

Protecting the Linear Park

City Council Linear Park petition
Walker, et al. zoning petition
Phillips, et al. zoning petition
Special District 2

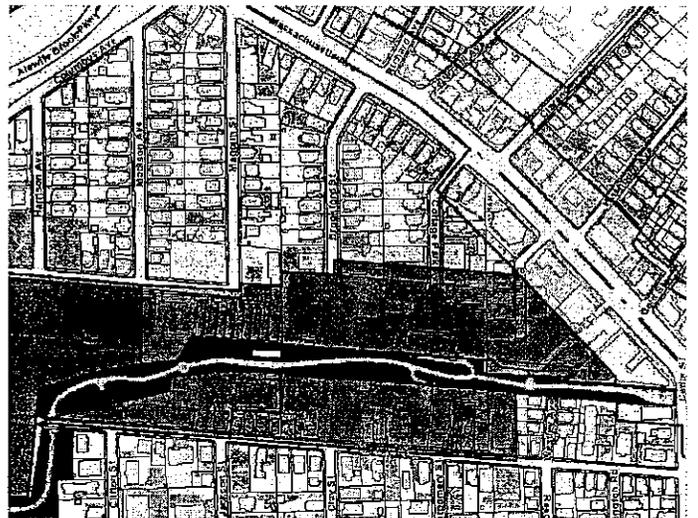
Presented to the City Council Ordinance Committee
by Mike Phillips

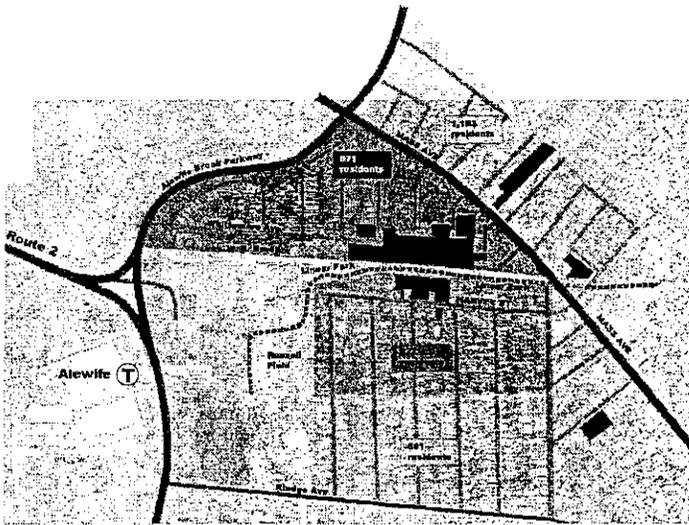
Summary

- ▶ We seek protections for Linear Park from encroaching development
- ▶ Most of the original petition is now moot
- ▶ Simplified text to replace original
- ▶ No longer in opposition to a project seeking permits

Context (spatial)

- ▶ Special District 2
- ▶ Astride Linear Park
- ▶ Formerly industrial uses along railway





A Great Neighborhood

- ▶ It's in Cambridge
- ▶ It's in North Cambridge
- ▶ The Linear Park
- ▶ Community Garden, Dance Studio
- ▶ Marino Clinic (?)
- ▶ People stay here- continuity, community

A Great Neighborhood



Context (History)

- ▶ 2011: Emerson, Camb. Lumber, Fawcett
- ▶ Bishop petition filed to reduce density
- ▶ Camb. Lumber: shrinks due to Planning Board, residents, Council pressure
- ▶ Fawcett: much trickier. Lots of support from the Council. Negotiations fail.
- ▶ Council ordained Bishop petition 3/5/12
- ▶ Fawcett plans approved 5/2013

Goal: Protect Linear Park

- ▶ Respect for the Linear Park illusion
 - ▶ Seems bigger than it is
 - ▶ Governor's Design Award
- ▶ Set buildings back away from Park
 - ▶ Now and in the future

Simplified Text (Version 1)

- ▶ Add to "17.24.3 Other Dimensional Requirements"
 - 5) There shall be a minimum setback of 25 feet from adjoining Open Space districts, consisting entirely of Green Area Open Space or Permeable Open Space, except for pedestrian connections to Linear Park's bike path.
- ▶ Add "Special District 2" to "19.46 Areas of Special Planning Concern"

Simplified Text (Version 2)

- ▶ Add to "17.24.3 Other Dimensional Requirements"
 - 5) There shall be a minimum setback of 25 feet from adjoining Open Space districts, consisting entirely of Green Area Open Space or Permeable Open Space, except for pedestrian connections to Linear Park's bike path.
- ▶ Add "Special District 2" to "19.46 Areas of Special Planning Concern"
- ▶ Add to "17.23.1 Additional Permitted Residential Uses"
 - Structures comprised solely of semi-detached (townhouse) dwellings may contain up to four (4) dwelling units. Otherwise, no more than three (3) dwelling units may occupy a single structure.

