

The Case for the Carlone, et al. Petition

In addition to evaluating meaningful criteria, the Planning Board has the legal authority to exercise greater discretion, but clearly is not accustomed to applying it. As of this week, there are now plans to form an advisory committee to look at ways to improve the Planning Board process. However, we also owe it to residents to assume our share of the responsibility during this period of change. After all, we are now witnessing unprecedented opposition to projects that will literally redefine neighborhoods -- the Courthouse in East Cambridge, and the Alewife Brook floodplain area. Smart, talented, committed residents are telling us something; we need to be part of the process.

General Information on Special Permits

The basic purpose of special permit zoning relief is to allow certain uses/dimensional relief that may be desirable or necessary, but should not occur in every location or any location without restrictions or conditions tailored to fit the special problems which the use/greater size presents.

- The City Council has the capacity to act as a special permit granting authority, as explicitly defined by Mass. Gen. Laws Ch. 40A, Sec. 1A.

Sec. 19.20 Project Review Special Permits & Criteria

- In the City of Cambridge, we have a number of different kinds of special permits, including the Sec. 19.20 Project Review Special Permit, which is typically required for large, new projects greater than 50,000 square feet in gross floor area.

- The purpose of Section 19.20 is to ensure that new construction or changes of use in existing buildings (1) are consistent with the urban design objectives of the City and (2) do not impose substantial adverse impacts on city traffic.
- Project Review Special Permits under active discussion:
 - The Sullivan Courthouse redevelopment at 40 Thorndike Street
 - Alewife Brook floodplain development at 88 Cambridge Park Drive
 - Brownfield development at 75 New Street with no continuous public pedestrian infrastructure
- Project Review Special Permits recently approved
 - 15 - 33 Richdale Avenue (April, 2014) – **Memo of Understanding – Councillors involved in resolution**
 - Forest City biolab at 300 Mass. Ave. (September, 2013)
 - Note, the council took an active role in rezoning just prior to this special permit application - and, in the process, **secured the preservation of 168 units of affordable housing - at different locations on previous Forest City projects** - a remarkable accomplishment.
 - As a result of council involvement, the process at the Planning Board for the Sec. 19.20 Project Review Special Permit was fairly painless and very productive. Compare this to projects like 75 New Street and 40 Thorndike Street, where the Planning Board has been trying to deal with immense controversy.

Sec. 10.43 General Criteria for all Special Permits

- In addition to satisfying the specific criteria of Sec. 19.20, Project Review Special Permits must also satisfy the general criteria for issuance of a special permit under Sec. 10.43 of the Zoning

Ordinance. The general requirements do not detract from the scope of review of the specific Sec. 19.20 provisions. Rather, these general provisions actually provide additional considerations that may be invoked in the decision to deny a special permit.

Established Mass. case law says Special Permits are very discretionary

- The granting authority has the **full range of discretion** in shaping its decisions.
- If the special permit granting authority finds any permissible reason to deny the application, its decision will be sustained by the courts.
- The special permit granting authority **may consider the effects of other projects approved or denied in the vicinity of a proposal, including traffic impacts.**
- **Even when a zoning board cites no particularized reasons or any specific evidence for its denial decision, its action will be upheld... if a rational basis for the denial exists which is supported by the record.**
- The special permit granting authority may deny a special permit even in cases where it may have been lawfully issued. See Humble Oil v. Town of Amherst (finding that the granting of a special permit was discretionary...even if requirements for granting a special permit set forth in the by-law were satisfied...**consideration of future hazardous traffic conditions** in the area did not render its decision arbitrary or unreasonable.)

State Law allows the SPGA to apply innovative conditions

- The special permit granting authority may impose conditions, safeguards, and limitations on the proposed use/project. Mass. Gen. Laws Ch 40A, Sec. 9.
- **Innovative conditions are generally permissible; the special permit granting authority is free to establish new policies, although they must be based on a rational objective. (UD/City Goals)**

State Law allows the SPGA to hire independent, outside consultants

- The special permit granting authority may establish a special account and require developers/applicants to contribute to a fund for the purpose of hiring outside consultants to verify the applicants studies, reports, etc. See Mass. Gen. Laws Ch. 44, Sec. 53G.

Planning Board seems to take a narrow view in its decision-making

- **Contrary to the body of established case law, the Planning Board has consistently suggested that it is obligated to issue special permits.**
- "And the way the law works is it says in the Zoning Ordinance there are criteria for granting that we need to consider before granting each of those ^{SPGA} permits. And I'm going to go through those for you in a minute. So we're trying to make findings. If we can make those findings, we are obligated to issue the Special

Permit." Planning Board Chair Hugh Russell, April 29 hearing on redevelopment of the Sullivan Courthouse.

- "So there are a number of Special Permits that are being requested by the project. Each of those Special Permits have certain criteria written into the Ordinance and if we find that they meet the criteria, then we are obligated to grant the Special Permit. That's the way the law works." Planning Board Chair Hugh Russell, May 20 hearing on 75 New Street.

How the Council will handle its temporary role as a SPGA

- Some 40 cities and towns across the Commonwealth vest special permit granting authority with their city councils, boards of selectmen, or other local legislative bodies.
- **Conceivably, the City Council would schedule a once-a-month standing committee meeting to receive updates and hear applications for Project Review Special Permit relief.**
- **The City Council would not actually draft a Notice of Decision; currently, the Community Development Department does the actual work of drafting decisions based on the transcript and discussion at the Planning Board.**
- **As a special permit granting authority, the City Council will utilize recommendations from the Planning Board, similar to recommendations that are issued with zoning amendment proposals.**
- **Incorporate City Council established Goals (Slide Insert Sheets)**

Council already expected to work on zoning changes, re: K2 & C2

- Council is expected to consider zoning changes for the Mass + Main proposal, redevelopment of the Volpe Center, MXD, etc.

Council also routinely handles curb-cuts

- Just this week, the City Council considered a curb cut application.

Proposals to reform Planning Board can't come soon enough

- Yes, absolutely let's form a committee...but I have to ask: what happens in the meantime? Sending a problem of this magnitude to a committee to make recommendations that many months from now would have to be approved – or not – by the Council and the Manager, ignores the clear and pressing need for **improvements** - There are **currently three large projects before the Board that are crying out for the big picture view** that, time and again, our planning board has declined to take. In the short term, Councilor Carlone's **zoning amendment...would add another layer of review to very large projects like these while the committee being proposed here does its work.** “So my yes to form a committee, is not a substitute for the Carlone amendment.” – (an advisory committee will not be able to implement reforms fast enough to address the immediate concerns of residents) - Jan Devereux, speaking to the City Council at the Planning Board, July 28, 2014.

Public accountability generally leads to better outcomes.

- **Last month, San Francisco voters approved Proposition B, which requires a citywide popular vote to approve future large development projects along the city's waterfront. According to the Wall Street Journal, Forest City immediately responded by offering to up its affordable housing component on a 1,000+ unit project, from 20%, to 30%. Compare that to our inclusionary zoning measures, which yield 11% affordable housing in practice.**

Conclusion: We need to work together. This is the next step.

