, and directed to prevent

light trespass. I mean we could talk about them being shielded even on the- the front but eliminate the trespass component because that could get us into - to trouble. So, um, I think that that might get to the concern Vice Mayor that you are raising.

Jan Devereux: Um, well no, I- I don't want to eliminate a provision to prevent light trespass on adjacent residential lots. I mean, I- I feel like lighting can be done in a way that is shielded and that lights the things that need to be lit on the property and doesn't light things on the public way that don't need to be lit. That's all I'm trying to get at if I, you know, this- this is like a terrible flashback of the Outdoor Lighting Ordinance uh, Meetings that we had a couple of years ago because it- I, again, I just didn't think that this was that high a bar to set to say don't spill a whole bunch of needless light out onto the street and the sidewalk. And yes, people only pass for a short time. But if you happen to live on the block, and you have to walk by it every single day, it is annoying when it is unnecessary.

Nancy Glowa: Mr. Chair.

Dennis J. Carlone: Or- the Madam Solicitor asked to speak or if you live across the street from the Tobin School, which a friend of mine did. Madam Solicitor.

Nancy Glowa: Thank you Mr. Chair. Just a Point of Information that the Zoning Ordinance does already regulate uh, to require screening from light trespass into abutters property. It does not address streets. So, that issue is unaddressed. But as far as the provision here about um, shielding from neighbors that is already addressed.

E. Denise Simmons: Mr. Chair.

Alanna Mallon: Mr. Chair.

Dennis J. Carlone: Uh I'm not sure who was first.

E. Denise Simmons: I'll yield to my colleague.

Dennis J. Carlone: Thank you. She thought she was first too.

Alanna Mallon: I'm going to be quick because I don't want to belabor this point but since everybody keeps invoking the Tobin School and I understand that people across the street had significant light trespass but as someone who has picked up her children every day for the last 11 years at the Tobin there it created a very unsafe environment without having the light there. It was very, very dark particularly in the winter time when you're picking up at 6:00 PM. It's pitch black. Um, so, I don't want to hamper some of our builders in um, trading off safety uh, for light trespass. So, just something to think about since so many people have talked about the Tobin School. I thought I'd throw up my own experience there. Um, and- and call out the safety piece. Of course, you don't want somebody living across the street to be annoyed by light. Um, there are ways to like our- our lights outside Jim at 10:00 PM. There's a way to do this in a thoughtful way. I just don't want to not have light and- and have residents be unsafe.

Dennis J. Carlone: Yes. Councillor Simmons.

E. Denise Simmons: I- thank you, Mr. Chair. Um, I was going to say if- if the Tobin school had a light that was egregious that was certainly under our care, custody, and control I'm glad we took care of it; maybe not the best description. Uh, that being said, now that I've heard from our Solicitor that we have to kind of address the issue of light trespass, then the third thing I would say is I would please let us not um, ignore the quality and the ability of our community-based housing builders, I think they would be extraordinarily cognizant. And so, I know it's not your intention to be a bit redundant, but it's like overkill, you know. For every um, low-mod income housing development that I've gone by, I have not necessarily seen where their light was overly um, abrasive for lack of a better word. So, again I- I see the- I see the idea of it but I- I- it's- at some point I think to some degree, uh, we should have some trust about our not only our community-based organizers or- or community-based building low-mod-middle income developers, but for any developer that might take seek to use some of this AHO language, that we always want to- to build-in, away. That we are courteous courteous to our neighbors. Uh, and- and again right safety is not the- the job of a housing developer. But I- I think there's something, and maybe it's just me, like you- you're appalled by lighting on the street and I kind of like it, you know. So, I- I just appreciate it

but I- I- I would respectfully vote present on it because I think it goes past what needs to be said. Thank you. I yield the floor.

Dennis J. Carlone: Okay. I'm going to go to the Solicitor first then Councillor Zondervan, please.

Nancy Glowa: Thank you and through you Mr. Chair, I just wanted to um, correct what I said previously. So, in Article 7- 7.20, there's a Section entitled Illumination and it only applies in residence A, B, C, and C1 districts. Right. But it does um, require permanent lighting um, to be continuous, indirect, and installed in a manner that will prevent direct light from shining onto any street or adjacent property. So, that concept is there but not in every district.

Dennis J. Carlone: So, only in the low density residential zones. Okay. Um, by the way, as Councillor Mallon said, you can easily do both. And that is basically what the down light, which is what street lamps are. But they're up so, high that you see the glare usually on buildings. They're not as high as that. So, both can be accomplished pretty easily. And all buildings, all apartment buildings do it best in a gateway or a fixture that has a down light in it in an elegant way. So, the question is, what are we doing with this Amendment? Councillor Zondervan.

Quinton Zondervan: Thank you, Mr. Chair. I was going to offer an Amendment um, but after hearing the Solicitor I wonder if we can simply adopt that language maybe for any um, project that is adjacent to a residential um, or adjacent to any residence.

Nancy Glowa: Through you, Mr. Chair, if the Council pleases, I'd be happy to provide language either as it's written here or as appropriate for the Affordable Housing Overlay.

Dennis J. Carlone: Okay, thank you for that. Um, so, that is a recommendation. So, we would need to vote on that, asking the Solicitor?

Jan Devereux: Question, excuse me.

Dennis J. Carlone: Yes, Vice Mayor.

Jan Devereux: A question to the City Solicitor. I wanted to write down which part of Article 7 that was. What was it? Article 7 something or other.

Nancy Glowa: Through you Mr. Chair, it's 7.20.

Jan Devereux: Thank you.

Dennis J. Carlone: So, uh, the Clerk has notified me we need to move uh, and vote on seeking language uh, from 7.20, I believe it was.

E. Denise Simmons: So, Point of Information Mr. Chair. Through you to the- to the Clerk when she- when she says move language, so, is she saying move this as it is and ask for language, or move to ask for language? And then we would vote on it.

Dennis J. Carlone: Move to ask.

E. Denise Simmons: Okay, thank you.

Dennis J. Carlone: Yes, it's uh, to inform us.

E. Denise Simmons: Thank you.

Dennis J. Carlone: What the Solicitor feels is comfortable and and addresses the issue.

Nancy Glowa: Through you again, Mr. Chair, I would just suggest saying language similar to what is provided in Article 7.20. Um, so, that if- if it's not quite suited for this purpose, I can provide language to the Council that I think gets at what, um, Councillor- Madam, uh, Vice Mayor was suggesting.

Dennis J. Carlone: Yes. So, all those in favor of requesting that say aye.

Group: Aye.

