



# City of Cambridge

**IN CITY COUNCIL**

December 19, 2016

**ORDINANCE COMMITTEE MEMBERS**

*Councillor Dennis J. Carlone, Co-Chair*

*Councillor Leland Cheung, Co-Chair*

*Councillor Jan Devereux*

*Councillor Craig Kelley*

*Councillor David P. Maher*

*Councillor Nadeem A. Mazen*

*Vice Mayor Marc C. McGovern*

*Councillor Timothy J. Toomey, Jr.*

*Mayor E. Denise Simmons*

The Ordinance Committee, comprised of the entire membership of the City Council, held a public hearing on Thursday, December 1, 2016 beginning at 3:12 P.M. in the Sullivan Chamber. The purpose of the hearing was to discuss the zoning petition submitted by Nabil Sater, et al to amend the Zoning Ordinances in the Central Square Overlay District, Section 20.300.

Present at the hearing were Councillor Carlone, Co-Chair of the Committee, Councillor Devereux, Councillor Mazen, Vice Mayor McGovern, Arthur Goldberg, Deputy City Solicitor Law Department, Iram Farooq, Assistant City Manager for Community Development Department, Jeff Roberts, Senior Manager for Zoning and Development, CDD and City Clerk Donna P. Lopez.

Also present were Patrick Barrett and George Metzger, representing the petitioners, Said and Jihad AbuZahnal, 29 MacKenzie Lane, Wakefield, Bob Woodbury, 133 River Street, Shelley Rieman, 201 Franklin Street, Jackie King, 40 Essex Street, Marilyn Wellons, 651 Green Street, Stephen Kaiser, 191 Hamilton Street, James Williamson, 1000 Jackson Place, Lee Farris, 269 Norfolk Street, David Choi, 201 Prospect Street, Nancy Ryan, 4 Ashburton Place, Carolyn Shipley, 15 Laurel Street and Robert Winters, 366 Broadway.

Councillor Carlone convened the hearing and explained the purpose. He outlined the format of the hearing. He announced that the hearing is being audio and video recorded. He stated that there has been an interest to make Central Square the best square it can be. Councillor Carlone stated that the committee will hear from the petitioners. The petitioners were represented by George Metzger and Patrick Barrett.

George Metzger spoke on behalf of the petitioners of the Central Square Restoration Petition. He stated that the purpose of the petition is an effort to amend the Central Square Overlay District to incorporate the non-controversial recommendation of the Central Square study of 1995, and the 2013 recommendations of Central Square visioning effort. This is to encourage residential development in Central Square by increasing the residential Floor Area Ratio in the base business district from 3 to 4. He stated that this means a given plot of land can build four

stories versus three stories on the said plot of land. Other changes in the district are allowed by special permit. This petition is also to provide incentive and flexibility for small business and property owners in Central Square to redevelop their buildings if they wish to do so and to reduce the need or pressure to sell their parcels to larger developers. This is to encourage and to continue the investment of long-term property owners to make residential development more preferable over office development. This will foster independent retail business.

Mr. Metzger stated that the petition does increase the FAR for residential development preferentially over other types of development within the district. It provides an exemption from the FAR limitation for balconies of certain size and rooftop open space use as of right. It provides an FAR exemption for ground floor retail spaces of 1,500 square feet or smaller with the presumption that this is generally more favorable for smaller, local and independent businesses. It has an allowance for extending entertainment establishment locations throughout the square. It includes a limitation of street frontages in new developments for financial institutions limiting them to a small proportion of any property frontage. It does include a requirement for formula businesses and other businesses that represent state, national or global businesses that seek to locate in Central Square. This is an encouragement for them to adapt to the look and feel of Central Square.

The petition includes a reduction of setbacks for residential development to match those for office development in the district or non-residential development. He stated that currently the upper floors of commercial and non-residential development have no setbacks along Massachusetts Avenue. The requirement setbacks for residential developments are being relaxed so that they can compete with non-residential development. He stated that open space is being allowed other than at grade. He stated that reduction in parking requirements and the ability for landlocked parcels that want to develop that have no practical way to include parking are allow on other sites or payment into a betterment fund.

