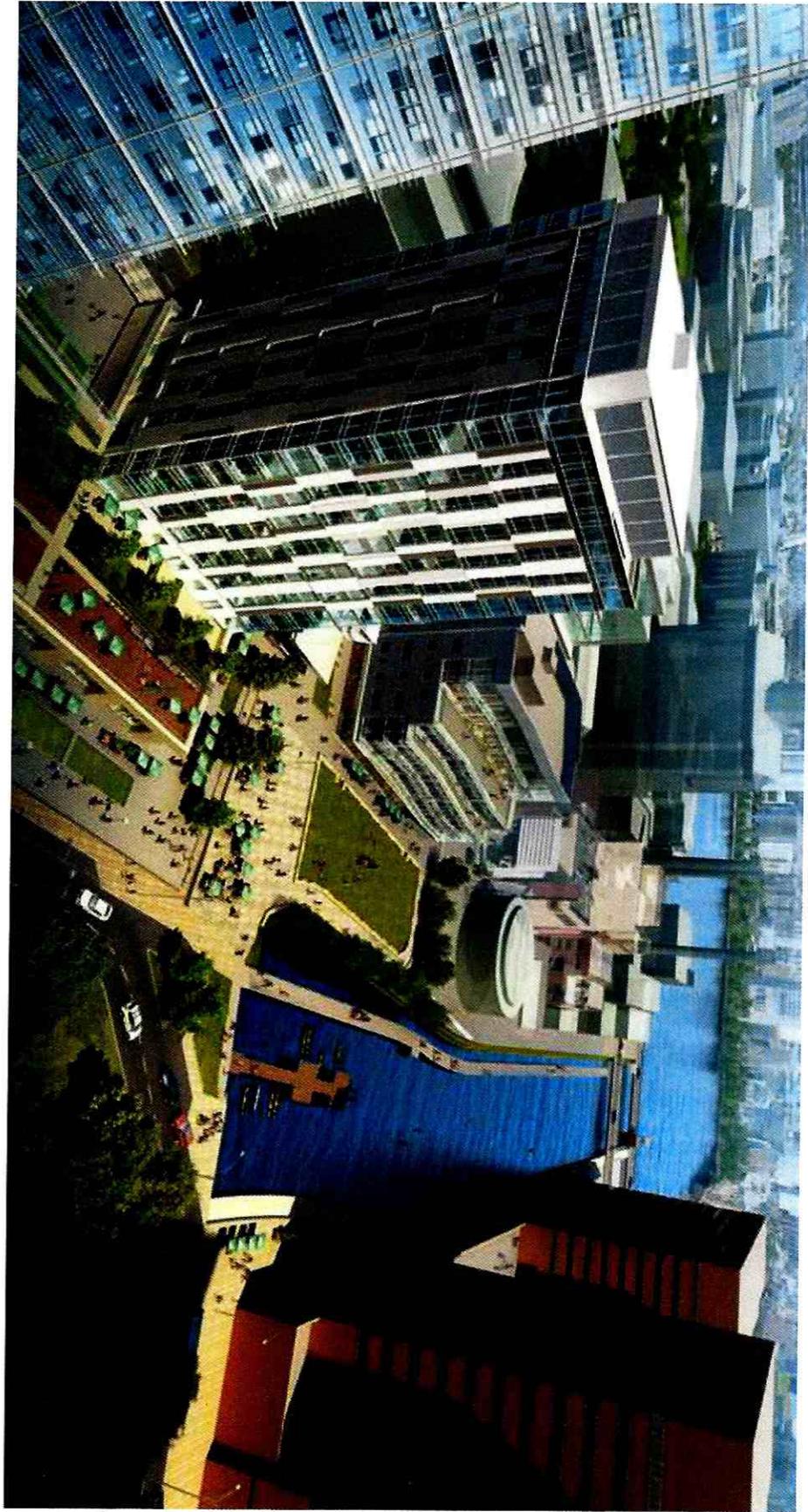


PUD Procedural Zoning Amendments



*City of Cambridge • Community Development Department
June, 2014*

Zoning Petition Timeline



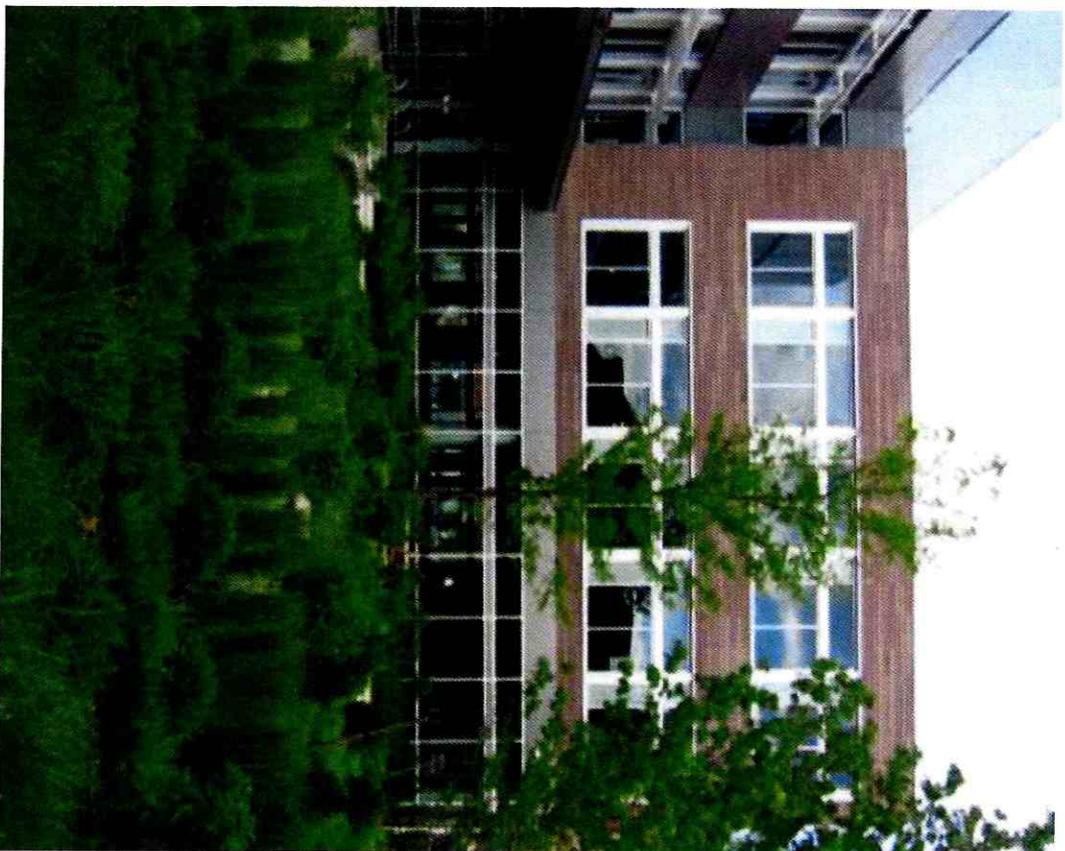
- March 4: Planning Board reviewed issues and referred petition to City Council
- May 6: Planning Board public hearing
- June 10: Ordinance Committee public hearing
- Final action by August 4

What is a PUD?