1. Linear Park Setback

- ▶ 25' always; never a "side yard"
 - ▶ Same as current "rear-setback"
- ▶ Not controversial, makes sense
 - ▶ Fawcett plans do this
 - ▶ Planning Board likes the concept

Setback Impact



- ▶ 3 impacted structures, already non-conforming (rear setback)
- ▶ Recently permitted project not affected

2. Area of Special Concern

- ▶ Include Special District 2 in the list
- ▶ Activates CDD review for small projects
 - ▶ No “teeth” but gets developers and neighbors talking in advance

3. Limiting Building Size

- ▶ Limit on number of units in a building
- ▶ Favor townhouses
- ▶ Compromise between “no multifamily” (Res B) and “unlimited multifamily”
- ▶ “Stretch goal”

What about the rest?

- ▶ Much of the petition can be discarded
- ▶ Too complex or moot
- ▶ Dance Studio has left Cambridge
- ▶ Fawcett plans approved
 - ▶ Can't save the Garden with incentive

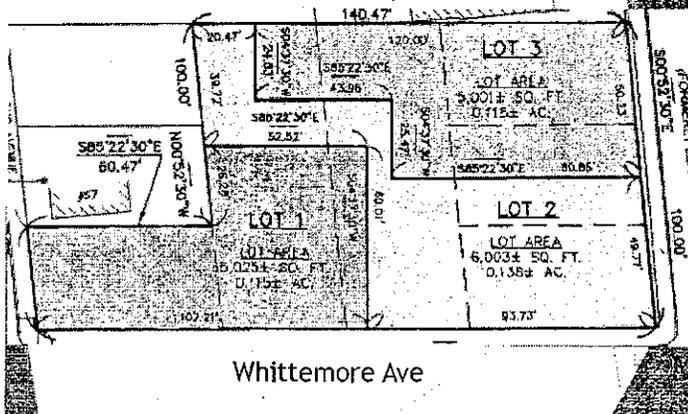
Community Garden?



Community Garden: Status

- ▶ Was the largest in the City
- ▶ Mayor Davis order to try to buy it (2011)
- ▶ Fawcett amenable; appraisal done
- ▶ Soil testing shows high levels of arsenic
- ▶ City still wants it; Fawcetts considering
- ▶ Subdivision plan filed (June 2012)
- ▶ Soil removed, replaced with sand

Recorded Subdivision



Whittemore Ave

Summary

- ▶ We seek protections for Linear Park from future development
- ▶ Most of the original petition is now moot
- ▶ Simplified text to replace original
- ▶ No longer in opposition to a project seeking permits

City of Cambridge

Richard C. Rossi • City Manager



Executive Department

Lisa C. Peterson • Deputy City Manager

· City Hall · 795 Massachusetts Avenue · Cambridge · Massachusetts · 02139
617-349-4300 · fax: 617-349-4307 · tty: 617-492-0235 · www.cambridgema.gov

March 24, 2014

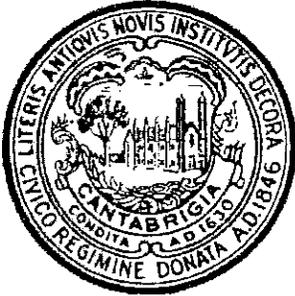
To the Honorable, the City Council:

I am hereby transmitting for your consideration, a recommendation from the Planning Board that the Council not adopt the Linear Park Zoning Petition.

Very truly yours,

Richard C. Rossi
Richard C. Rossi
City Manager

RCR/mec
Attachment



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	March 18, 2014
Subject:	Linear Park Zoning Petition (Special District 2)
Recommendation:	The Planning Board recommends that the Council NOT ADOPT the proposed changes.

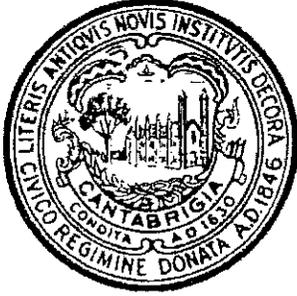
To the Honorable, the City Council,

The Planning Board has considered this proposed zoning amendment on multiple occasions over the course of the past year. In its original form, it was referred as the Phillips, et al. Zoning Petition. It is apparent that the current petition is materially the same as that original petition.

The Board continues to recommend against adoption of this petition, as explained in the attached recommendation for the Phillips, et al. Zoning Petition.