Dennis J. Carlone: Those against? Thank you. That's unanimous. Um, so, we have moved on to my No. 37 and this is in the section Advisory Design Consultation Procedure and um, all I did was modify this to add a meeting before the one uh, sometimes, one Community Meeting showing what is being proposed and that is to gather information. I do a lot of this in my business or I used to and you can learn a lot. So, what I wrote and the Vice Mayor added at least at the beginning of this, so, I know we'll have to vote on that separately, at least one preliminary meeting shall be scheduled at a time and location that is convenient to residents in proximity to the project site. The purpose of this Meeting is to share the

development team's site and street context analysis. In other words, what is the area? We'll get to that in a moment. Later on, the existing text talks about some of that with the community and other interested parties and gain feedback from the neighborhood. So, this is before being presented. Here it is. It formalizes saying this is what we've learned and it's probably pre-building design. This is what we think it is. This is our input. Get feedback. Since there is no design review, this seemed to make a lot of sense to me.

E. Denise Simmons: Mr. Chair.

Dennis J. Carlone: And I believe, let me just finish, and I believe uh, Community Development uh, actually added something like that in their outline of guidelines. Yes, Ms. Simmons.

E. Denise Simmons: I'm not Councillor Simmons anymore.

Dennis J. Carlone: You are. But um, I was trying to enrich the language and try different things.

E. Denise Simmons: Um, thank you, Mr. Chair. I agree with this and thank you for submitting it. And I agree with the Amendment at least. Uh, so, that's one furrow. The only thing I just want to ask, it says in proximity to the project site. And I- I- I just wonder are we asking for trouble trying to- some- some project sites might be such that you have to go a little bit maybe out of the neighborhood and- and that's my only concern. So, I don't want us to invite trouble because we could not get a meeting that might have been in walking distance of the- of the site. So, I just like to hear my colleagues.

Dennis J. Carlone: I- I use the same language of the next existing uh, City wording um, and um, I have no problem being more specific in both. So, all I did was repeat how- how they originally wrote a different section.

E. Denise Simmons: I don't- I don't see what you're talking about.

Dennis J. Carlone: Right under 37 in black and white, it says, the second line, residence and proximity to the project site. So, all I did was repeat the language even though this is an added Amendment.

E. Denise Simmons: I see it.

Dennis J. Carlone: And I'm happy if the City's happy to change that and be more specific. I would- I would- I literally was trying to work within the language that was already there.

E. Denise Simmons: And I certainly appreciate it. I just was concerned because just thinking of some of this we had, I think, the meeting for the property that is now Massey Hardware. I'm trying to remember the school that it was and I said "Gee, this is pretty far away." That's- that's only the reason why I raise it.

Dennis J. Carlone: Yeah, I actually worked on that with the neighbors and there were a number of meetings. Uh, and the building is uh, 10 times better than originally proposed even from the developer's point of view. Um, so, if there are no other comments. Yes- question. (Inaudible) No, it's in addition to A. Wait one second. Let me read. Yeah this is- so, this would be before A. That's why I called it A and probably my mistake. This would be, you have the preliminary meeting prior to the regular Community Meetings. That's a new way, correct. And everything else would then change. So, if there's no other comments. Yes, Councillor Toomey.

Tim Toomey: Just a clarification. So, you're taking out the first sentence and replacing with that and everything else is...

Dennis J. Carlone: No, no, it's two different ones. This is- this- it's two different Amendments. The the A below becomes B. So, this is an additional Amendment about up- an early meeting before everything is decided to get some input and then you move forward.

Jan Devereux: Councillor Carlone.

Dennis J. Carlone: Vice Mayor.

Jan Devereux: Um, I- I understand what you're doing with the numbering. You're adding a new A and then the other ones below become B and C. In B that is the uh, that is a Community Meeting um, and there is language about noticing for who would be invited to attend that. Yes. So, I don't know if they should be essentially parallel because, how would we know- how would one find out about this preliminary meeting, which I think is a good idea.

Dennis J. Carlone: Well said.

Iram Farooq: Um, So, we have just been been consulting um, about the issue that Councillor Simmons raised uh, and we do concur that the way it's phrased is probably not as um, as uh, clear as it could be and we will- we can work on clarifying that or we could say something like within the neighborhood of the project site or some- or within the neighborhood that the project is.

Dennis J. Carlone: Please clarify to your heart whatever- whatever works is we bought. We all agree that there needs to be something specific, more specific.

Iram Farooq: Thank you. And then one other Item that in- in the Amendment, it might be valuable to say that this is prior to building design. As you had indicated.

Dennis J. Carlone: Yes. Well, I actually said the development team site and street context analysis, but you're right prior to building design. Um, so, right after that, prior to building design. Yeah, I'm, uh, I'm going to say it. Yes?

Jan Devereux: I agree with all of these. I'm just- I wanted to add something, but once you're finished with the language about the difficulty of scheduling some of these meetings um, just sort of from a practical standpoint. There was a recent meeting uh, about a cannabis- potential cannabis Application on Cambridge Street and the applicant said that they had a very difficult time finding a venue and ended up scheduling it at quite a distance away on a Friday night at 7:00 p.m. And they said that was their only choice. And so, I think- I think if this is going to be a requirement, I think, you know, a City building should be made available and- and we should help applicants rather than leaving it to them. They- they said it would cost them money to rent a restaurant. Yeah, I don't, you know, um, but we certainly wouldn't want to put a burden on the affordable developer to- to scramble around and find a space. So, I think City buildings should be made available as well.

Dennis J. Carlone: I- I think that's a sound recommendation. City staff, any thoughts on that? I see some.

Nancy Glowa: Well through you, Mr. Chair. I think there's a lot of demand on City buildings and that is um, something that the City Manager has to contend with. So, I think that a lot of projects and issues that involve the community need to find spaces. So, I just don't know whether I think it would be perhaps helpful to ask the City Manager before putting that requirement in.

Dennis J. Carlone: Okay. So, I- I guess we're moving on that uh, to ask the City Manager whether or not we can use public facilities for future meetings related to the AHO process. All those in favor say aye.

Group: Aye.

Dennis J. Carlone: Those against? Thank you. That's approved. So, getting back um, to this Amendment and it sounds like there are three additions. The first is in parentheses at least one preliminary meeting; it's all one. So, we don't have to vote on that. It's all one. The red is all one. So, we're going to add um, prior to building design, right after street context analysis, which is the third line down. Wait a minute.

Jan Devereux: Third.

Dennis J. Carlone: Yeah, I would put it there for now to building design phase. All those in favor say aye.

Group: Aye.