We need to change faster. Change the way we do business, let residents have a more meaningful role in the planning process – they live here, elected us to represent them to be a holistic voice.

And that's not going to happen unless the city council gets more engaged. Managers, administrators, and appointees are not subject to the same kind of accountability to the public...

Dennis Carlone
Cambridge City Councillor
July 30, 2014

Petition for City Council Project Review

Outline in support of the Carlone, et al. petition. Enhancing Quality of Life.

This is an initial draft and will be updated based on comments at Wednesday's Ordinance Committee hearing.
Email dcarlone@cambridgema.gov or visit www.denniscarlone.org to offer suggestions and feedback.

Background

Our Common Goals

Our Immediate Challenges

The Citywide Master Plan

Residents are asking: What happens in the meantime?

Sullivan Courthouse redevelopment at 40 Thorndike Street

75 New Street

88 CambridgePark Drive

Timeline for the Carlone, et al. petition

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Criticized for a piecemeal approach, with little regard for cumulative impacts

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How the Council will handle its temporary role as a SPGA

Proposals to reform Planning Board can't come soon enough

Widespread Agreement that Planning Board is "broken" and in need of reform

Public accountability generally leads to better outcomes

Conclusion: We need to work together. This is the next step.

Background

Our Common Goals

- “We Cantabridgians tend to share some common goals – we value diversity, we want to enhance neighborhood character and provide sustainable transit options, and we seek to preserve and create affordable housing for low, moderate, and middle-income residents and families. But as an architect/urban designer and former consultant to the City and the Planning Board, I know that we need to do more if we are to fully achieve our goals.” Cambridge City Councillor Dennis Carlone, email to petitioners, July 25, 2014.
- The City Council has established goals and objectives on a biannual basis since 1996. The last update to the city's goals was completed in 2011; at that time, the council stopped explicitly setting objectives. Current goals for the city were set to expire on June 30, 2013.

Our Immediate Challenges

- Housing prices are at an all-time high; vacancies at an all time low; longtime residents are being pushed out; younger Cantabridgians forced to look elsewhere, etc.
- Climate Change Vulnerability Assessment and Adaptation Plan process is ongoing.
- Incentive Zoning Linkage Fee for Affordable Housing has not been updated in well over a decade; millions of dollars have been “left on the table” because the City Council failed to implement Barry Bluestone’s 2002 Nexus Study recommendations.
- A recent report from the Metropolitan Area Planning Commission suggests that 35% of our new housing stock might have to be made affordable to people with low, moderate, and middle incomes to mitigate against gentrification.
- Many, many more challenges...

The Citywide Master Plan

- “With facilitation from Kathryn Madden, a well respected planning professional, the Master Plan process has already engaged hundreds of residents from across the city... Dubbed Cambridge Conversations by the city's Community Development Department, this is exactly how you start a planning process – with an open conversation. People walk into these discussions with different perspectives, but as they talk about what makes Cambridge special – and what needs to improve – they actually start working together to address many of the issues facing our city. Will these exercises be enough to produce a comprehensive Master Plan? No, of course not. This is only the first phase, and many issues will require research and new alternatives. Nevertheless, I consider the start of the Master Plan process to be a big milestone for our city because it's enabling people to share ideas and find common ground on difficult issues.” Cambridge City Councillor Dennis Carlone, blog post, June 13, 2014.
- At the council's midsummer meeting on July 28, we received a Preliminary Summary of Process and Input on the initial phase of the Citywide Master Plan process.

Residents are asking: What happens in the meantime?

Sullivan Courthouse redevelopment at 40 Thorndike Street

- "Of course any discussions of the building begins with its height. It qualifies as one of the taller buildings in Cambridge and is **admittedly out of scale** with most of the structure around it." Developer Rob Dickey, April 29 testimony to the Planning Board.
- "Nobody would put a 2500 employee office building, the tallest office building in Cambridge, in the middle of our neighborhood. It just doesn't make sense. It doesn't make any kind of planning sense." Bethany Stevens, April 29 testimony to Planning Board.
- "In the end it comes down to what is the public good? When you block sun to a whole city block, you have to question the building that you're looking at... Does this building continuing another 50 years hurt the integrity of the district? Where else in the city is there a half million square feet of office within a residential neighborhood? The street character will automatically change. Obviously it will be more of an office street, the lighting character. Anybody who lives near an office building knows that. But in the end it comes down to public good... I would propose that the Council ask for a full MEPA report if for no other reason than to look at alternatives... Here is the opportunity that every urban design architect looks for... the end of life of one building, the beginning of another." Dennis Carlone, April 29 testimony to the Planning Board.
- "I get to experience the actual wind on-site every time I go by the building which is most days several times a day. In my experience [the Third Street side] is absolutely the worst. That's where I have been knocked off my feet twice just walking by that building in the wintertime from the wind. I mean, I'm small but I'm not that small. And yet, gusts of wind off that building knocked me down." Heather Hoffmann, April 29 testimony to the Planning Board.
- "This is a fragile neighborhood. There are traffic queues as you've seen. With 2,000 more employees, this situation with traffic will be intolerable." Rhoda Fantasia, April 29 testimony to the Planning Board.

75 New Street

- "If you asked me at the time, and this was at the time of the Concord/Alewife Study, if I ever thought I'd see housing on New Street, I never thought we'd see housing on New Street. I thought it was a crazy, crazy idea. I never thought we'd see it. And now look what's happened..." Mayor David Maher, speaking to Fresh Pond Residents Alliance, May 13, 2014.
- "This is not smart transit design. This is a developer who bought a property to capitalize on the void of good planning and oversight to squeeze the maximum number of units onto two adjacent parcels." Jan Devereux, testimony to Planning Board, May 20, 2014
- "This one unit will be the size of two football fields. It will run the length of the shopping mall. It will run the length of Danehy Park. The [Concord/Alewife Study] guideline says: Break up large blocks into smaller blocks... something of that length and mass can't

possibly comply with this from the planning document." Jay Yesselman, testimony to Planning Board, May 20, 2014.

- "If the vision is to have generic architecturally uninteresting clusters of sort of blank buildings, then, yes, this is consistent with that. If the intention is to have a vibrant, forward-looking neighborhood that's somehow consistent with the rest of the city, then, no, I don't see how it's consistent with that." Steve Bercu, testimony to Planning Board, May 20, 2014.
- "In order to get to transit, you have to be able to walk from this site down a sidewalk, hopefully, and get either to a bus on Concord Avenue or somehow get over to the T station. Those are the two routes you got to go. And the trouble is either direction you go on New Street, you run out of sidewalk. We have 93 housing units here. Over 90 parking spaces. This is not transit-oriented development." Steven Kaiser, 75 New Street hearing, May 20, 2014.