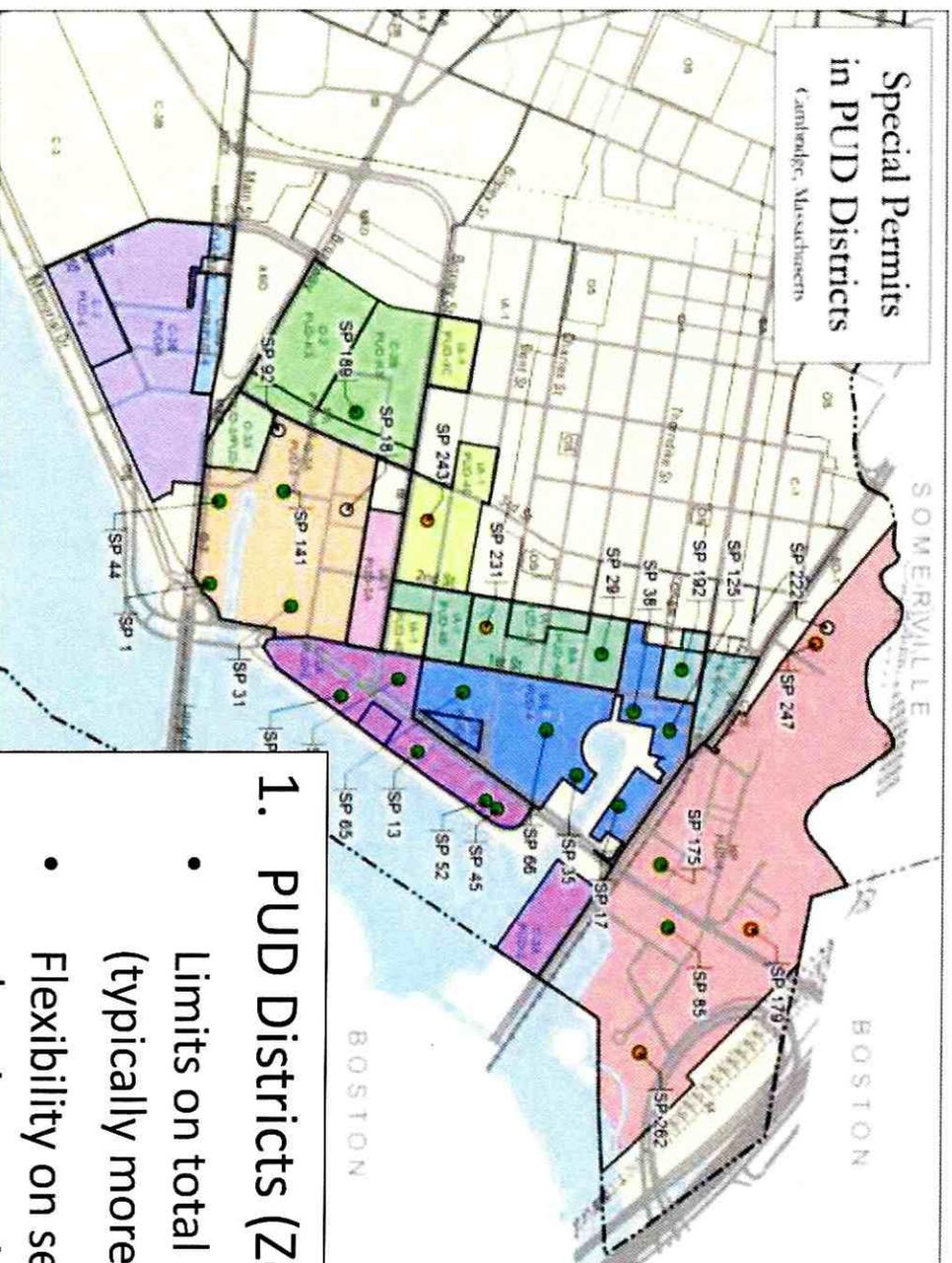
Planned	Unit	Development
Covers a large area, phased over time	Permitted as one integrated project	Mix of uses, buildings, open space, infrastructure

Why PUDs?

- Implement City goals for redevelopment areas (35+ year history)
- Better site planning for large land areas
- Streamlined permitting of multi-building, phased projects
- Public benefits (open space, infrastructure, amenities)



How PUDs Work



1. PUD Districts (Zoning Overlay)

- Limits on total development, height (typically more than base zoning)
- Flexibility on setbacks and other site planning requirements
- Required public benefits (e.g., open space, transportation)

How PUDs Work



2. Development Proposal / Final Development Plan
 - One or more buildings
 - Phased development
 - Planning Board review (2 hearings)
 - Detailed controls are written into the Special Permit Decision