Dennis J. Carlone: As amended. All those in favor? Well no we're going to add another Amendment. All those in favor say aye. Against? Okay that's approved. And then the Vice Mayor mentioned most of A, I'm sorry the original- the second sentence Community Development Department shall be notified of the time and location of such meeting on- and on- and on um, to add that at the end of the red A. Uh, so, it's more of uh, of how we're going to run this. It's nothing unusual. It's already in there. Uh, all those. Yes. All those in favor say aye.

Group: Aye.

Dennis J. Carlone: Those against. Thank you. All right. So, um, it's 4:00 now. Um, I promise Community Development and the City Solicitor, all of whom have to be at the Planning Board Meeting, uh, that we would not be here beyond a certain time. They have been graceful and grateful um, so, we can continue a little bit. Okay. I'm seeing 5:00. Really? Okay. So, we're going to run to 5:00, but we're one minute to five. Is that better? So, we're going to go to 5:00. If you want a break, a two minute break, we can do that. It's uh, I'm seeing no- no. Okay, we're going to continue, but we understand if people get up and need to

get water or something. So, we're going to go to 38. And that's mine. And what I wrote is a context analysis discussed with CDD staff, including existing front yard setbacks, meaning border properties next door, architectural character, meaning the scale of buildings, you know, if it's all a particular style or if it's a mixture, unique features that shall or shall not influence the AHO design. So, that is part of what the Development Team would have to provide in addition to the already No. 1, a context map and below that existing condition site plan, a proposed condition site plan. So, all that's doing is saying, hey, we looked at this, we looked at the block and this is what we found. And, as I said, shall or shall not influence the design. But it's a recognition that it's important. It's part of any kind of design process. Any thoughts? Thank you. Yes? Okay, move along Dennis. I can see it now. Okay. So, all those in favor say aye.

Group: Aye.

Dennis J. Carlone: All those against? Thank you that's approved. So, all I did to No. 3 uh, that's in black and white is when we talked about identifying building entrances and uses on the ground floor. That's the third second and third line down. I added and possible roof deck. We talked about roof decks earlier. If there is one, you show it. If there isn't, you don't show it. So, all those, uh, sorry. Comment?

Marc McGovern: It's a great Amendment.

Dennis J. Carlone: You like that one. We know it as the McGovern Amendment, no, and building possible roof deck. All those in favor say aye.

Marc McGovern: Aye.

Dennis J. Carlone: Thank you. Those against? No. Number 4. A design statement on how proposed project attempts to reinforce existing street context qualities and mitigates the planned project's greater massing, height, and density. So, I'm recognizing there's greater height, I'm recognizing there's greater massing and greater density. I'm just saying what is the project doing to try to mitigate that? And that could be in fenestration. It could be on a setback on the top floor. Um, it could be multiple things. Adding bay windows to mitigate the front facade. All those things. So, it's just having the developers comment on it. Any comment? I see none so, though all those in favor say aye.

Group: Aye.

Dennis J. Carlone: Those against say no. Thirty-nine is approved. Um, so, we're moving on to Vice Mayor Devereux on No. 39. I'm sorry?

Marc McGovern: You have um, you have- there's red on uh, an addition on No. 8.

Dennis J. Carlone: I thought that meant it was already approved. But you're right. We're so far beyond that point. So- so, all this is- is 8 um, is- it's photographs of any new project and we all know depending on how you take a photograph, I'm exaggerating here with a handsome tree in the foreground. Um, so, all this says is chosen points of view to be decided in concert with City Urban Design staff. So, that it's- it's useful and not like what does that show and then you got to go back and take yet another picture. So, it's actually trying to get an accurate view and not having to delay the Meeting and have another photograph. Uh, Community Development any thoughts on that? Sorry, No. 39 uh, number it's on Pg. 22 next to the blue box. I think it is, chosen points of view to be decided in concert with Urban Design staff.

Iram Farooq: That's fine.

Dennis J. Carlone: Yeah. Thank you. Thank you very much. All those in favor say aye. Those against it is approved. Now we're on to Councillor- Vice Mayor Devereux.

Jan Devereux: Um, okay thanks. So, all of these enumerated things are uh, things that will be um, made available to the Planning Board for review. Just to bring people back to what what it is we're talking. So, the No. 13, I'm suggesting adding a requirement for shadow studies um, in particular showing the impact on neighboring properties with existing solar installations. We've heard some concerns by people who have solar that if a taller building is built next to them, it could impact their solar. So, it would be helpful to know um, how that would impact it. And No. 14 is asking uh, developers to submit a financial pro-forma that shows the AHO developers profit and maybe I should have said return um, does not exceed the maximum allowed under chapter 40B of state law. Um, which I think is 10% but I- since I was not sure, I referred back to Chapter 40B.

Iram Farooq: Through you Mr. Chair. um, I think just um, I guess we're thinking that if we just say that they have to provide the pro forma without talking about the- the financial limit it would give us the information that we are uh, that we're seeking and um, I think all the financial aspects are looked into by the by the Trust anyway to make sure like the Trust is not actually going to fund a lot of additional profit on on a project. So, I would- it- it's just because this is putting in a constraint in- in the form of a um, document- documentation requirement. So, and maybe it could say provide the pro forma and show what is the um, the developer's profit or return.

Jan Devereux: Um, okay, what if the developer isn't seeking funding from the Trust?

Iram Farooq: I- I missed that.

Jan Devereux: You were saying that it would be okay to ask for the pro forma but not to include any reference to what the return was and the reason was because the Trust would make sure that they weren't um, you know, that it- that the return was not unreasonable or whatever. But I- I asked what if they don't need funding or not seeking funding from the Trust? How do we- what is our leverage?

Iram Farooq: I- through you, Mr. Chair, it's- it's actually just hard for me to conceive of a project that has all the covenants that we are talking about that we'll be able to build without funding from a state or City source. So, I guess- so, I'm sorry. I mean, I don't think that this is a um, that this is the end of the world because I don't think that they're making a huge, huge profit. But I was just- my point was simply to- I was just- I was slightly worried. I don't even know if the rest of the table shares my concern, but I was concerned that we- we are asking this as a requirement for document- a documentation requirement, but we are kind of putting in a restriction as part of a document requirement which just seemed slightly um, unusual to me.

Dennis J. Carlone: So, let me ask number one, you could reflect on this. And- or um, I mean, I know in the past the Planning Board has asked for pro formas on difficult projects. I'm not saying this is in the same vein as that but I- I've seen it. I was part of it. Um, but the Trust, as you said, reviews this on their own and it's their responsibility, not the Planning Board's responsibility. Am I reading into your comments correctly?