Respectfully submitted for the Planning Board,

Hugh Russell, Chair.



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	July 9, 2013
Subject:	Phillips, et al. Zoning Petition
Recommendation:	The Planning Board recommends that the Council NOT ADOPT the proposed changes.

To the Honorable, the City Council,

After consideration of the Phillips, et al. Zoning Petition and testimony heard by representatives of the petitioner, affected property owners and other members of the public, the Planning Board recommends that the proposed zoning changes not be adopted.

It is the Board's view that the proposed changes do not serve the City's planning goal of encouraging the transition of outdated commercial and industrial sites at neighborhood edges into housing. Moreover, the zoning for this district has recently been the subject of significant consideration by the City and the public, culminating in the City Council's adoption of the Bishop, et al. Zoning Petition in 2012. Development that conforms to the recently adopted zoning was approved by the Planning Board this year. Making such a substantial change to the zoning at this time risks undermining the integrity of that prior public discussion and outcome.

Background

The Phillips, et al. Petition proposes new requirements for Special District 2 (SD-2). SD-2 was created in 2000 to regulate predominantly commercial areas abutting Linear Park, which runs through the center of the district. Residential neighborhoods abut SD-2 to the north and south.

The intent of SD-2 was to encourage a transition over time from predominantly commercial uses to residential uses "in a form and density compatible with the adjacent residential neighborhood." The regulations allow multifamily housing at a somewhat higher density than allowed in the adjacent Residence B districts. Existing non-residential buildings are allowed to house non-residential uses that are more compatible with residential uses, with the expectation that the entire area would transition to residential use over time.

In March of 2012, the City adopted the Bishop, et al. Petition, which reduced the allowed residential density in SD-2 and set new limitations on height and fencing adjacent to Linear Park. In May of 2013, the Planning Board approved a project to construct new residential buildings on the Fawcett Oil site, the largest property in SD-2, in conformance with the requirements adopted in the Bishop, et al. Petition.

Proposed Changes

The changes proposed in the Phillips, et al. Petition are summarized below:

- Detached buildings are limited to no more than three units, or four units in the case of townhouse development.
- Setback requirement of 25' adjacent to public open space.
- Allowance of "arts and crafts" uses as-of-right.
- Restriction of vehicular access from Brookford Street or Cottage Park Avenue.
- Allowance of transfer of development rights to create internal streets or to create dedicated public open space.

Planning Board Comments

Of the proposed changes, the restriction on building size has probably the greatest impact. This type of provision is rare in the zoning ordinance. The only district where it has been applied is Special District 14, which was the result of a very carefully negotiated development agreement between the City and Harvard University related to their campus development in Riverside. The Board does not believe that SD-2 is a comparable scenario.

In the Board's view, the district objective to allow development "in a form and density compatible with the adjacent residential neighborhood" does not imply that development should adhere to a pattern that is identical to adjacent neighborhoods. The current zoning requirements limit overall density, height and other dimensional characteristics of development to prevent negative impacts on surrounding uses, and large projects undergo review by the Planning Board to address urban design issues specific to the site.

The Board also does not believe that large buildings with many dwelling units, when designed appropriately, are incompatible with residential neighborhoods containing houses with one to four units. In many neighborhoods throughout the city, large multifamily residential buildings exist side-by-side with smaller buildings, and there is no reason to presume that the residents of such larger buildings would have a negative impact on neighborhood character or community cohesion.

Moreover, the development of many small residential buildings as compared to fewer, larger buildings can be impractical. It is less efficient in terms of construction costs, building operations and environmental impact. Current requirements for spacing between buildings, parking, open space and other site considerations would make it difficult or impossible to build as many residential units as could be built in a larger building, even if the same number of units were allowed by zoning. As a result, redevelopment would likely result in fewer, more expensive housing units, or could become infeasible altogether.

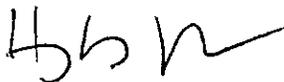
Regarding the other proposed requirements, the Board believes there is some merit in the proposal to include a setback requirement along Linear Park. It was stated that the reason for this proposal was the realization that the lot line of the Fawcett Oil property adjacent to Linear Park was treated as a side lot line and therefore had only a modest side yard requirement. This is an example of how the strict application of zoning requirements to unique sites can have peculiar consequences. On most other lots, the rear yard requirement would impose a setback from Linear Park of 25 feet or more. In the case of the approved Fawcett Oil site redevelopment, adjustments were made through the Planning Board urban design review process that resulted in a more generous setback from Linear Park than required by zoning. Therefore, while specifying a 25-foot setback might be reasonable, it is not clear that it would provide any significant benefit at this point, and it could have unintended consequences on smaller lots.