How PUDDS Work

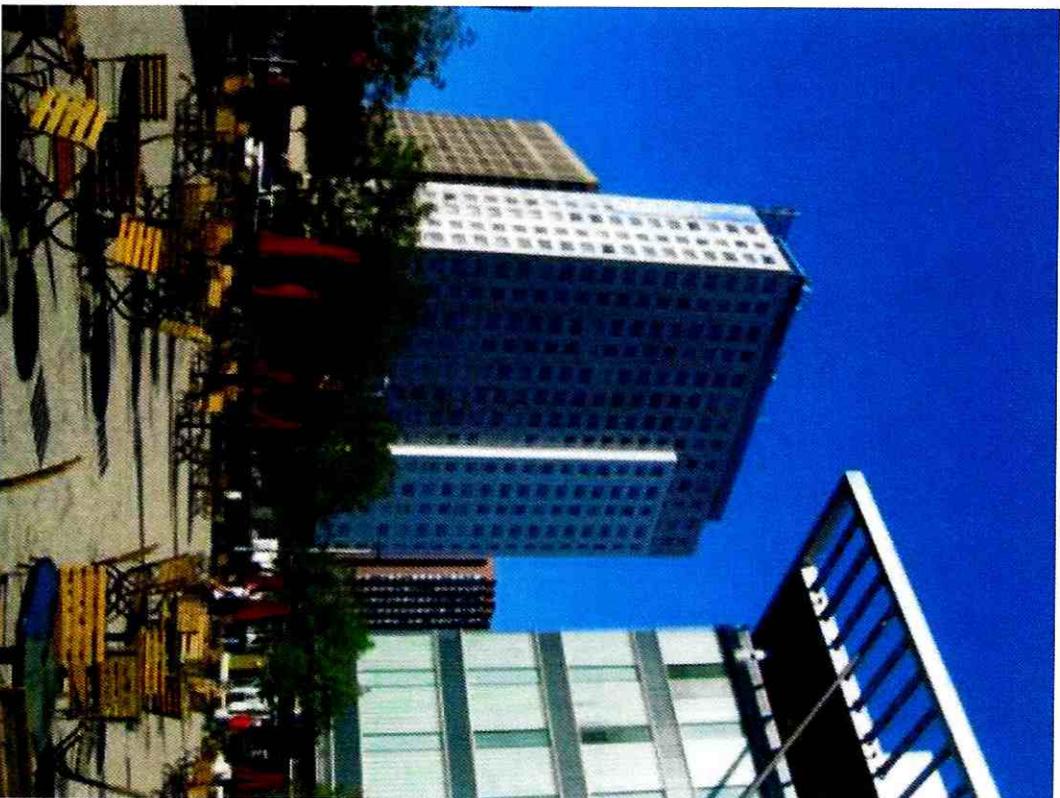


3. Phased Development

- Projects can last as long as 20+ years
- Individual buildings may require further design review
- Timing of delivery of public benefits specified in special permit
- Owner may seek amendments to the special permit

Emerging Issues

- Special permit requirements in effect forever (virtually)
- Change happens:
 - Economic conditions
 - City planning goals and guidelines
 - Ownership transfers
- 100+ amendments and counting ...



Three Proposed Changes

1. Clarify amendment process
 - Option to grant amendment with a one-hearing special permit
 - Currently, can amend with a two-hearing special permit or a written determination
2. Extend time to commence a PUD project from one year to two years after special permit is granted
3. Clarify rules for when ownership is divided
 - All future owners remain subject to special permit requirements
 - Special permit can assign different rights and obligations to different parts of a PUD

Clarifying Amendments

A ...	Minor Amendment	Major Amendment	New Development Proposal
Is a ...	change to elements of a PUD that does not alter their use, dimensions or parking	change to elements of a PUD but not a substantial deviation from the PUD concept	substantial deviation from the PUD concept as a whole
and requires a ...	determination from the Planning Board	special permit (one hearing)	new PUD special permit (two hearings)

Amendment Process

Current Zoning

Proposed Zoning

PUD Approval

Optional pre-application meeting with Planning Board



Development Proposal
First public hearing
Planning Board review and Preliminary Determination



Final Development Plan
Second public hearing
Planning Board review and Special Permit Decision

Amendments

Major Amendment
First public hearing
Planning Board review and Preliminary Determination



OR

Minor Amendment
No public hearing
Planning Board approval by written determination

Amendments

Optional pre-application meeting & determination by Planning Board



New Development Proposal
(Initiate process described in leftmost column)

OR

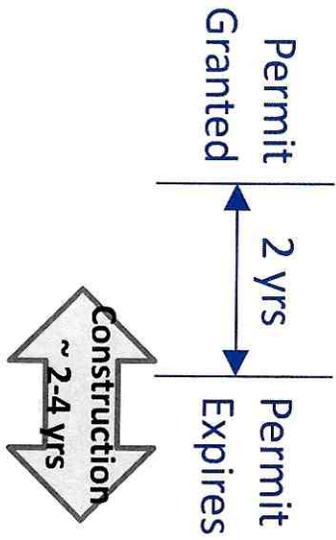
Major Amendment
One public hearing
Planning Board review and Special Permit Decision

OR

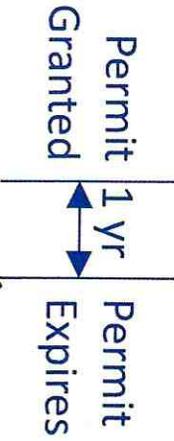
Minor Amendment
No public hearing
Planning Board approval by written determination