Iram Farooq: Now, what my uh, maybe a little bit. So, my suggestion is simply to- is not to take away this requirement, but simply to say a financial pro forma that shows the Affordable Housing Developer's profit. Period. So, you could still get the pro forma. You could see how much profit they're making, but to not um, kind of slide in a limitation as part of a documentation requirement. My concern is simply with the profit does not exceed the maximum allowed under Chapter 40B of state law. That's that was my only thought. But since this is not a big money spinner, maybe that is a complete- maybe I'm overthinking this, So, I don't know. It's up to you.

Dennis J. Carlone: But Councillor Kelley.

Craig Kelley: Thank you, Mr. Chair. I- I think this also strikes at one of the hearts that we're struggling with, which is the whole idea, at least as I see, the whole idea or- one whole idea of this proposal is to access new funding streams. So, Harvard just threw \$20 million into a local affordable housing pot and I think that that's through the Trust. But there's no particular reason why a \$40 billion entity like Harvard couldn't decide that with these new rules there's a new opportunity for them to participate in this program. And I would feel more confident if I felt people had the imagination to think what this is likely to do, rather than what I feel is being feeling bound to look backwards at what has always happened. Because I really think that what has always happened is not going to be what winds up happening in the future. And that is the intent of this. So, I guess I take, not oppositional, I just- I guess I'm just disappointed that that's where we are right now for thinking about where funding is going to come from.

Iram Farooq: I said through you, Mr. Chair, I guess my- and I will not say anything after this on this topic, but um, my only point is that if we are saying that a developer's profit should not exceed the maximum allowed under Chapter 40B of state law, then we should say it somewhere other than where we are just asking for documents. That's- that's the only thing I'm- the point I'm trying to make.

Jan Devereux: I see that. Thank you.

Dennis J. Carlone: So, where does that leave us?

Sumbul Siddiqui: Mr. Chair?

Dennis J. Carlone: Yes, Councillor Siddiqui.

Sumbul Siddiqui: I just wanted to say something. I think um, when I've talked to some of our non-profit developers um, and full disclosure, I went to high school with one of them who worked as a program manager. And so, I've talked to her about what nonprofit budgets cover and so, forth. And just for information to my colleagues and to the public watching, you know, nonprofit budgets, they're covering salaries, they're covering- and so, I just want to throw that out there. I think this will be useful information, but it kind of, you know, I understand some of the goal but we may just see information that is- it just shows that where the the money is going. It what's coming in is going towards uh, vital things that keep these organizations running. So, just want to throw that out. Thank you.

Dennis J. Carlone: All right, um, so, do we have a revised Amendment? Do we want to wait until there's a revised Amendment, Vice Mayor?

Jan Devereux: Um, well, if- if uh, we want to just- at this point, for asking for documentation limited to the financial pro forma I could suggest moving the uh, requirement that the profit doesn't exceed the maximum allowed under 40B to another place later on. There are other places later on to add it and I would be open to doing that. I do think it's important to- to have the pro forma so- and if that is an acceptable thing to ask as part of the documentation to the Planning Board, so be it. But I- I will offer the- the rest of it as an Amendment later. Um, to No. 13 which we haven't really discussed that's the Shadow Studies. It's been suggested to me that- that should also include uh, view shed um, illustrations that, you know, that would apply more to larger buildings probably in potential places like Harvard Square or Central Square where um, it would be good to know how visible they would be from various perspectives.

Dennis J. Carlone: So, you're proposing to add that at the end of the center?

Jan Devereux: Well, I was thinking maybe at the beginning just say Viewshed Analysis and Shadow Studies. The View Shed Analysis, it doesn't have anything to do with solar. It has to do with viewsheds.

Dennis J. Carlone: One second. I'm sorry, Viewshed Analysis and Shadow Studies?

Jan Devereux: Correct.

Dennis J. Carlone: Okay, I'll show the Clerk. Yeah, so, it's two words, view and shed, the same gd analysis. All right. So, yeah, I could understand. Um, so, uh, first we will deal with 13 and add Viewshed Analysis and- to the front of 13. All those in favor, say aye.

Group: Aye.

Dennis J. Carlone: Those against? Thank you. Um, that portion is approved. Now the full Amendment Viewshed Analysis and Shadow Studies that show the impact on neighboring properties with existing solar installations. All those in favor say aye.

Group: Aye.

Dennis J. Carlone: Against. Thank you. That is approved. The second Amendment uh, I'm sorry No. 14. We're taking out the last uh, half of the sentence. We're taking out after the word profit does not exceed the maximum allowed under Chapter 40B of state law. All those in favor to take that out, say aye. Thank you. Those against? That is approved. Now the full Amendment approval of financial pro forma- pro forma that shows the AHO developer's profit. All those in favor say aye. Those against. Thank you. So, that is approved. And uh, now we- let's see. It looks like, I don't know, on on C top of Pg. 23. Oh boy, that's exciting. Uh, top of Pg. 23 of 26. The word 'abutters' has been added. Wait a minute. Is that the same? Okay, so, it's pretty much the same as Vice Mayor Devereux, who adds other words. So, why don't we go to Vice Mayor Devereux, 39B.

Jan Devereux: Um, okay uh, let's see. So, the original language described this Meeting that the Planning Board shall schedule a design consultation as a General Business matter at a Public Meeting. My understanding of the way the Planning Board operates is that General Business does not permit any Public Comment. So, I am proposing to strike that because I feel that Public Comment should be allowed.

Um, then the second sentence of this says the materials shall be made available to the public in advance, and the Planning Board may receive the original language- says may receive written comments prior to the Meeting from City staff, and from the general public. And you had suggested adding abutters meaning the comments- the written comments could come from abutters as well as City staff and the general public. I- abutters are the general public, but I take your point. And I am proposing to also ask uh, to add 'and oral' because I- I feel this should be a typical Planning Board Meeting where there is both written and oral Public Comment.

Nancy Glowa: Mr. Chair, may I ask a question of the Vice Mayor?

Dennis J. Carlone: Yes, Madam.

Nancy Glowa: Um, the way I read this it says, so, the Planning Board may receive written and oral comments prior to the Meeting. And I would recommend that uh, that prior to the Meeting should only be written comments, because it's important for Zoning cases to have a written record of things that occur, and to have that documented sort of for posterity. Of course, I understand why you would want to have oral comment during the Meeting but I would uh, respectfully request to not require it um, in advance of the Meeting.

Jan Devereux: Oh, that's- that's a good point. I- we need to word it so that it's written comments prior to the Meeting and- and oral comments during the Meeting or however you want to say it.

Dennis J. Carlone: Any comments? Uh, Councillor Mallon.

Alanna Mallon: Point of Information, Councillor. Um, the term 'abutters', are we using a legal definition of 300 feet as a generally accepted abutter term, or are we wanting to add the definition into the Zoning? Do we need to add the definition, or is it a generally accepted that abutters are within 300 feet as a legal term?