Mr. Metzger outlined what this petition does not do. It does not increase building heights in the overlay district. He stated that the Central Square Overlay district has a height on the avenue of 55 feet and 80 feet with a special permit and a sloping facade for the buildings that are higher. The height limitation is not being extended or modified in the district. The 45 foot limit is retained along the neighborhood edge on Green Street and Bishop Allen Drive. This also does not undermine the Envision Cambridge process. This does not allow the removal of existing required parking areas and does not encourage laboratory occupancy in upper floors or anywhere in the district. This does not alter the face of Central Square with new development. This petition maintains building heights to their original position as built prior to the 20th century. The proposed inclusionary zoning requirement is not changed or excluded for residential affordable housing. He added that this petition may encourage property owners to embark on small scale redevelopment rather than rely on large scale redevelopment for whole or section of blocks or aggregated parcels. It may encourage the expansion of one or two story buildings and may increase the amount of housing in Central Square which is necessary to increase the viability and livability in Central Square and meeting the housing crisis. This petition may do nothing. This is an effort to encourage redevelopment in Central Square. A more livable neighborhood scale Central Square is possible. He spoke about the work that has gone into preparing this petition. Previous Central Square plans are included in this petition and may include the Envision Cambridge plan. He added that there are businesses that are struggling and that there is pressure for development and a housing need. Central Square is the place where much of this can happen in such a way that is constructive, human-scaled and become the community that is wanted. He had a PowerPoint presentation (**ATTACHMENT A**). Much of

Central Square has been de-densified over the years. This petition looks for opportunities to rebuild some of the small parcels in Central Square. He stated that Central Square has many independent parcels of property, which is different from other areas of the City. He had a map of the Central Square Overlay District. He spoke about development of city owned parcels which are not being discussed with this petition. He stated that the petition does not significantly change what is existing. In the Middle East and other parcels there are opportunities to add floors. Nothing in the petition is to encourage high-rise development. Currently, there is 2.1 million square feet of building area within this district and could develop into 3 million square feet. There is 900,000 square feet of undeveloped potential development in the zoning. The current zoning would add 1 million square feet. He stated that questions and suggestions are welcome by the petitioners.

Councillor Carlone asked the City Staff to come forward. The Community Development Department was represented by Iram Farooq, Assistant City Manager for Community Development and Jeff Roberts, Senior Manager for Zoning and Development.

Ms. Farooq stated that this petition has many recommendations of the C2 plan and they are supported. The committee was in receipt of a communication from the Community Development Department to the Planning Board dated November 22, 2016 on the Central Square Restoration petition as follows:

[http://www.cambridgema.gov/~media/Files/CDD/ZoningDevel/Amendments/2016/CentralSquareRestoration/zngamend\\_csqrestoration\\_cddmemo\\_20161122.pdf?la=en](http://www.cambridgema.gov/~media/Files/CDD/ZoningDevel/Amendments/2016/CentralSquareRestoration/zngamend_csqrestoration_cddmemo_20161122.pdf?la=en)

She stated that the Planning Board held their hearing on this petition and made a positive recommendation with some suggestions. Ms. Farooq spoke about how the petition affects Envision Cambridge and whether this petition should wait. She stated that when there are good ideas we need to keep moving forward with that zoning. Envision Cambridge is a three year process and it is not a good idea to put this petition on hold to wait for Envision. The K2C2 study contained support of the stakeholders. Even though Envision Cambridge process is treating all of the previous planning as input it is taking time. She stated that thinking through design guidelines and the street scape and Envision Cambridge will address these issues. The zoning should move forward separate from this.

Councillor Carlone questioned how the petition would affect larger sites, such as the City and privately owned parking lots. This urban design analysis must be done. This needs to be shown that the petition works. He suggested picking three varied sites to show how proposed zoning works and then fully review the petition.