Special Permit Expiration

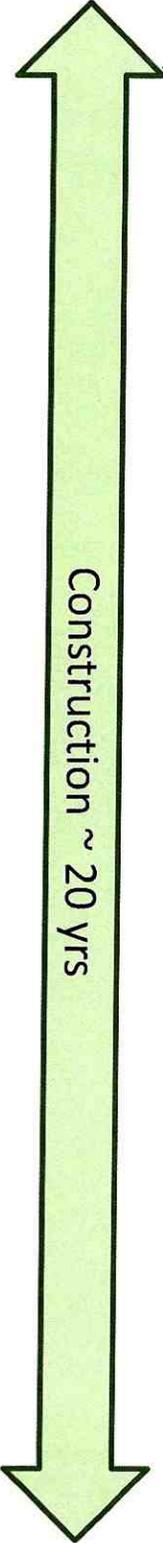
Special Permits



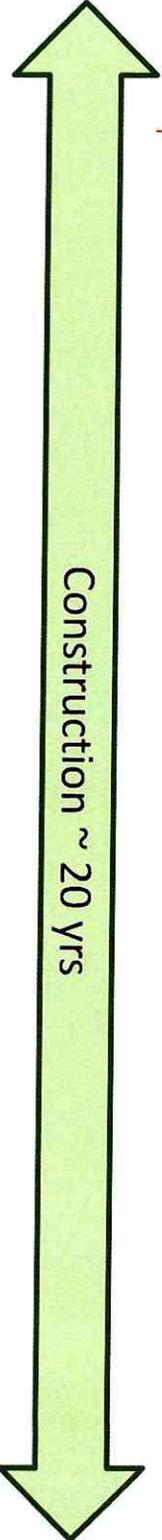
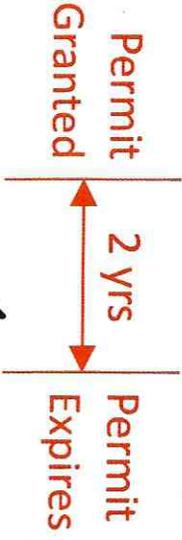
PUD Special Permits