Dennis J. Carlone: I believe that's the case. Yes.

Nancy Glowa: Mr. Chair. Yes. The um, under Chapter 48 which um, governs our Zoning Ordinance, and it there may be language in our Zoning Ordinance as well. It actually- we would usually say abutters and abutters to abutters within 300 feet, and property owners directly across the um, subject property. So, we could um, put in the statutory definition if you like.

Alanna Mallon: I think that's probably a good idea.

Dennis J. Carlone: Yeah. Thank you. Any other comments?

Jan Devereux: I don't know that you need to insert the entire statutory definition. Could you just refer to it abutters as defined in whatever section that is?

Nancy Glowa: Yes. Through you, Mr. Chair. Good point. Um, I'll look and see whether it's already defined either in the Ordinance or under Chapter 4- 40 uh, and just refer to where that is codified.

Dennis J. Carlone: Thank you. And you'll make that change in the future, so, we're slightly changing the sentence. Uh, we're moving an 'oral comments' after 'prior to the Meeting...'

Jan Devereux: And adding 'during' probably just to be clear and adding 'during,' so, that the-

Dennis J. Carlone: Adding what? Oh yes.

Jan Devereux: Yeah, during the Meeting would be when the oral comments would be received.

Dennis J. Carlone: Okay. All those in favor say, aye. Those against, no. So, that is approved. Thank you.

Okay. Um, so, the next one is mine. Number 40 at the bottom. Oh, I'm sorry. That was the Amendment now uh, the full wording of No. 39B as amended. All those in favor say aye. Those against. Thank you. That's approved.

Iram Farooq: Um, Mr. Chair, I apologize for being too slow, but may we um, delete principal funder even though we do believe that the Trust is going to be.

Dennis J. Carlone: We haven't gotten there yet.

Iram Farooq: Oh, I apologize.

Dennis J. Carlone: You're- you're too fast. I tried to go there and then I was corrected that we didn't vote on the prior one. Uh, Madam Assistant City Manager, do you have any thoughts on 40?

Iram Farooq: Indeed I do. We were thinking that it would be great to delete the words um, 'the principal fund um, principal funder,' so, that it just says 'at the request of the developer or the Cambridge Affordable Housing Trust.'

Dennis J. Carlone: Okay. That's fine with me. I was just trying to make a point.

Alanna Mallon: Mr. Chair.

Dennis J. Carlone: Yes.

Alanna Mallon: Point of Information. Um, on Thursday we had a similar situation where we just struck 'Cambridge Affordable Housing Trust' and just kept in the 'principal funder'. It's from No. 5. So, we might want to, just be consistent.

Iram Farooq: Yes, we could certainly- that would be the other way to do it. So, that- that makes sense.

Dennis J. Carlone: Well, if that makes sense, I'm so, tired, that's fine with me. Uh, So, let's see. So, we need to first approve. You have the language. No, but we're adding something. I- I- I'm sorry. Councillor Mallon, I thought you were suggesting replacing the Affordable Housing Trust with something else.

Alanna Mallon: I was just saying to strike 'Cambridge Affordable Housing Trust' and have a period after or- the 'principal funder'.

Dennis J. Carlone: Okay, what if the principal funders the state?

Madam Clerk: Excuse me, the um, the earlier Amendment on whatever day it was- was to strike uh, 'the principal funder' and just leave in the 'Cambridge um, Affordable Housing Trust'.

Dennis J. Carlone: Yes, no one else is really going to be responsible for the end result. That was my intent. Thank you. So, I believe we're striking- we're proposing to strike 'principal funder'. All those in favor say, aye.

Group: Aye.

Dennis J. Carlone: Thank you. Those against. Okay. So, now the Amendment adds or the 'Cambridge Affordable Housing Trust.' All those in favor say, aye.

Group: Aye.

Dennis J. Carlone: Thank you. Okay. The next one is mine, and I'm going to take it as a package since I- I don't think, well, I have proposed that we have something in the Zoning that clarifies what we're seeking as far as buildings attempting to fit in. I mentioned character of street. Uh, some of these are elements from Article 19, others are ones that I've used before. Community Development, and, I believe the City Solicitor has said these should be in um, lack of a better definition, informal guidelines that are not required. They could be as a guide to the Planning Board. We could add wording like that in their evaluation. And I did add that a project need not meet- need not meet all the objectives of this section, which is right out of Article 19. In fact, the last, I think, two or three sentences are right out of existing Zoning. So, um, Community Development any further thoughts?

Iram Farooq: Yeah, through um, well through you, Mr. Chair. The um, the language in Article 19 um, though those are in fact the guidelines that the Planning Board is asked to utilize as part of their Article 19 Review. So, um, so, they are uh, they they are in fact Design Consultation Objectives. And to the extent that we can make that clear here with a sentence that these are um, that these objectives will be used by the Planning Board in their review, then I think we would be fine. They just couldn't be enforced by ISD as part of the building.

Dennis J. Carlone: I- I welcome your review and a modification on that. The goal was quite simply to have stronger guidance wherever that is, and a smart developer, and we have smart developers are going to follow that in principle. Thank you. So, does that make sense to avoid that now, that going through each one, and wait till you come back? Um, or do you want to go through each one? I'm looking at the clock. It's 4:30.

Iram Farooq: It's- it's totally up to the Committee. Um, our sentence can- is going to be fairly discreet and it can be added at the front. It will not um, I'm not suggesting that we would modify these. So, the- we would look to the Committee's guidance on the rest of on the specifics of the act- the- all right.

Dennis J. Carlone: So, you're saying I do need to go through them now. I should go through them now. Okay um, wow I wrote this so long ago I gotta read it again. So, A is strictly that each street has a character. Some streets have such a diverse collection of building setbacks, almost any AHO building will more easily fit in it. However, if the street has a fairly consistent architectural and urban design set of characteristics, a new AHO building shall incorporate as many of those qualities as possible into its design. And, I'm getting back to what I was trying to get to before, as I said, it will come later. So, I suspect we won't get past these by 5:00 . But uh, comment.

Sumbul Siddiqui: Mr. Chair?

Dennis J. Carlone: Yes, Councillor Siddiqui.

Sumbul Siddiqui: This may have been said, but just to review these. Wait. Are we going one by one? Are we going the whole section?

Dennis J. Carlone: One by one and uh, only because.

Sumbul Siddiqui: All right never mind. Never mind. Thank you.