Mr. Roberts reviewed the comments in the memo from Community Development Department. This takes recommendations from the C2 study. By taking parts of the C2 study there are ways that the whole may not come together as anticipated. He stated the one of the difference is between density and height. He stated that the petition does not allow increase in height and aggregation of parcels in the way that the C2 zoning recommended. The density allowed will have to be accommodated on individual sites. The purpose of C2 to allow the flexibility of additional height and moving development rights across properties was to preserve some existing historic buildings. There is a tradeoff. The petition's priority was to retain the height across the district. Addition density could not be achieve on every site in the same manner and this needs to be addressed. The lower height areas create a partial "form-based" zoning approach because the height is the limiting factor rather than density and the special permit process would come into play to resolve setback and private open space issues. This is a key issue. He stated that the Planning Board gave this petition a position recommendation.

He spoke about the C2 zone recommendations relating to parking regulations proposed establishing maximum limitations on parking to reduce traffic impacts from new development and the maximum ratios were based on the analysis on the demand on residential and commercial uses. This petition recommendations maximum parking ratios that are higher for commercial uses than recommended in the C2 study and sets a lower maximum than recommended in the C2 study. By making parking ratio different the Planning Board felt that the recommendations in the C2 should be retained and that parking ratios should not be used as a mechanism for encouraging or discouraging a particular use. This should be set on the anticipated demand and uses. This needs to be reviewed more and should be more in keeping with the C2 recommendation.

Councillor Carlone questioned if the Planning Board approved this recommendation. Mr. Roberts stated that the Planning Board recommended approval with modifications and the report will be coming to City Council.

Vice Mayor McGovern asked Mr. Metzger about the Planning Board recommendations and whether the petition will be changed based on those recommendations. Mr. Barrett stated that the Planning Board recommendations followed more the C2 parking recommendations and the petitioners agree with this. He stated that the petitioners agree with the Planning Board recommendation and all recommendations should be incorporated into the final language of the petition. Mr. Metzger stated that modification to the petition are expected. Mr. Barrett stated that if the formula business ordinance is looked at there are exemption for FAR for small retail.

Public comment began at 3:52 PM.

Said AbuZahnal stated that the petition for zoning in Central Square is a step in the right direction and spoke about the area 120 feet of Prospect Street. He stated that a lot is divided in half and spoke about the possibility of being spot zoning. The City hired zoning experts and town planners. He spoke about the experts including 139 Bishop Allen Drive in the rectangle and increasing the district width to include 139 Bishop Allen Drive. He supported included 139 Bishop Allen Drive in this petition. He requested that 139 Bishop Allen Drive be included in this petition. He submitted his comments (**ATTACHMENT B**).

Jackie King, representing the Cambridge Resident Alliance, acknowledged that the petition does not include increase in building heights of 55 feet or 80 feet with a special permit. There are separate indications that the height limit may be revisited by the Planning Board in the future. The residents support increased density and increased residential construction. She stated that the memo from CDD noted that height limit was not unreasonable to manage development and urban character in the square. The concern was for property owners if additional density was allowed on paper than could be achieved. She stated that to address this concern it is proposed that a provision be added to the petition: on lots where increased FAR allowed by this petition can only be achieved by heights beyond the existing 55 feet or 80 feet with a special permit, the existing height limit shall prevail. This approach to development of the square the Cambridge Resident Alliance wanted City to retain ownership of the public parking lots and that 100% affordable housing be built on the lots, where possible. She stated that the ratio of affordable to luxury housing needs to be increased in Central Square. This does not protect the affordability and prevent displacement. She stated that she wanted the City to pursue creative funding mechanism and partnerships.

Marilyn Wellons spoke about the neighborhood edge concerning noise and light pollution from laboratory uses. The proposed, more intense use of rooftops could mean greater noise and light for adjacent residences. She asked if the balconies are exempt from FAR, if they are enclosed and lite and how this is affected by the proposed lighting ordinance. She spoke about facade lighting and translucent lighting. These are problems that the City needs to address. She wished that the presentation showed the Mass/Main project and what it would look like. Does this petition privilege labs use over office space, she questioned.