The allowance of “arts-and-crafts” uses as-of-right appears to be intended to provide for the retention of the existing dance studio on the Fawcett Oil site. However, it was explained to the Board that such a dance studio would not be classified as an “arts-and-crafts” use under zoning regulations.

Access to streets is not typically regulated by zoning except for some limitations on the size and location of curb cuts on a lot. Allowing or prohibiting public access to a lot is usually addressed by the City Council in its consideration of curb cut applications, and is also the subject of established common law with regard to property access rights. Enacting such a restriction through zoning might risk a legal challenge. It could also impact some sites wholly or partially in SD-2 whose only public access is from Brookford Street or Cottage Park Avenue.

Transfer of development rights provisions, where they have been enacted for the purpose of creating public streets or open space, are typically the result of extensive planning studies by the City to consider the balance between public benefits and the impacts of increased development, after having identified the preferred locations for such public spaces and the areas where it would be suitable to allow greater development density as a trade-off. The one specific site identified by the petitioners as a desired public amenity is the community garden on Whittemore Avenue. However, the City’s recent zoning change reducing the allowed density in SD-2 seems to contradict the notion that greater density would be appropriate there in exchange for protecting the community garden. Further study would be required to determine whether transfer of development rights would be an appropriate mechanism to achieve the desired effect.

Respectfully submitted for the Planning Board,

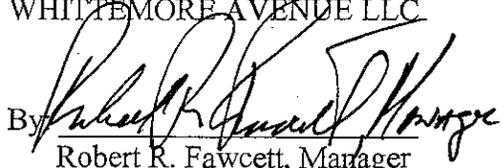
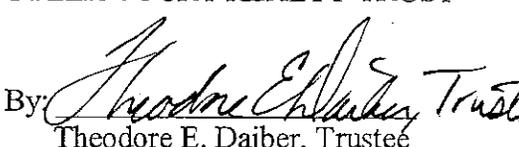


Hugh Russell, Chair.

March 21, 2014

PROTEST AGAINST ZONING CHANGE
PURSUANT TO MASSACHUSETTS GENERAL LAWS 40A, §5

The undersigned, being owners of more than 20% of the area of land proposed to be affected by zoning amendments proposed in a Petition filed by the City Council to amend Section 17.20 and 19.40 of the Zoning Ordinance of the City of Cambridge – Regulations for Special District 2 (the "Petition"), which Petition is the subject of the Planning Board Hearing Notice attached hereto as Exhibit "A," hereby protest and object to such Petition and such proposed amendments, on the grounds that such amendments would represent an arbitrary and invalid exercise of the zoning power, are not based on any comprehensive land use studies or plans, and would be substantially adverse and detrimental to our property and business interests.

	<u>Name of Owner</u>	<u>Address</u>	<u>Signature</u>
1.	Whittemore Avenue LLC	12, 32-32R Whittemore Ave. (Map 189, Lot 97; Map 188, Lot 12)	WHITTEMORE AVENUE LLC By:  Robert R. Fawcett, Manager
2.	Tyler Court Realty Trust	35 Cottage Park Ave. & 25 Edmunds Street (Map 189, Lots 87, 78)	TYLER COURT REALTY TRUST By:  Theodore E. Daiber, Trustee

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
2014 MAR 24 PM 11 10

This amendment has two sections. In the first we tackle the most glaring omissions

- We were surprised to learn that it is possible to design a project such that the Linear Park would be considered a "side yard" and thus a mere 7.5' setback would be possible. We had expected this to be considered a rear setback, and in deference to the Park, we ask for an adjustment.
- The second issue is to clarify the existing language's call for "form and density compatible with the adjacent residential neighborhood ." We feel that it should not be possible to create buildings of a form larger than those nearby. This is done by limiting the number of units in a single structure.

In the second section, we propose solutions to other issues particular to SD-2. We wish to address traffic safety on narrow streets, and to attempt to preserve two very special aspects of our neighborhood: the dance studio and the Whittemore Community Garden. An addition to use regulations would allow the creation of new community space for dance and arts programs. A developer incentive is proposed to preserve the Garden.

Underlines are additions, strikeouts are deletions; other text is from the existing ordinance for context.

Section 1

17.23.1 Additional Permitted Residential Uses. Multifamily Dwelling, Section 4.31.g shall be permitted, subject to the special permit requirements for Townhouse development in a Residence B District. Structures comprised solely of semi-detached (townhouse) dwellings may contain up to four (4) dwelling units. Otherwise, no more than three (3) dwelling units may occupy a single structure. No multifamily structures are permitted within 100' of the nearest Whittemore Avenue street line.