88 CambridgePark Drive

- **"We're supposed to be the Planning Board, but I don't know that this is the way I would have planned this area. It doesn't feel like Cambridge. I wish we had done something different. We are getting density, but it's disconnected and in the middle of nowhere. Traffic is the big issue, but I don't have a sense of the impact once it's all built out. And if there is flooding, what are the risks and to whom?"** Planning Board Member Steven Cohen, 88 CambridgePark Drive hearing, July 8, 2014.
- "This proposal is the fourth in a series of large residential projects in the "Triangle" put forward by The McKinnon Company and its private equity backers (Blackstone Real Estate in this instance) in a sequence that has requested special permit relief for each project without a comprehensive neighborhood plan and without a full analysis of the total projected population or the level of neighborhood services needed." Jan Devereux, July 7 blog post.
- "The current process is creating large developments not consistent with the City's overall goals – they are not transit-oriented, many are not pedestrian-friendly, they are not mixed use, there are no public amenities and little or no public open space." Nancy Ryan, June 30 testimony to the City Council.

Timeline for the Carlone, et al. petition

- Citywide Master Plan policy orders introduced on April 7, 2014.
- Citywide Master Plan policy order adopted on April 28, 2014.
- Citywide Master Plan process kickoff, *Cambridge Conversations*, June 2014
- Petition for city council project review introduced to council on June 30, 2014.
- Ordinance Committee hearing, July 30, 2014.
- Planning Board hearing, August 5, 2014.
- Petition expires on October 28, 2014 (or November 3, 2014).
- City Council Project Review is intended to run concurrently with the Citywide Master Plan process, as an interim measure.

The Case for City Council Project Review

In addition to evaluating meaningful criteria, the Planning Board has the legal authority to exercise greater discretion, but clearly, they are not accustomed to applying it. As of this week, there are now plans to form an advisory committee to look at ways to improve the Planning Board process. However, we also owe it to residents to assume our share of the responsibility during this period of change. After all, we are now witnessing unprecedented opposition to projects that will literally redefine their respective neighborhoods -- the Sullivan Courthouse in East Cambridge, and the Alewife Brook floodplain area. Smart, talented, committed residents are telling us something.

-- Cambridge City Councillor Dennis Carlone.

General Information on Special Permits

- "Zoning ordinances or by-laws shall provide for specific types of uses which shall only be permitted in specified districts upon the issuance of a special permit. Special permits may be issued only for uses which are in harmony with the general purpose and intent of the ordinance or by-law, and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards and limitations on time or use." Mass. Gen. Laws Ch. 40A, Sec. 9.
- The City Council has the capacity to act as a special permit granting authority, as explicitly defined by Mass. Gen. Laws Ch. 40A, Sec. 1A.
- In Cambridge, special permits are normally granted by the Planning Board, but in many other municipalities, special permit granting authority is also vested in city councils and other local legislative bodies.
- In short, a special permit is a kind of zoning relief that allows for uses or developments that may be appropriate in a particular district but could have adverse effects that make municipal control and oversight desirable. See generally SCIT v. Braintree, page 109.

Sec. 19.20 Project Review Special Permits & Criteria

- In Cambridge, we have a number of different kinds of special permits, including the Sec. 19.20 Project Review Special Permit, which is typically required for large, new projects (or renovations) greater than 50,000 square feet in gross floor area.
- The purpose of Section 19.20 is **"to ensure that new construction or changes of use in existing buildings (1) are consistent with the urban design objectives of the City and (2) do not impose substantial adverse impacts on city traffic."**
- Project Review Special Permits under active discussion:
 - Sullivan Courthouse redevelopment at 40 Thorndike Street
 - Alewife Brook floodplain development at 88 CambridgePark Drive
 - Suspected "Brownfield development" at 75 New Street
- Project Review Special Permits recently approved:
 - **15 Richdale Avenue (April, 2014)**

- **Forest City biolab at 300 Mass. Ave. (September, 2013)**
 - Note, the council took an active role in rezoning just prior to this special permit application - and, in the process, secured the preservation of 168 units of affordable housing at different locations on previous Forest City projects - a remarkable accomplishment.
 - As a result of council involvement, the process at the Planning Board was fairly painless and very productive. Compare this to projects like 75 New Street and 40 Thorndike Street, where the Planning Board has been literally unable to deliberate in the face of intense public pressure.
- Four other projects in 2013.
- In reviewing Sec. 19.20 Project Review Special Permit applications, the granting authority must make the following findings:
 - 19.25.1 Traffic Impact Findings
 - "No substantial adverse impact on city traffic within the study area as analyzed in the Traffic Study..."
 - 19.25.2 Urban Design Findings
 - "Project is consistent with the urban design objectives of the city as set forth in Section 19.30. In making that determination the Board may be guided by or make reference to urban design guidelines or planning reports that may have been developed for specific areas of the city..."
- **Citywide Urban Design Objectives, Section 19.30**
 - Each objective is followed by a list of non-exhaustive indicators.
 - *New projects should be responsive to the existing or anticipated pattern of development.*
 - *Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.*
 - *The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.*
 - *Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.*
 - *New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.*
 - *Expansion of the inventory of housing in the city is encouraged.*
 - *Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.*
- "A project need not meet all the objectives of this Section 19.30 where this Section serves as the basis for issuance of a special permit. Rather the permit granting authority shall find that **on balance the objectives of the city are being served.**" Cambridge Zoning Ordinance, Sec. 19.30.

Sec. 10.43 General Criteria for all Special Permits

- In addition to satisfying the specific criteria of Sec. 19.20, Project Review Special Permits must also satisfy the general criteria for issuance of a special permit under Sec. 10.43 of the Zoning Ordinance. The general requirements do not detract from the scope of review of the specific Sec. 19.20 provisions. Rather, these general provisions actually provide additional considerations that may be invoked in the decision to deny or place conditions upon a special permit.

- **Sec. 10.43 Criteria.** Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:
 - It appears that requirements of this Ordinance cannot or will not be met, or
 - traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
 - the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or
 - nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or
 - for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and
 - the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.
- **“And then at the end of all of it, there are general criteria which, again, are largely kind of subsumed by the Chapter 19 permits...”** Hugh Russell, Chair of Planning Board, explaining his view of how the general special permit criteria relate to the specific Sec. 19.20 review criteria. May 20 hearing on 75 New Street.

Established Mass. case law says Special Permits are very discretionary

- If the special permit granting authority finds any permissible reason to deny the application, its decision will be sustained: “The granting authority has the full range of discretion in shaping its decisions.” See Mark Bobrowski, *Massachusetts Land Use and Planning Law*, Sec. 9.04 and cases cited therein, including Sedell v. Zoning Board of Appeals of Carver (denying special permit relief due to impacts on neighborhood character).
- The special permit granting authority may consider the effects of other projects approved or denied in the vicinity of a proposal, including traffic impacts. See Colangelo v. Board of Appeals of Lexington (denying a special permit because of the proposed commercial development’s impact on traffic).
- Nothing in the Zoning Enabling Act or the city’s Ordinance provides an absolute right to a special permit. The special permit granting authority “must act fairly and reasonably on the evidence presented to it, keeping in mind the objects and purposes of the enabling act and the by-law.” See MacGibbon II.
- “Refusal to grant a special permit does not require detailed findings.” MacGibbon I.
- The special permit granting authority need only find “substantial facts” to support the conclusion reached. See Shoppers World v. Beacon Terrace Realty.
- “While the requirement for findings which support the grant of a special permit are rigorous, less is necessary when relief is refused.” See Gamache v. Town of Acushnet.
- “Even when a zoning board cites no particularized reasons or any specific evidence for its denial decision, its action will be upheld... if a rational basis for the denial exists which is supported by the record.” Davis v. Zoning Bd. of Chatham.
- **The special permit granting authority may deny a special permit even in cases where it may have been lawfully issued.** See Humble Oil v. Town of Amherst (finding that “the granting of a special permit was discretionary...even if requirements for granting

a special permit set forth in the by-law were satisfied...consideration of future hazardous traffic conditions in the area did not render its decision arbitrary or unreasonable.”)