Stephen Kaiser expressed his concern about statement of contempt of the master planning process. It should not be in the petition and adds nothing to it. He suggested that the first page be deleted. He also commented that the petition has no page numbers and there is no map. The public had no benefit of the presentation by Mr. Metzger. He noted that this does not help the public understand the benefits of the petition. He further stated that restoration needs to be defined more clearly. What about the parking lots in Central Square and how are they restored. What is done about poorly designed buildings in Central Square such as the Green Street Parking Garage and 675 Massachusetts Avenue? He stated that more work needs to be done on the restoration petition. More discussion needs to be on parking, on car sharing and Central Square improvement for transportation needs more work. He stated that he has a concern about the delays caused by citizens or government action. He stated that in Central Square the delays have been caused by developers. The C2 zoning was before Planning Board and stopped because the development community wanted the heights higher. We need comfort to know that this is going to be the zoning. He wanted commitment on the height for development and change the loopholes. He stated his primary concern was # 4 on Page 2, additional FAR, for the whole overlay. This should be for Business B only.

James Williamson suggested revitalization of Central Square should be the title of the petition. The open space proposed and the ambiguity should be clarified in the memo from CDD with the publicly enjoyed rooftop spaces. He favored that the rooftop spaces be limited and not counted in FAR and restricted for residential uses. He spoke about the alcohol uses and the Planning Board memo stated that this was controversial. There should be more entrances other than the main streets for these uses. He spoke about transferrable development rights from a place where less height is wanted to a place where it may be more useful for affordable housing.

Lee Farris, spoke about height limits not changing being included in the text of the petition. She stated that she was submitting draft language (**ATTACHMENT C**). She spoke about not applying the density to the neighborhood edges. She noted that the petition was not using all that was discussed in C2. She noted that C2 specifically talked about the neighborhood edges on Bishop Allen Drive and Green Street. This petition does not address this. There is no discussion about what are the consequences of the petition for the neighborhood edge. She also had a concern about the vacant parking lots owned by Intercontinental on either side of Prospect Street. These are the largest vacant lots within the Central Square district. She stated that it is unknown what would be possible on these vacant lots under this zoning. It is unknown whether the increases in density will produce impact that will be detrimental to the residences. She wanted a definition of "neighborhood edge" and until that is done this zoning should only apply to the Business B district of Central Square. Labs are still an allowed use in Central Square; she does not think they should be an allowed use because it is a residential area either way one block of Massachusetts Avenue. Affordable housing is not part of this petition. She stated that the City should be planning redevelopment of parking lot 6 because there is an opportunity here. More affordable housing is needed in Central Square.

David Choi, Architect, stated that he is working on a project for Islamic Society of Boston, 204 Prospect Street and they own property on 140 Prospect Street and 21-25 Tremont Street. He asked where the line is drawn for increasing density for housing and residential. If the FAR is increased in the overlay district where is the line drawn for other members of the Cambridge community. There is a concern about the FAR; is the FAR concentrated to one area in Cambridge. He stated that Islamic Society of Boston is not in the overlay district, but very close to it. He stated that there are other stakeholders outside of the edge.

Nancy Ryan spoke on behalf of the Cambridge Residence Alliance. She commented on the formula businesses or chain stores. She wanted to limit the total amount of the street frontage to 10% on the petition passage or 30% for total street frontage in the square, whichever is greater. She supported local small businesses. She spoke about developers pooling their open space to have larger potential open spaces available. She stated that the parking has been the most contentious discussion with the CRA members. There is a feeling that the neighborhood will be squeezed as it relates to the lack of parking. She stated that the affordable housing is important. We want to see an increase in residential development, but do not want to see 80% luxury housing. She wanted the city owned property to produce affordable housing. This is the substantial future of Central Square and not a temporary solution.

Jehad AbuuZahnal spoke about making 139 Bishop Allen Drive a parking area. She stated that having a parking area will help the residents and businesses of Cambridge.

Carolyn Shipley spoke about the change of local businesses in Central Square. This petition has great potential. She wanted the height to be tight and not go above the 50-80 feet. She spoke about open space and a street level park. There is room for little green areas in Central Square and if on the rooftops it would be great that it be accessible. She wanted more local stores. She spoke about parking and biking. She hopes that this results for more affordable housing and more low income housing. She spoke about the loss of rent control and the loss of residents that has changed the character of the neighborhood.