Dennis J. Carlone: And uh, again this is what the Planning Board will look at in their um, informal review. So, the goal is where you can relate, you relate. Where you can't relate the density or um, site conditions, then you say you can't relate and here's why. And it's again an informal review which I have problems with, but I get it, so.

Sumbul Siddiqui: Yeah. I think- I think just about the word 'shall' and um, should it be- 'should' and just the consistency with that. So, that's something that's solicited again just for all of these because some have 'shall' some have 'should'. Just the consistency.

Dennis J. Carlone: Again it's informal. And it says to the best project need not meet all the objectives of this section but at least try to respond to them. I'll do what- what Community Development Recommends.

Quinton Zondervan: Mr. Chair?

Dennis J. Carlone: I just don't want to make them so weak that none of this will happen. And that could happen. Um, and then Councillor Simmons. Yes, Councillor Zondervan.

Quinton Zondervan: Just just a Point of Order. I'm just wondering if it's productive to delve into these now. If we're gonna end in the next 30 minutes, maybe it might be more useful to take care of some of the smaller Amendments. And then if we continue...

Dennis J. Carlone: That's fine with me. If it's fine with other people, we need all our brain power. But first I'll let Councillor, I think it was Councillor Simmons first, and Councillor Mallon.

E. Denise Simmons: Thank you. Thank you Mr. Chair. What my observation is similar to my colleagues about 'shall' and the other only should be 'should' and the only other place would be City Policies uh, remove those. And is this going to be moved to the design guidelines part of the AO- HO.

Dennis J. Carlone: This would be called out as guidance objectives for the Planning Board to use in their informal evaluation of the project.

E. Denise Simmons: It will be put in the design guidelines?

Dennis J. Carlone: No, it would stay here as- as objectives for the Planning Board as I understand it, which is.

E. Denise Simmons: It says Overlay Design Consultation Objectives.

Dennis J. Carlone: That's the Planning Board. That's the wording that I need to think about that a little bit.

E. Denise Simmons: We're going to talk about this probably next time.

E. Denise Simmons: My other thing was the City Policies piece.

Dennis J. Carlone: All right. Thank you. Thank you. Uh, Councillor Mallon and then we'll move on.

Alanna Mallon: Thank you, Mr. Chair. I just think I have a question. It goes back to Mr. Roberts saying Zoning has to be yes, no. And so, how does this fit into a yes, no? You know, if you think about sheltering handsome structures that feel comfortable and inviting to the general public um, you know, I don't know that I feel comfortable that the Commissioner of ISD making that sort of- so, I guess I don't understand...

Dennis J. Carlone: It's the Planning Board evaluation, which is not...

Alanna Mallon: So, this isn't subject to an ISD, yes/no?

Dennis J. Carlone: No. It's the Planning Board which will submit a Report and it's to give them guidance.

Alanna Mallon: So, why wouldn't this go into Design Guidelines? I'm sorry. I'm just trying to understand.

Dennis J. Carlone: No, that's fine. In other places this is how it's done. In Article, is it Article 19, how it's done?

Iram Farooq: Through you, Mr. Chair. Um, to Councillor Mallon. Yes, in Article 19, where we set out both the procedures for review, and then we have some design objectives um, I think this would- if they remain in this, you know, you could actually go both ways. You could move them to design guidelines. Alternatively, they could be retained here with some introductory language that this is intended for this guide. These objectives are intended for the Planning Board's design review of these projects. And I would- I do think that it would be important, especially if it remains here, to- or even if it does move to guidelines to modify the 'shall' statements to be 'should' statements just because um, as the overarching thing says that they are not all going to be met, that would imply that certain ones are more critical than others and have to be adhered- adhered to.

Dennis J. Carlone: So, they all could be 'shall'?

Iram Farooq: They all should be should.

Dennis J. Carlone: Okay, thank you. So, we're gonna move to Councillor Devereux, 41 uh, yes, I'm sorry. So, this is on hold, this whole section, and we'll come back to it.

Jan Devereux: Um, I might have a simple suggestion here. This has to do with implementation of this, um, and I am proposing that what is uh, set out as a 30 day review period, um, so, I'll just read the language. The City Manager shall have the authority to promulgate regulations for the implementation of the provisions of this Section 11.207. The existing language says there shall be a 30-day review period, including a Public Meeting to receive Public Comments on draft regulations before final promulgation. And I was expanding that to 60-days. That 30-days seemed a little bit tight given that I think there are some regulations to deal with um, how this is actually implemented. So, just giving a little more breathing room for scheduling that hearing comment, having a chance for some feedback on what these regulations are.

Iram Farooq: Through you, Mr. Chair. Just to clarify that um, we currently are not anticipating any regulations, but we did want to make sure that we leave this room space for creating regulations if- if the need arises as- as, you know, as we start to implement these and we learn some more if there is any- if we feel that there's a need for additional regulation that we would be able to do that. But I just wanted to clarify that we do not. We have put everything in here that we thought needed to go in. So, this is more like belt and suspenders. But uh, the 60 day makes perfect sense. So, it gives people more more time for review.

Dennis J. Carlone: And just to be clear, we would see those if they were proposed?

Iram Farooq: Most definitely.

Dennis J. Carlone: Okay. Vice Mayor, is that sufficient? And you still wish the 65-day Amendment?

Jan Devereux: Sixty not 65.

Dennis J. Carlone: Sorry. Yeah, my eyes. New glasses. Okay, so, there isn't- a comment- further comment. There is a 60-day Amendment to change 30-days to 60-day. All those in favor say, aye.

Group: Aye.

Dennis J. Carlone: Those against? Thank you. That is approved. Oh, oh no, that was addressed. So, next is. Councillor Mallon and Mayor McGovern on No. 42.

Marc McGovern: Thank you Mr. Chair. Uh, so, this, you know, we heard uh, I think concerns from Councillors as well as folks in the community about um, having some sort of review. I actually think this is a good idea on probably all of our Ordinances but certainly major ones. Um, we're doing it with inclusionary Zoning. We're doing it with incentive Zoning. Um, and to have a review so that we can see how things are working and whether or not things uh, need to be changed or adjusted. So, we are suggesting a review period of five years. I know that there are some other Amendments that um, also ask

for a review, but uh, this is a conversation we've had before with other Ordinances. We need to give things enough time to develop before uh, doing a review and- and maybe making a- a hasty decision based on, you know, a brief period of time versus actually seeing how things uh, play out a little bit over time. So, when you consider acquisition of property- when you consider the- the meetings, the permitting, everything else, um, you know, projects take multiple years uh, to- to uh, to come to light. So, um, we're suggesting a five year uh, review uh, and every- and every five years, not just one review. Um, and then we have some things that we wanted to uh, suggestions as to what should be included uh, in that review period or in that Report.