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- The special permit granting authority may impose “conditions, safeguards, and limitations” on the proposed use. Mass. Gen. Laws Ch 40A, Sec. 9.
- Innovative conditions are generally permissible; the special permit granting authority is free to establish new policies, although they must be based on a rational objective. See Mark Bobrowski, *Massachusetts Land Use and Planning Law*, Sec. 9.05 and cases cited therein.

State Law allows the SPGA to hire independent, “outside consultants”

- The special permit granting authority may establish a special account and require developers/applicants to contribute to a fund for the purpose of hiring outside consultants to verify the applicants’ studies, reports, etc. See Mass. Gen. Laws Ch. 44, Sec. 53G.

Planning Board seems to take a narrow view in its decisionmaking

- Contrary to the body of established Massachusetts case law, the Planning Board has consistently suggested that it may be “obligated” to issue special permits.
- **“And the way the law works is it says in the use Zoning Ordinance there are criteria for granting that we need to consider before granting each of those permits. And I’m going to go through those for you in a minute. So we’re trying to make findings. If we can make those findings, we are obligated to issue the Special Permit.”** Planning Board Chair Hugh Russell, April 29 hearing on redevelopment of the Sullivan Courthouse at 40 Thorndike Street.
- “So there are a number of Special Permits that are being requested by the project. Each of those Special Permits have certain criteria written into the Ordinance and if we find that they meet the criteria, then we are obligated to grant the Special Permit. That’s the way the law works.” Planning Board Chair Hugh Russell, May 20 hearing on 75 New Street.

Criticized for a piecemeal approach, with little regard for cumulative impacts

- **“The real problem is that the Board has been instructed not to exercise its own statutory power to do more than rubber stamp projects in a piecemeal fashion that ignores broader impacts like traffic, flooding and the environment – all of which cry out for a bigger picture view.”** Jan Devereux, testimony to the City Council, July 28, 2014.
- “I don’t want to hear a lot about traffic on Route 2. I live near Route 2, I drive on it, I know what it’s like. We all know what it’s like. But there is a very specific issue that we have to address as to whether this is going to significantly impact on the traffic.” Planning Board member H. Theodore Cohen, suggesting that broader traffic impacts are not within the Board’s jurisdiction, May 20 hearing on 75 New Street.
- “What Mr. Kaiser had to say was very interesting and would be really appropriate for a planning charrette for regional planning in this area. It really is not relevant to the legal

criteria which we are bound to apply to this application. And if each person is going to talk about the issues in the area and the region, rather than the legal criteria (for) this project, we're going to be here a very long time..." Planning Board member Steve Cohen, May 20 hearing on 75 New Street.

- "Large buildings are being permitted one by one until an area is saturated with big box construction – there is no sense that "the public good" referenced in the zoning ordinance is being considered in the current process." Nancy Ryan, June 30 testimony to the City Council.
- "If you're not prepared to deal with the planning issues as opposed to the minute criteria off those individual permits that you're talking about, who is? And we ought to find out who they are because these projects are gonna keep rolling up to you and you're gonna keep approving them and it's gonna be impossible to consider the Alewife/Fresh Pond area, what all of us have loved and cared about for years and hope to for years to come." Langley Keys, testimony to the Planning Board re: 75 New Street, May 20, 2014.

Carlone, *et al.* petition designed to address immediate concerns

- The Carlone, *et al.* petition is a direct response to concerns over three large development projects that have been active sources of controversy at the Planning Board this year: the Sullivan Courthouse redevelopment at 40 Thorndike Street, the suspected "Brownfield development" at 75 New Street, and the Alewife floodplain development at 88 CambridgePark Drive.
- If the City Council votes to ordain the Carlone, *et al.* petition, then the council will have the opportunity to review the Project Review Special Permit applications for these three projects.
- Notice of the first Ordinance Committee hearing for the Carlone, *et al.* petition was published in the Cambridge Chronicle on July 10, 2014.
- "A zoning ordinance or by-law shall not apply...to a building or special permit issued before the first publication of notice of the public hearing on such ordinance or by-law required by section five, but shall apply...to a building or special permit issued after the first notice of said public hearing..." Mass. Gen. Laws, Ch. 40A, Sec. 6.

How the Council will handle its temporary role as a SPGA

- Conceivably, the council could schedule a once-a-month standing committee meeting to receive updates and hear applications for Project Review Special Permits.
- After hearing a case, the council would not have to actually draft a Notice of Decision; currently, the Community Development Department does the actual work of drafting decisions based on the transcript and discussion at the Planning Board.
- As a special permit granting authority, the council will draw on recommendations from the Planning Board, similar to the recommendations that are now issued for zoning amendment proposals that come before the council.

Proposals to reform Planning Board can't come soon enough

- “Yes, absolutely let's form a committee...but I have to ask: what happens in the meantime? Sending a problem of this magnitude to a committee to make recommendations that many months from now would have to be approved – or not – by the Council and the Manager ignores the clear and pressing need for improvements. There are currently three large projects before the Board that are crying out for the big picture view that, time and again, our planning board has declined to take. In the short term, Councilor Carlone's zoning amendment...would add another layer of review to very large projects like these while the committee being proposed here does its work.” Jan Devereux, speaking to the City Council regarding plans to form an advisory committee to improve the process at the Planning Board, July 28.
- “The City Council needs to step in until we have a plan for the future that envisions balanced growth with shared values. It is your right and responsibility at this moment in Cambridge.” Nancy Ryan, June 30 testimony to the City Council.

Widespread Agreement that Planning Board is “broken” and in need of reform

- **“We've been having difficulty finding time for us to actually deliberate and understand the cases.”** Hugh Russell, Chair of the Planning Board, speaking about the scores of residents who have been turning up to oppose development in the Alewife Brook floodplain. May 20, 2014.
- **“We don't count. Our voice does not count, you have to know that.”** Unidentified audience member, Planning Board hearing on 75 New Street, May 20, 2014.
- **“The planning board does not *plan* and special permits are not *special*, so the fundamental problem is not that the public is challenged to understand the process, but that the entire process has been subverted.”** Jan Devereux, testimony to the City Council, July 28, 2014.