Shelley Reiman, Cambridge Residence Alliance, stated that she was pleased with more affordable housing coming to Cambridge. She hopes that the interests of the residents drive the businesses. She is concerned at the homeless population that is growing. She stated that the C2 had a recommendation for a roving and stationary social worker and she hopes that the homeless issue is addressed.

Robert Winters stated that the petition is modest and adopts the least controversial C2 recommendations. He loved the exemption of ground floor retail but if the ground floor remains unaffordable this needs to be considered. He does not know how this can be addressed. He supported the petition.

Vice Mayor McGovern closed public comment at 4:36 PM.

Councillor Carlone opened the hearing for comments by the City Council.

Vice Mayor McGovern stated that the petition is great and long overdue for Central Square. He agreed with the comments made regarding the first page, but this needs to remain in the petition. He stated that in terms of securing the height the City Council cannot stop a petition for greater height. There is no way to guarantee this. This is sending a message to developers that this is what is wanted for Central Square. He favors making the language clearer.

Mr. Barrett stated that this petition is for property owners and business for Central Square; not for developers. He stated that in the BB zone is the only place by right that the FAR can go to 4 and other areas remain as they currently are and can be only altered by a special permit. He would look to City Council for guidance for strengthening the language. Mr. Metzger stated that the height in Central Square remains as is and only increases the FAR in the BB district. Zoning is always flexible because cities are flexibility. He did not want to exclude things that have public purpose because of size or height.

Vice Mayor McGovern stated that the exclusion of laboratories in Central Square should be thought about going forward. He spoke about chain restaurants/stores not wanted in Central Square; which tend to be cheaper and more affordable for residents. Mr. Barrett stated that businesses cannot be zoned for ownership; we cannot legally state what businesses cannot be in Central Square. He is trying to remove the fast food CAP which is no longer applicable. We are trying to balance the chains with local retail shops. He stated that the chains can come but must go through the special permit process which can only regulate the design of their facade. Vice Mayor McGovern agreed to get moving on the city owned parking lots - he wanted an update on this. He further stated that the issue of homelessness will be discussed on December 5, 2016.

Councillor Mazen stated that this is a well formed petition. He fears that the good points made by the community will not be integrated. He wanted laboratories use reduced. Mr. Barrett stated that people are excited about the petition but they owners do not see labs as an issue. He stated that the Table of Uses in the zoning is antiquated and needs to be revised. The comments on height and density are already in the petition. The Envision process is on-going and deals with larger global issues. The only issue not included is the lab. Mr. Metzger stated that the best effort has been made to incorporate a reasonable scope of modifications for the Central Square district. It is in the City Council purview to ask Community Development Department and Law Department to make sure the petition is legal and to make modifications to the petition. He stated that the petitioners will support everything that is in the spirit of what the petition is doing and does not make it controversial to the point to once again end up with nothing.

Councillor Carlone noted that the petition is now a city document. It is in the hands of City Council and with City and legal input it can be modified. Councillor Mazen stated that he wanted the support of the petitioners. He wanted the integration into the platform. Councillor Mazen stated that these issues will make this petition for him and make it work to ensure that Central Square is a square for the future. He wanted to know by the next meeting how to advance this. Mr. Barrett stated that regarding the City lots the current zoning is more restrictive - and a proposal to put something on these lots needs to come from the City Council and the City. There is only so much that can be done by a zoning petition.

Councillor Carlone stated that the Planning Board is looking to change things in the City with zoning, including height. All of this could be a condition of approving a city-wide proposal. The proposal can be changed. Councillor Mazen questioned who would be doing the formative work, before the next meeting, to get this moving.