Dennis J. Carlone: Um, I guess since all the- even though I have No. 13 there, that was my mistake. I- I will talk about what I said. Some of it is exactly what the- the Manager uh, the Mayor said. Um, but I broaden it and um, and I added evaluates with neighborhood consultation- consultation, all built and approved projects. This Report will include site-specific outcomes to meet City goals that shall be completed by the end of the fifth year of the Ordinance. I originally had third year. The Trust asked me to make it fifth year. Upon receipt, the Ordinance Committee will hold Public Hearings to discuss the Report's findings and recommendations. So, it's an evaluation of built projects, as well as, what we've produced. And um, considering that there is no firm design review, I think that's critical to reevaluate that.

Marc McGovern: Mr. Chair?

Dennis J. Carlone: Yes, Mr. Mayor.

Marc McGovern: Is it possible um, I mean we both were- both of these were saying five years and there are some things in- in Councillor Mallon and I uh, Amendment not included in yours, and some things in yours not included as ours. Can we merge those?

Dennis J. Carlone: That's exactly what I had in mind. Uh, Vice Mayor Devereux, you- you had a little bit of a different read.

Jan Devereux: Um, yeah, I mean I- I would like to see all of those things as well. So, I'm not against what is being asked for in the two versions above. But, I think it needs to be done annually. And I also think it needs uh, to be presented uh, and- and I recognize that it could take a while for there to be much data to present. And that's okay, because there will certainly be something to present. Um, I'm suggesting that this wouldn't start until 18 months after Ordinance to give it some runway. Um, but I would like an annual progress report to be presented in public at Meetings of both the Council's Ordinance Committee and the Planning Board since the Planning Board is, you know, involved in this um, that what I've said here is and I'm open to uh, wordsmithing that evaluates the effectiveness of the Affordable Housing Overlay in balancing the goals of the Ordinance to increase affordable units throughout the City while meeting environmental and mobility goals and measures and measures the success of neighborhood consultation and engagement with the design review process. So, I would like to know sooner than five years if- if this is going according to plan. Um, future Councils can decide if the progress they're seeing has red flags that would trigger needing changes to the Ordinance. I'm not necessarily saying that that's the purpose of these, but I certainly would want the information uh, more than every five years. Five years to me is- is a really long time. Um, and I think we need to be more nimble than that, given the experimental nature of- of this Ordinance. And so, um, you know, I want to know if it's working for affordable developers, if it's working for neighborhoods, if it's working for the holistic planning that we're doing as a City.

Dennis J. Carlone: Councillor Zondervan.

Quinton Zondervan: Thank you, Mr. Chair. Um, I agree uh, with- with all these Amendments. I do agree with the Vice Mayor that it should be an annual review. Um, I agree with all the information that's being requested by the other two Amendments. I do think it should be reported every year. I don't see any reason not to do that. Um, I think everyone would like to know how- how it's going and to make sure that we are meeting our goals. So, I would support combining all these Amendments into an annual review that requests all of this information that's listed here.

Marc McGovern: Mr. Chair?

Dennis J. Carlone: Yes, Mr. Mayor.

Marc McGovern: So, um, couple- couple things. So, I mean my concern about an annual review is, you know, this is, you know, this hasn't been an easy process and it certainly has been one that has- it has folks in- some folks in very strong support, some folks in very strong opposition, and one bringing- bringing this to the table every year is an issue or at least, you know, could be. But also I don't want either way, whether it's someone who supports- people who support it or people who don't. If- if so, let's say we- something comes forward and says look it hasn't produced that many units but we after a year, right, is that really enough time to give it a full evaluation. But, I'm also curious about the- because I think with inclusionary Zoning, we do a full- like, we're talking about doing a full review, like a full analysis of it every five years, but you do give us yearly updates. So, maybe the terminology- maybe there's a way to get a yearly update but it's not quite the in-depth review that- that's, right, that we look- that we're- that we're looking for because I think that's- I think that's what we already do for inclusionary.

E. Denise Simmons: Mr. Chair?

Dennis J. Carlone: Yes, Councillor Simmons.

E. Denise Simmons: I concur about the wording review. I thought about maybe, first of all, I don't know if I'd buy totally into the annual, but rather than the review, I like the idea of report. A review means it actually makes me think more of I'm gonna pull it apart as a report gives me an update. Uh, I think uh, an annual report is maybe, uh too often, because in the first year there may not be anything to report. And as the Mayor says, I liken it to what we did in IZ is that um, the full-blown, I'm going to really get some information, was- was- and had allowed enough time to really to be able to see some trends. And so, um, I'm- I- I would stick with the five year. I would change if there is something that comes between that five year. I would want it to be more of a report and not a review. So, I want the word 'review' struck and 'report' uh, put in there. Thank you. I yield the floor.

Dennis J. Carlone: Councillor Mallon.

Alanna Mallon: Thank you, Mr. Chair. Um, well, I think the Vice Mayor had suggested an annual report starting 18 months after ordinance. So, that would take care of sort of that nothing period where funding was being acquired, sites that takes a lot of time. So, you know, we do annual reports of lots of things. We send them out in the mail. The City loves to do annual reports. So, I actually would be in favor of doing an annual report starting the 18 months after Ordination and then doing a five-year comprehensive review which tells us all of these things. I mean, I think sometimes when we have these conversations it seems like um, there's like a black hole of information. We talk all the time with our affordable housing builders. We talk with CDD. We talk about projects, what's in- in uh, litigation, what isn't, what stage of the process things are in. I think, you know, the City Council is- is pretty up to- so, I don't think it's necessarily about us. It's about the residents so that they have a clear understanding of what this Zoning Ordinance is doing, and then five years later has done. And try to figure out, at that time, what have we done and what needs to be tweaked in order to make this Ordinance work better, faster, slower, whatever the thing might be. So, I- I think there's a way to combine a lot of these things. Having an annual report starting 18 months after Ordination, having a five-year review, and then I like what Councillor Carlone in his Amendment says. Upon receipt, the Ordinance Committee shall hold Public Hearings to discuss the Report's findings and recommendations. I think that's completely appropriate and it's something that we should write in here. So, if there is a way to kind of take all of these things and take the spirit of them and put something forward, I think that that could be the best way forward.

Dennis J. Carlone: Any other comments?

Craig Kelley: Mr. Mayor?

Dennis J. Carlone: Yes.