Public accountability generally leads to better outcomes

- Last month, San Francisco voters approved “Proposition B,” which requires a citywide popular vote to approve future large development projects along the city's waterfront. According to the Wall Street Journal, Forest City immediately responded by offering to up its affordable housing component on a 1,000+ unit project, from 20% of the units, to 30% of the units. Compare that to our inclusionary zoning measures, which yield approximately 11% affordable housing in practice.

Conclusion: We need to work together. This is the next step.

July 30, 2014

Vice Mayor Benzan, Co-Chair
Councillor Carlone, Co-Chair
Ordinance Committee
Cambridge City Hall
795 Massachusetts Ave
Cambridge MA, 02139

Submitted via email

cc : City Councillors
City Manager Richard C. Rossi
Mr. Jeff Roberts for the Planning Board

Re - Dennis Carlone, et al. Zoning Petition

Dear Vice Mayor Benzan and Councillor Carlone,

I know how frustrating the development process is in Cambridge through my firsthand experience with the Special Permit Case 252A under Section 5.28.2 of the Zoning Ordinance to convert the former North Cambridge Catholic High School Building at 40 Norris Street into residential units. This case truly highlights what is wrong with the development process and I appreciate and thank Councillor Carlone for his initiative in trying to improve the process for large developments.

However, adding another layer of approval cycle by the City Council for one particular case of special permit (SP) is not the solution as the SP252A clearly demonstrated and I urge you not to approve this amendment. As you may be well aware, because of many issues raised by the initial proposal, Section 5.28.2 was amended in 2011 under the leadership of then Mayor Maher to preserve the "fabric of neighborhood" in converting non-residential unit into residential units.

Yet, as the first case under the newly amended Zoning Ordinance, the developer continued to show disregard for the needs of the community and time after time circumvented the terms of the SP decision. In spite of continued pleading by the concerned neighbors to the senior city staff, the Inspectional Services is ready to issue temporary Certificate of Occupancy (CO) for the entire building.

And here we are again, trying to solve the development process problems for yet another specific case, and only for a short time period until the Master Plan is completed. As the SP252A showed, the problem is not in the Zoning Ordinance but rather in its implementation. We have to take the lessons learned from the past SP cases and strengthen the development process procedures from the inception of a project to the issuance of CO. What I would like to

recommend is to create a new position, reporting directly to the City Manager or the City Council, to oversee special permit cases. The role of this position would include, in broad terms,

1. coordinate and mediate the community outreach efforts by the developer before a SP application is submitted to ensure community's concerns are adequately addressed in the proposed plans;
2. ensure all required documents are submitted in prescribed format and posted on the city's website at least two weeks prior to any hearings to allow adequate review by the SP granting authority as well as the public;
3. after the SP is granted, coordinate activities of all City agencies involved during the construction phase to ensure the conditions of the SP are adhered to;
4. enforce strict revision control of all submitted documents and drawings and schedule a design review if any major changes are introduced. The triggers for such a review should be clearly identified in the SP decision.

I will be more than happy to provide more detailed lessons learned and to volunteer to work with the City in improving the development process in any way I can,

Thank you for your consideration,

Respectfully yours,



Young Kim

17 Norris Street

Cambridge MA 02140

Carlone Petition Testimony

July 30, 2014

Nancy Ryan, 4 Ashburton Place, Cambridge 02139

Family Birthday Field Trip – this year was different. To get a feel for the decisions that have already been made, take your family to the Summer Shack for a 6 pm reservation on a Monday night (not the busiest night of the week) in the summer (less traffic than normal). Try to get down Cambridgepark Drive where traffic is backed up almost all the way to the dead end then try to take a left at the light. Chaos ensues as drivers desperate to get onto Fresh Pond Parkway clog the intersection while drivers from the Alewife T parking lot try to cross in front of you to break into the line. And this is where we are poised to green-light with a special permit a large new residence building and an almost 800-space parking garage. On a flood plain and at a transit node where presumably people will arrive by means other than cars.

Residents have had to become the guinea pigs, researchers, analysts and testimonial witnesses to problem conditions like the Concord Alewife area in the face of official ignorance or acceptance of conditions that should be receiving intense scrutiny from our Community Development, Traffic, Parking, Transit and Public Works Departments. Instead, parcel by parcel, the city's employed professionals appear to be lending their approval. Recently, a Planning Board member lamented that he is not an engineer and cannot evaluate what flooding could occur and how widely if a large new project is approved for a flood plain. That Planning Board member will likely be called upon to judge that proposal without that critical analysis – and in the meanwhile we have seen serious flooding in the whole area in just the past week.

We need you now. The City Council can demand access to independent professional consultation when a large project is under review to determine whether a project could be "a detriment to the public interest" as in article 10.43 of the current Zoning Ordinance. The City Council should have a role, until a Master Plan is in place, to guarantee that we residents will not have to continue to play "whack-a-mole" across the city. To guarantee that with large projects there is contextual oversight, that relevant neighborhood studies are included in the final approval process, that infrastructure beyond the single building is

considered adequate, that real open space (not roof gardens and a few plantings) is incorporated and protected.

There may be no job that is more important for a City Council responsible for the overall growth and well-being of the land and its residents. I have met with a few of you and found that you are inclined to object to this ordinance amendment because you think it might “politicize” development. Politicizing means, according to Microsoft’s thesaurus, “debate, discuss, air, lobby, raise awareness, put on the agenda.” That’s exactly what we want. If you are afraid of developers roaming the halls at 795 Mass. Ave. you should have turned them away before- - I’ve seen lots of them.

I have heard no alternative other than an “advisory committee” that will take months to review the Planning Board process and explain it to residents. I think we’ve been explaining it quite clearly. What we really need is serious Zoning Ordinance Overhaul – and I hope and believe that will occur during the Master Plan process.

Meanwhile, I conclude with a quote from my mentor, the late Kip Tiernan – Cui Bene? – Follow the money



July 25, 2014

Cambridge Ordinance Committee
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Co-Chairmen Dennis Bengan and Dennis Carlone, and members of the Ordinance Committee,

I am writing to you on behalf of the membership of the Cambridge Chamber of Commerce regarding the Carlone petition.

In Cambridge we are fortunate to have a strong business, residential and civic community that has thrived over the past ten years as new businesses have come to the City and existing businesses have expanded. This process has been guided by a group of accomplished planning professionals who volunteer many hours in their appointed positions on the Planning Board.

The Planning Board's current review process includes ample opportunity for residents, City Staff, and City Councilors to provide input. Projects are evaluated against a variety of standards – zoning, design guidelines, urban planning studies like K2C2, noise, sign and other ordinances. The review process is extensive and is responsive to feedback from all interested parties.

In recent years many of our members have had large development projects that have been the subject of extensive review by the Planning Board through the special permit process. In each case, the review was thorough, informed by input from the public and resulted in changes that improved the project's final design. This is a testament to the thoughtful and iterative process that the Planning Board employs.

We are concerned that the Carlone petition will obscure the critical role that the Planning Board plays in reviewing development projects, and that it could halt the City's development process entirely.

We ask that the Ordinance Committee carefully consider the negative impact this petition may have on the future of Cambridge. We urge you to refer the petition back to the City Council for action, with a clear recommendation not to adopt.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah E. Kennedy".