Current Zoning

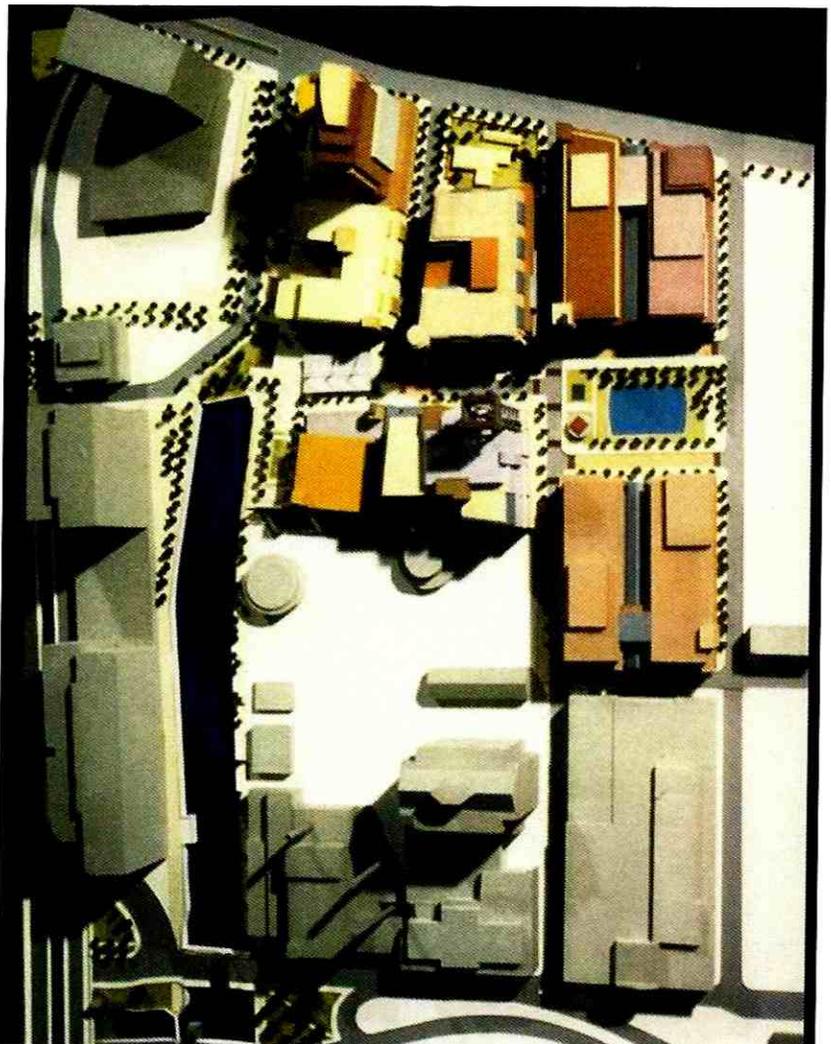


Proposed Zoning



Separation of Ownership

- Many buildings governed by one special permit
- When land is divided, who is responsible for what?
Who can seek amendments?



- **Collective** obligation to meet all requirements
- **Distributed** rights may be assigned in the special permit to Component Parcels

Carol O'Hare

ATTACHMENT B

From: Carol O'Hare [c.burchardohare@att.net]
Sent: Tuesday, June 10, 2014 5:05 PM
To: Cambridge City Council
Cc: Brian Murphy; Stuart Dash (sdash@cambridgema.gov); Jeff Roberts (jroberts@cambridgema.gov); Liza Paden; Dennis Benzan (dbenzan@cambridgema.gov); Dennis Carlone
Subject: City Council Ordinance Committee - Proposed PUD "Procedural" Amendment
Importance: High

Dear City Councillors:

Sorry for the lateness of this quick email expressing my serious concerns about the proposed amendment, which CDD and the Planning Board characterize as merely "procedural." It is not. It has significant substantive elements.

I understand why it could make sense to create three (in place of two) tiers of review for proposed changes to PUDs: Minor Amendment (no Planning Bd. hearings required), Major Amendment (1 Planning Bd. hearing required) & Substantial Deviation (2 hearings Planning Bd. hearings required).

But, I'm afraid there's too much wiggle room and ambiguity in the proposal. Here are three examples:

- The amendments include lists of examples but don't even contemplate what happens if a series of one-by-one "minor amendments" starts looking like a major amendment or a substantial deviation.
- The "but not limited to" and "such as" phrases omit significant components of a PUD that should be considered by the Planning Board. For example, the proposed amendment is silent about a PUD developer's Net Zero commitments.
- "Shall" is mandatory. "May" is not mandatory. It concerns me that "Substantial Deviations" (the big-deal changes) are defined using the operative word "may" instead of "shall."

This has had a lot of in-house vetting, and, I'm guessing developers and their legal advisers have had their say. But, there's not been enough independent, fresh thought or opportunity for that sort of input for you to proceed with this proposal.

And then, the first of the three Citywide Mater Planning meetings is scheduled for this evening in almost direct conflict with your consideration of this significant proposal. Too much in too short a time.

Below is a copy of my 5/2 email to the Planning Board.

Thank you for your hoped for consideration

Carol O'Hare
 172 Magazine St.

cc: Donna Lopez, City Clerk, for the Official Record

6/10/2014

Lopez, Donna

ATTACHMENT C

From: Jan Devereux [jan.devereux@gmail.com]
Sent: Tuesday, June 10, 2014 3:42 PM
To: City Council; Lopez, Donna
Cc: Doug Brown
Subject: PUD Amendment before Ordinance Committee

Dear Councillors,

We write to oppose the PUD Zoning Amendment before the Ordinance Committee today. We also request that the meeting be adjourned by 6 pm and that any decision continued in deference to the public kickoff meeting for the city's master plan process, which begins tonight at 6:30 in a different venue.

We are deeply concerned that, under the guise of proposing mere procedural changes, this amendment would further restrict public participation in planning decisions by reducing the number of hearings required and granting the planning board new discretion to categorize substantive changes as "minor," thereby broadly extending the Planning Board's powers at the public's expense. The language of the amendment includes a preponderance of permissive legalese that opens many loopholes and casts doubt on the amendment's purported intent to simply streamline the decision-making process. We believe it should be rejected in its current form.

We note that the planning board's decision-making process has lately come under increased public scrutiny and mounting criticism for its lack of transparency and pattern of limiting public comment to a narrow set of criteria. If passed, this amendment would most certainly raise new concerns about the appropriateness of an appointed board recommending to extend its own powers, and would raise questions about the Council's exercise of its duty to protect the public good.

Respectfully,

Jan Devereux
255 Lakeview Ave.

Doug Brown
35 Standish St.