17.24.3 Other Dimensional Requirements.

- 5) There shall be a minimum setback of 25 feet from adjoining Open Space districts, consisting entirely of Green Area Open Space or Permeable Open Space.

CAMBRIDGE, MASSACHUSETTS
OFFICE OF THE CITY CLERK

2019 MAR 24 PM 11 10

Section 2

17.23.22 The above nonresidential uses shall be permitted to occupy a nonresidential building in existence as of September 1, 1998 provided the current use of the building, if occupied, is any use described in Section 4.34 (office and laboratory use), Section 4.35 (retail business and consumer service establishment), Section 4.36 (open air and drive-in retail and service), Section 4.37 (light industry) or Section 4.38 (heavy industry). Where the building is unoccupied it may be so occupied with permitted nonresidential uses provided the building has not been occupied by a residential use in the five years immediately preceding the time of application for a certificate of occupancy for the new nonresidential use. Uses described in Section 4.35 paragraph q (arts and crafts studio) are always permitted.

17.26 Access to streets

17.26.1 There shall be no publicly accessible street connection that allows vehicles to travel between Massachusetts Avenue and either of Whittemore Ave and Magoun St. via Special District 2.

17.26.2 No building, structure, parking facility, street, or access road within Special District 2 may have access to Brookford Street or Cottage Park Avenue.

17.27 Transfer of Development Rights to increase traffic safety. Transfer of permitted Gross Floor Area between lots within Special District 2 in order to extend public streets is allowed pursuant to the regulations in Section 21.10 of the Zoning Ordinance in addition to the following:

17.27.1 The donating lot must abut and have right of access to an existing street which grants access to streets outside of Special District 2.

17.27.2 The donating lot must be accepted by and conveyed to the City of Cambridge as an easement or fee interest in property for the purposes of being used as a public street.

17.28 Transfer of Development Rights to preserve Publicly Accessible Open Space. Transfer of permitted Gross Floor Area between two or more lots is allowed pursuant to the regulations in Section 21.10 of the Zoning Ordinance as well as the following:

17.28.1 Donating lots

(1) The donating lot must adjoin a street. It also must either be within the bounds of SD-2 or in a Residence B district directly across a street from SD-2.

(2) The minimum area of the lot is the minimum area of a lot in the lot's zoning district. The lot must be of a regular, quadrilateral shape.

(3) The donating lot must be dedicated as Public Open Space and be in an environmental condition consistent with all federal, state and local laws, rules, and regulations for all uses to which Public Open Space is intended to be put, including, but not limited to unrestricted excavation for purposes of landscaping and growing flowers and vegetables.

(4) The dedication of the required Public Open Space shall be accomplished by transfer of ownership of the donating lot to the City in fee simple absolute, subject to encumbrances acceptable to the City which do not interfere with the use of the land for its intended purposes such as subsurface utility easements. If the City does not accept such transfer of ownership, then the Permittee, or its successors and assigns, shall hold the land as Public Open Space available to the public in perpetuity for all uses and activities identified in the definition of Public Open Space in this Zoning Ordinance. The development of the Public Open Space, whether or not ownership is transferred to the City, shall be designed and its use shall be programmed and controlled by the City of Cambridge.

(5) The effective FAR for computing the GFA transferred from the donating lot shall be 0.75.

17.28.2 Receiving lot. The majority of the receiving lot must be within the bounds of Special District 2. The Planning Board may allow additional dwelling units on the receiving lot at the rate of one dwelling unit for each 1,500 square feet of additional Gross Floor Area transferred from a donating lot.

19.46 Areas of Special Planning Concern. The following zoning districts shall be considered Areas of Special Planning Concern: Business A-1 and Business A-2 Districts, the Parkway Overlay District, the Kirkland Place Overlay District, the Harvard Square Overlay District, the Central Square Overlay District, The Cambridgeport Revitalization Development District, the Massachusetts Avenue Overlay District, Special District 2, Special District 12, Special District 13, Special District 14 and the Memorial Drive Overlay District, and the Prospect Street Overlay District.

Lopez, Donna

ATTACHMENT

From: Seth Teller [teller@csail.mit.edu]
Sent: Tuesday, March 25, 2014 8:47 PM
To: City Council
Cc: Lopez, Donna
Subject: Support for Linear Park petition

[Please include this message in the public record.]

Dear Councillors,

Please adopt the setback provision of the Linear Park petition.
The Park is a wonderful resource, one that deserves our attention and protection.

Sincerely,

Seth Teller
281 Hurley St.
Cambridge