Sarah E. Kennedy
Director of Government Affairs



The Harvard Square
Business Association

Taking Care Of The Square
WWW.HARVARDSQUARE.COM

HSBA Staff
Executive Director
Denise Jillson

July 25, 2014

2014
Officers

President
John P. DiGiovanni
Trinity Property Mgmt.

City Council Ordinance Committee
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Vice Presidents
Jeremiah Murphy
The Harvard Coop
Mary Catherine Deibel
Longy School of Music

Treasurer
Brian Kelley
Cambridge Trust Co.

Dear Vice Mayor Dennis Benzan, Councillor Dennis Carlone and members
of the Ordinance Committee:

Secretary
Tod Beaty
Hommond Reol Estate

Over the years, staff, board representatives, and members of the Harvard
Square Business Association have appeared in front of the City of
Cambridge Planning Board on a variety of issues.

2014 Executive Board

Elizabeth Aguilo
Paipe Senior Services
Jacqueline Sgra
Bank of America
Richard Carbone
Harvard Square Hotel
Robyn Culbertson
Camb. Office for Tourism
Laura Donohue
Bob Slatc Stationers
Carolyn Goff
Eastern Bank
Joe Hickey
Choritable Friends of Digomma
Adam Hirsch
Curious George
Dan Hogon
Passim
Daniel Berger Jones
Cambridge Historical Tours
Frank Kramer
Cambridge Local First
Suzanna Krmzian
Citizens Bank
Kari Kuelzer
Grendel's Den
Patrick Lee
The Grafton Group
Thomas Lucey
Harvard University
Eleanor Mueller
Oona's Experienced Clothing
Katherine Rafferty
Mount Auburn Hospital
Rachael Solem
Irving House & Harding House

The Planning Board; comprised of an exemplary group of volunteer
professionals, manages, delineates and adjudicates the special permit
process by drawing from the expertise of its members. The current board
process, which allows for extensive public review and community input, is
transparent in its standards, impressive to observe and highly effective.

These reasons, along with our collective experiences with developments
requiring the current large project special permit review process (with
final approval from the Planning Board) oblige us to overwhelmingly
endorse the existing system.

Sincerely,


Denise Jillson

Executive Director


John DiGiovanni

President

CAMBRIDGE, MASSACHUSETTS
OFFICE OF THE CITY CLERK
2014 JUL 30 10 39

Honorary Board Member

Sheldon Cohen
Past President of the Board

July 29, 2014

The Hon. Dennis A. Benzan, Chair
The Hon. Dennis J. Carlone, Chair
Ordinance Committee
Cambridge City Council
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Chairperson Benzan, Carlone and Members of the Ordinance Committee:

On behalf of Forest City Enterprises, I am writing to oppose the Dennis Carlone, et al. zoning petition requesting the City Council to amend the Zoning Ordinance of the City of Cambridge to designate the City Council as the exclusive special permit granting authority for Project Review Special Permits.

We base our position in this matter on our experiences working with both the City Council, on its own and through its Ordinance Committee, and with the Planning Board, in the entitlement process for the building now under construction at 300 Massachusetts Avenue. We firmly believe that both the City Council, in its review of our zoning proposals, and the Planning Board in its review of design and other community impact elements associated with the Special Permit, made important contributions that helped us to achieve a better overall project for all concerned, and that a similar result would not have been achieved had all Special Permit authority been vested in City Council.

From a zoning perspective, the Ordinance Committee used its jurisdiction to establish a set of recommended dimensional limits for the project – the overall allowable floor area, height and massing setbacks – that were guided by neighborhood context and were ultimately approved by the full City Council. In doing so, the Members took into account a broad range of economic, physical and experiential benefits and impacts that the building might generate, and also identified opportunities for mitigating certain concerns that the project raised among different elements of the Cambridge community. In a city with the scale and complexity of Cambridge, this is a highly appropriate role for elected City Councilors who bring to their position a broad range of skills and experiences, which may but in most cases do not include professional expertise in planning and design.

The Planning Board on the other hand, is made up of experts in just these fields, who often bring to their position many years of first hand design experience, as well as the critical perspective that one gains through constantly working with others in the design profession. In our case, through their Special Permit review, the Planning Board recommended modifications to the building's design, massing, façade, and contextual perspective that we believe improved the final result. Supported by CDD planning staff, the Planning Board also reviewed a number of more technical issues required by the

Special Permit process, such as sustainability and traffic impacts that call for some degree of specific knowledge.

The end result of this process is a greatly enhanced building that will serve the expanding research requirements of Takeda, a key Cambridge life science company, bring retail vitality to an important block of Massachusetts Avenue, and enhance the City's tax base, ultimately supporting other initiatives throughout the City. Achieving these objectives, however, required both the input of caring City Councilors who must focus on a broad range of major issues in fulfilling their responsibilities to govern this dynamic City, and the specific expertise of the planning and design professionals who, in an equally caring manner, dedicate their time on a volunteer basis to ensuring that as our built environment evolves, it lives up to the high standards we all hold for Cambridge.

It would be a significant mistake to erode the role of the Planning Board by removing its authority with respect to the granting of Special Permits. Among other concerns, we would not be surprised if such a move had a significantly negative impact on the focus and the professional qualifications of the individuals who choose to serve the City in this manner. While we hold great respect for the care and dedication that Members of the City Council hold for their community, they cannot be experts on all issues. Cambridge needs the expertise that a well-selected, appropriately charged Planning Board brings to the role of protecting and enhancing the built environment of Cambridge in a manner befitting the dynamism and excitement of this great city.

We respectfully urge you to vote no on this petition.

Sincerely,



John T. Kiely, Jr.
Forest City Enterprises

Cosgrove, Marybeth

From: Lopez, Donna
Sent: Wednesday, July 30, 2014 10:39 AM
To: Cosgrove, Marybeth
Subject: Fwd: Carlone Petition

Sent from my iPhone

Begin forwarded message:

From: "Smith, Jacquelyn A" <jams@bu.edu>
Date: July 29, 2014 at 11:13:08 AM EDT
To: City Council <CityCouncil@CambridgeMA.GOV>
Cc: "Lopez, Donna" <dlopez@cambridgema.gov>
Subject: Carlone Petition

Council Members:

I write to express my support of the Carlone Petition. After attending several Planning Board meetings, I have lost confidence in their ability to do their job in a way that benefits and protects the overall community. Until a Master Plan for development is place, I think it is essential that the City Council, an elected body, provide oversight on large development projects.

Sincerely,
Jacquelyn Smith
7 Ashburton Place
Cambridge 02139

ATTACHMENT E

My name is Claudia Majetich, and I live at 329 Concord Ave. I am here today to offer support for the Carlone Petition that seeks to provide a better way to oversee the massive development that is occurring in Cambridge at this time. I feel it is a legitimate, thoughtful attempt on the part of an experienced urban designer to provide a pathway for *all* voices to be heard *before* large-scale developments are granted final approval by the City of Cambridge.