E. Denise Simmons: I'll go back to what I've said repeatedly before, which is one of the whole ideas of the Affordable Housing Overlay is to drastically change how we approach the building of affordable housing in Cambridge. And if it's as successful as people hope it will be, it could be very, very, very dramatic. And I think that we keep looking backwards and think that we're going to do the same thing

with different tools when- or at least that's what people- that's what I'm hearing, when I- I feel that this is supposed to be a dramatically different tool and we're going to see dramatically different things. And, I think we want to be very intentional about how we review it. And, I also think we need to be clear that a review isn't anything besides review. It doesn't require any vote or any renewal or any cancellation or anything else. It's a a thing that people look at and then life goes on unless there's affirmative desire to change it. And I- we'll go back, and I understand that Alewife is not about affordable housing, nor have I ever said that it is. It's about a Zoning change that we made that is not something that I think all of us are super excited about. In fact, anyone I've heard expressed an opinion has said it's gone a lot faster than we had anticipated and there's a fair amount of thought that we should slow it down. But it's very, very difficult to do that, and we may find the same thing here. So, we should be clear that if it passes, if the Affordable Housing Overlay passes with a review in 18 months or five years or whatever, that is not anything more than a review. And if that's what we want, that's what we want. But it's not anything besides that.

Dennis J. Carlone: Vice Mayor.

Jan Devereux: Um, I am amenable to trying to- to come up with a way to have uh, annual progress reports, which is the way I did describe it, although the title- I was trying to stick with language above. But do that, and then also have a more extensive evaluation um, at the five-year mark. And I agree with what Councillor Kelley is saying. A review is a review. It's information. It's feedback. It can help tell us if we're on the right track or not. And a future Council, in its own judgment, can decide if someone wants to- I mean, any Zoning can be changed at any time, right? So, a future Council can say, well, based on these this first five-year evaluation, we got to rethink this. Or they could say it's going great guns, let's not touch it. Or they could say we need to do different things. But that's- that's not the part of- that's not the role of this Zoning. We're just trying to say when we want to give information to decision makers and I view those decisions makers as not only the Council but the Planning Board because the Planning Board also are looking at the big picture of development trends across the City.

Dennis J. Carlone: Thank you. So, now the question is how do we put the three pieces together um, in a way that we could- I'm sorry, Vice Mayor.

Jan Devereux: I was saying in the next five minutes. No, no, it won't be joking.

Dennis J. Carlone: Thank you. I was hoping you'd offer to do it in the next five minutes. Um, Councillor Zondervan.

Quinton Zondervan: Um, if I may suggest that we forward all three Amendments to the staff to come back with a way to combine them.

Alanna Mallon: Mr. Chair?

Dennis J. Carlone: Yes, you have the next five minutes to do this. Yes, Councillor Mallon.

Alanna Mallon: I just want to point out that in um, the Vice Mayor's Amendment there is a sunset provision which I think is not something that we have discussed.

Dennis J. Carlone: Yeah, we haven't gone there yet.

Alanna Mallon: So, is it germane to be talking about that during this annual review and project progress report?

Dennis J. Carlone: I was going to bring it up uh, now knowing we probably won't come to terms with it. But um, as soon as we moved on asking the staff to take the three Amendments and the discussion that followed and trying to incorporate it. Um, coun- Vice...

Iram Farooq: Yes. We're happy to do that., uh, Mr. Chair.

Dennis J. Carlone: Thank you. So, all those in favor of doing that, asking the staff say aye.

Group: Aye.

Dennis J. Carlone: Those against? Thank you. So, we have, uh, as Councillor Mallon alluded to, we have five minutes and uh, the Vice Mayor has introduced a sunset provision for consideration. Vice Mayor?

Jan Devereux: Um, thank you. Well this was something that the Planning Board uh, several members of the Planning Board said they felt there should be a sunset provision. They didn't specify exactly the terms

of it and since we have not seen their draft report um, we don't know if they will make a specific recommendation. They didn't make one at the time of their meeting so, I don't know if the report can retroactively um, do that. But in any case, uh, many times over the course of this we have- we have said that this Affordable Housing Overlay is designed to help us get an incremental, well designed, to assure that affordable developers can average a hundred units per year, uh, then, you know, a thousand unit goal has seemed like what we were aiming for. There have been discussions about whether that would take the current stock of affordable units from roughly 14.9% of housing to 16%. Um, and so, it seemed like a reasonable way to approach a sunset provision was to say that um, set a target when you get there, then decide what you want to do. And a sunset is a sunset but it- there can be a new dawn. And I didn't specify a time period because the purpose of this is to create the affordable units.

Dennis J. Carlone: Okay. I'll ask if there are comments but uh,, we are stopping at 5:00 and we could pick up any further discussion on this the next time. Mr. Mayor? You're- so...

Marc McGovern: Oh, I thought you- No, no. I just- I- I- as the Vice Mayor pointed out, Zoning can be changed at any time so, I don't support a sunset.

Dennis J. Carlone: Okay. Um, other comments? Yes, Councillor Mallon.

Alanna Mallon: Well, thank you, Mr. Chair. The reason I brought it up earlier when we're talking about the review and the annual report, which I think is actually for me going to negate the idea of having a sunset. So, I would not be supportive of having an annual report and a five year review and a sunset clause, to me, that seems like overkill. So, I would not be supporting a sunset provision, particularly since we've, I think, we've got something really good here, and having an annual report starting 18 months out, um, and a full five year comprehensive review.

Dennis J. Carlone: Well, then I'm going to propose that we wait um, until we get the amended- Amendments back and then we'll bring this up again um, to discuss how we're going to move forward. Now we do have a problem. Our Clerk is on vacation the next two weeks. And our new Clerk starts next week, Monday. Um, we will reach out to him, I imagine, to follow up to have a Meeting sooner rather than later. That- that makes sense, correct?

Iram Farooq: Um, Mr. Chair, uh, just to let you know that from the staff side none of us are here next week.

Dennis J. Carlone: You know we can't take the- yeah, of course we get it. I mean if Jeff comes on his anniversary, make us feel bad. (Inaudible)

Iram Farooq: Are all going to be away-

Dennis J. Carlone: That leaves-

Iram Farooq: For the next couple weeks. Kathy will be here.

Dennis J. Carlone: Kathy will be seeing you on Mon- no, I'm kidding. So, we will work out a schedule. The goal I see is to have it sooner- as soon as possible. We've already clocked 16 hours. Uh, I wouldn't be surprised if we hit 20. Um, and um, I will talk to the Clerk. Uh, Craig and I will talk to the Clerk about how to proceed and thank everyone for coming. So, we're in recess yet again. It's been a great time. Thank you all for coming. Good discussion today. We have to take a vote to recess. All those in favor say aye. Thank you. Those against say no. That was unanimous.

CERTIFICATION

I, Casey Kern, a transcriber for Intellectix, 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 7th day of October 2024.

Casey Kern