Councillor Devereux stated that the City Council can get to a place where the petitioners do not feel that the petition is violated. Councillor Devereux asked if there is a consultant hired for Table of Use work. Mr. Roberts stated that a the study was done and the conclusion was that there were a limited number of things that could be done in the short term but that it may be

more beneficial to have the Envision process look at establishing use regulations in the zoning ordinance. He commented that we do not want to alter a zoning definition just for one area. There may be other approaches that could be used to put limitations on the specific type of lab use. Councillor Devereux noted that if you wanted to build a lab in Central Square what is existing would have to be demolished. She asked if there was adaptive reuse of a building in this petition. She wanted to keep the fabric of what is at street level. She spoke about the displacement of small business on the upper floors.

Councillor Carlone stated that the Petition goals and recommendations are to be applauded. However, there are areas that need to be looked at. He is amazed that the Planning Board approved this draft as is. He stated that certain side streets have minimal sidewalk widths and if new construction does not have any setbacks, the city is making a big mistake. He stated that balconies are moneymakers for developers and questioned what kind of balconies will be built and how to make sure they are positive additions residents and street façade architecture. He stated that the petition's impact on varied parcels must be analyzed. Since this is not being limited to existing buildings, large parcels need to be looked at. In housing a 4.0 FAR, with ground floor retail is exempted, with 30% bonus for inclusionary zoning - this is a 5.2 FAR is the highest FAR in the city.

He stated that we need to make sure that this can work at a maximum 80 foot height. He spoke about his concern with the Planning Board looking to increase heights in the City.

He stated that we do not want a lab in Harvard Square, then why do we want to put one in Central Square. Now is the time to say no to labs adjacent to residential areas. Pooling open space money to maintain Massachusetts Avenue where sidewalks and relate open spaces are not repaired or patched. He stated that the retail and the business formula is exemplary; retail should be affordable. He spoke about the urban design guidelines need to be revised. He stated that if adding on top of historic structure one gets an FAR bonus then maybe the historic structures should be restored. He stated that since everyone agrees that Central Square should have more housing, then at least half of what gets built should be housing. He agreed with rooftop spaces but details need to be planned with planting and the noise issue. Set back requirement needs urban design analysis and this is where setbacks need to be reviewed as to where they make sense. He wanted to support the goals and make sure it works for the broader picture as quickly as possible.

Councillor Carlone moved that the petition be kept in committee and at the next meeting we will go over the above-mentioned issues.

Councillor Mazen and Councillor Carlone submitted the following motion.

**ORDERED: That the City Manager be and hereby is requested to instruct the Community Development Department and the Law Department to report back to the City Council on the Central Square Restoration Zoning petition as it relates to the following:**

- **the legality of the petition as initially submitted;**
- **the city's overall plan for Central Square including, but not limited to**
  - **the future use of City and private parking lots;**
  - **opportunities for mixed-use, affordable housing, below market rate retail and/or office space;**
  - **bike, pedestrian and parking systems**



- **“laboratory” zoning definition that includes pharmaceutical and wet lab uses, and its potential impact on an area that intends to expand housing opportunities and where none exists at this time;**
- **what other ways can lab use be limited as stated in December 1 Ordinance hearing?**
- **how a formula business model can be achieved;**
- **include existing Central Square zoning in chart form (FAR, Height, Setbacks, etc.) comparing Petition and Harvard Square BB**
- **how does Harvard Square’s “in lieu of parking/open space” payment system work and what improvements have been financed to date?**
- **a study of three vacant sites to ensure that this zoning can work on larger sites**
- **expand on Ms. Farooq’s comments that other factors will influence the Board’s Special Permit decisions related to Central Square, including updated guidelines, site conditions, etc.**
- **submit current urban design guidelines.**

This motion carried on a voice vote of four members.

Mr. Barrett explained that he has done a study on city owned parking lots and would provide this.

The following e-mail was received and made part of the report.

A communication from Jack Boesen, 25 Suffolk Street, in support of the 80 foot height limit on development and wanted this to be a permanent part of the zoning (**ATTACHMENT D**).

Councillor Carlone thanked all those present for their attendance.

The hearing adjourned at 5:21 PM.

For the Committee,

Councillor Dennis J. Carlone, Co-Chair  
Councillor Leland Cheung, Co-Chair  
Ordinance Committee