As you all know, work has begun on a citywide Master Plan that is anticipated to take about 2 years to complete, which seems to be a reasonable timeframe for that kind of endeavor. This process was begun in response to citizens' concerns over current development activity. Many Cambridge residents are pleased that this process has begun and eager to participate in it.

There is however one major problem with the proposed Master Plan process: What's going to be permitted during the two years we are all diligently working on a new Master Plan? During the two years the new Plan is being developed, nothing in the current processes will necessarily be altered. Yet, it is precisely because of deep and widespread concern about current processes that a new Master Plan is needed. So it is obvious that something needs to be put in place to bridge the gap between today and the better situation we all hope to find ourselves in in two years time.

I see the Carlone Petition as a reasonable response to the problem of how we are to proceed with appropriate development during the time we are working on a master plan.

I feel that the Carlone Petition should be given strong, positive consideration because it provides a reasoned response to this problematic situation in two key ways. First, it is time limited; the City Council will provide oversight only for the duration of the citywide master planning process. ~~Second~~, it applies only to large-scale development projects. The goal is not to supplant other City departments, boards, etc. but to provide needed breathing room so that current practices can be

That's according to an email I received from Councillor Carlone

examined and fixed. Given the feeling among some folks in favor of a moratorium on *all* development projects, this seems to be a reasonable middle ground...or at least a good starting point for a conversation about what that middle ground might be.

I know that there are some who oppose having the City Council involved in overseeing planning decisions. I've read some overheated rhetoric about how this will unnecessarily "politicize" development decisions because Councillors will be making "backroom deals" that will favor developers. But that's the wrong way to look at it, and I guess some people *really* don't trust our City Councillors.

2.0pl.

The fact is that City Councillors are supposed to be political—in the best sense of the word—and work to reflect the concerns of residents. The present situation clearly favors developers, and this proposal was made precisely to offer citizens access to planning decisions via their elected officials. Legitimate concerns about how that process could go wrong, or concrete suggestions about how to make it work well are welcome, and should be incorporated into whatever language is finally adopted.

Thank you.

July 30, 2014

As one of the signers of this petition, I have publicly expressed my support for this temporary procedural change on several occasions, most recently at Monday night's Council meeting. But I will say it again today: Councillor Carlone's zoning amendment is a much more modest proposal than the critics say. It's a stopgap measure that is urgently needed while, collectively, we repair and improve a planning and special permitting process that is widely recognized to be "broken." It is not a Trojan horse for a moratorium. It is simply another layer of review for large developments that have far-reaching impacts that Board feels are beyond its scope.

In the Alewife area we are seeing project after project reviewed and approved piecemeal, with the Board insisting that it does not have the discretion to consider larger cumulative impacts like traffic, flooding and the environment. Their refrain is that "they have to play the hand they are dealt" and cannot consider broader impacts – I'm sorry, but these impacts are the very things *planning* is designed to address. Where does the buck stop? I think it stops with the Council.

Especially galling is the fact that serial developers who own contiguous parcels are allowed to put forward proposals seriatim and to pass the buck to the next project. We have seen it on New St. We have seen it on Cambridge Park Drive. And we will soon see it again on Wheeler and Fawcett Streets. I attended my first-ever Planning Board hearing in the spring of 2012, when they were reviewing plans for the AdodeZ project at the Trader Joe's rotary. Knowing that the developer also owned the Bank of America parcel right next door, one of the members asked about the plans for Phase II of the project and how it would impact the shared driveway, parking and traffic – which was a source of great concern given the building's location at the rotary and its lack of any other egress – except for the long-discussed but as yet unrealized new connection between Wheeler and Fawcett Street, which depends on another serial developer's as-yet unshared plans. AdodeZ waved off the question by explaining that the bank had a 3-year lease and his investors could not possibly plan so far ahead. Now the 3 years are almost up. 429 units have been built on Fawcett Street and I expect Phase II of the AdodeZ project to come before the Board any day now -- and we still don't have a sound plan or a new street to accommodate the additional traffic in and out of this dense new residential corridor. AdodeZ is using the same strategy with 2 parcels side-by-side New Street, which we recently learned has hazardous waste in the soil.

^{Cards}
The ~~results~~ we are being dealt are not a hand anyone should be forced to play. We are letting the developers run the table. Residents feel this deck is stacked against us. These projects are not "good to go" as the Planning Board intimated at their last New St hearing but they will be approved if the Council doesn't step in.

One of the criticisms of Councillor Carlone's proposal is that the special permit process will become "too political." It sounds as if the critics are saying that we can't trust our elected officials to protect the public interest. This criticism denies the obvious fact that the process is already highly political. Both developers and residents meet with Councillors all the time to discuss projects. But these meetings aren't held in public forums, and the open meeting law makes it hard for you to work through your policy priorities on these overarching issues together – and for the public to know where you stand, and the choices you are making on our behalf. So let's bring the politics out in the open. I'm sorry if this upsets the applecart. If there are "politics" in the sense of rotten apples then voters need to be able to see them and know how to cast their votes. But I will remain optimistic and state that approving the Carlone amendment will give you a chance to prove the critics wrong.

Jan Devereux
255 Lakeview Ave.
Fresh Pond Residents Alliance

July 30, 2014

The Honorable Dennis A. Benzan and the Honorable Dennis J. Carlone
Chairpersons, City Council Ordinance Committee
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Chairpersons Benzan and Carlone, and Members of the Ordinance Committee:

Good afternoon. My name is Sarah Gallop and I'm Co-Director of Government and Community Relations at MIT. On behalf of the Institute, I'm pleased to participate in the conversation today regarding the Carlone Petition.

Since we are focused on the nature of the large project special permit review in Cambridge, I thought it might be useful to share a couple of examples of MIT projects that have gone through the City's special permit review process. My sense is that the very iterative and participative nature of those processes might not be fully known or understood, and I think it's worth taking a moment to illustrate that aspect of the review effort.

The first project review process I'd like to talk about is the building of MIT's Sidney-Pacific graduate residence at 70 Pacific Street. We brought the idea of that project to the Cambridgeport community first, and through the course of several public meetings and hearings, as well as conversations with City Councillors and City staff, we heard many valid concerns and ideas about the building and site plan.

As a result of this dialogue, we made changes to the building design regarding parking spaces, the inclusion of retail space, the amount of open space, building materials, height gradation, the placement of roof-top mechanicals, and pedestrian connections.

All of these suggested changes were included in the special permit and were implemented. MIT believes that the project was improved as a result of this process, and it does seem that the building is now well integrated in its Cambridgeport location.

The second project review process I'd like to reflect on relates to MIT's development at 610 Main Street where the first building is completed and occupied by Pfizer, and construction on the second building — where Pfizer will also be the lead tenant — will begin shortly.

The special permit review process that led to the approval of this two-phased development involved extensive interaction with neighborhood residents, City officials, and the Planning Board. Like the Sidney-Pacific project, we brought the idea of the project to the Area IV community first. As a result of input provided through community meetings and public hearings, as well as conversations with City Councillors and City staff, we made significant changes to the design of the building, as well as the layout of the site.

For example, we reduced the portion of the building facing Main Street to three stories — as requested by the neighborhood and Planning Board — so as to provide a more gradual transition to the residential community. We made other changes to the design regarding pedestrian access, open space, treatment of the façade, materials, screening of rooftop mechanicals, number of parking spaces, traffic and loading configurations, and bicycle parking.

In addition, MIT was asked to include retail along the entire Main Street ground floor frontage, and to fully reconstruct the Albany and Portland Street intersection.

All of these suggested changes were included in the special permit, and either have been, or will be, implemented.

In closing, we believe that the existing large project special permit review process — with final approval from the Planning Board — is thoughtful, thorough, inclusive, and responsive, and is serving the needs of all parties.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah E. Gallop". The signature is fluid and cursive, with a large loop at the end.

Sarah E. Gallop
Co-Director

June 30, 2014

ATTACHMENT H

The Hon. Dennis A Benzan, Chair
The Hon. Dennis J. Carlone, Chair
Ordinance Committee
Cambridge City Council
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Chairpersons Benzan, Carlone, and Members of the Ordinance Committee,

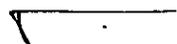
On behalf of BioMed Realty Trust, I am writing this letter in response to the Carlone, et al. zoning petition, which seeks to amend the City of Cambridge zoning ordinance to grant exclusive authority to elected officials within the Cambridge City Council on Project Review Special Permits. I ask that you do not grant this exclusive authority to the City Council and you maintain the Planning Board's legal, criteria-based role and process intact.

As the owner and operator of 20 commercial research facilities (plus some parking and residential) within the City of Cambridge, BioMed Realty takes great pride in its role within the City and the responsibility we carry in ensuring a reliable and supportive work, residential and retail environment for our tenants. Our tenants are doing wonderful things for the sake of humanity and for all of our well-being. The Broad Institute, for example, just realized a \$650M gift from philanthropist Ted Stanley to study psychiatric disorders. This is the largest commitment ever made in the field of psychiatric research. Another tenant, Ipsen Pharmaceuticals, just moved here from Milford, MA to engage its peptides research program with other Cambridge institutions. Momenta Pharmaceuticals, AVEO Pharmaceuticals, Moderna Therapeutics, and Genzyme are all seeking new ways to treat cancer. In addition to novel drug therapies, we also have Izotope creating great software to be used by rock bands and Lab Cambridge opening a wiki bar this September. Cambridge is a wonderful environment to conduct research and introduce new and exciting innovations to the world quickly and effectively – but the businesses that move here rely on a sound, legal basis for planning and development.

My message to you isn't limited to supporting the work environment of BioMed's tenants. It's about protecting the city's bylaws as they are currently designed and maintaining a legal and criteria-based basis for interpreting bylaws in the context of housing, traffic, open space, climate preparedness, as well as commercial development. An example of this balance is BioMed's 1.3m square foot Cambridge Research Park development where we've attracted some of the most exciting companies into our commercial facilities. The draw there wasn't just the buildings, but the great things that the community incorporated into the special permit, such as the residential, the 100ksf of retail, the ice skating, kayak, and canoe rentals, and the large amount of open space. At that site, everyone wins.

In conclusion, I would like to point out that the Planning Board has not always ruled in BioMed's favor. As disappointed as I have been in these occurrences, I always knew that their decision was made in accordance with the criteria set forth in the zoning bylaws and without other influence. It is my hope that while you consider the impact of this petition, you also recognize the effort and the many many hours that the appointed volunteers of the Planning Board have and continue to put forth in administering your bylaws and the future growth of Cambridge.

Respectfully,



Bill Kane
BioMed Realty Trust

Testimony of Alan Fein re Carlone Petition

President, Kendall Square Association – 1/30/2014

Good afternoon. My name is Alan Fein, and I'm a 25-year resident of the City of Cambridge. I'm here today in my role as President of the Kendall Square Association. On behalf of the KSA's 120 member organizations, I'd like to thank you for the opportunity to share our thoughts on the proposed Carlone Petition.

As you know, Kendall Square is evolving before our eyes in extraordinary and positive ways. Kendall Square has become, over the last decade, the largest and most important innovation district in the Commonwealth, and one of the most important in the country. The advances and innovations coming out of our labs and offices have global impact.

Start-up companies continue to thrive at the Cambridge Innovation Center and Lab Central — and we've witnessed the arrival of new and important tenants such as Facebook, Twitter, and Amazon — and we've welcomed mainstays like Biogen and Pfizer to new quarters.

In recent years we have seen a significant increase in restaurant and retail offerings and an enhanced emphasis on connectivity between the residential neighborhood and the business district. We're working collaboratively with the City on a number of initiatives including the Main Street Reconstruction Project, the East Cambridge/Kendall Square Open Space Study, and the EcoDistrict Pilot.

We're fortunate in Kendall Square because, although we are accomplishing a great deal, we still have tremendous potential to contribute further to the vitality and success of this thriving innovation cluster, the surrounding neighborhoods, and the city more broadly. Several of our member property owners have advanced development plans that will bring new housing, retail, lab, office and innovation space to Kendall Square, as well as substantial new tax revenues to the city. These plans have been shaped as a result of negotiated zoning agreements, informed by the comprehensive community-based K2 urban planning study, reviewed with abutting neighbors, and presented at public meetings. The next step would be to take these already well-vetted plans to the Planning Board for its thoughtful and thorough final analysis.

We believe that the Carlone Petition will jeopardize our members' ability to play their customary valuable role as the collective economic driver for the City of Cambridge, and will bring risk to our ability to sustain the innovation cluster. Our members have chosen to invest in Cambridge and in Kendall Square, and to capitalize on Kendall Square's vibrant synergies, in order to advance innovation for the public good. The development process, which has fueled the establishment of this critical innovation cluster, takes considerable time and benefits from substantial community input. The City of Cambridge expects a great deal from developers — to work within established design guidelines and urban context standards, to engage in extensive process, and to provide mitigation contributions. The result of utilizing this kind of planning framework is that the projects are appropriately developed and well suited

to their environments. And quite importantly, these are the projects that serve to strengthen the most vital innovation sector in the Commonwealth, and represent the primary tax revenue source for the City of Cambridge.

The Carlone petition would add considerable time to what is already a lengthy process. It would also introduce much greater uncertainty and unpredictability, without contributing to the inclusive nature of the current approach. We strongly urge you to retain the Planning Board's current project review process and not advance the Carlone Petition. We at the KSA are committed to a thriving, collaborative, and integrated Kendall Square — and we value your partnership as we continue to pursue those objectives.

Thank you for your consideration.

Alan Fein

President, KSA

Memorandum

To: Mayor Maher, Vice Mayor Benzan and Cambridge City Councillors
Cc: State Rep. David Rogers, Richard Rossi, Brian Murphy, Ranjit Singanayagam, Cambridge Planning Board and Board of Zoning Appeal
Fr: Carol O'Hare and Walter McDonald, 172 Magazine St., Cambridge
Date: July 29, 2014
Re: Carlone Petition – Zoning Amendment

When is enough enough? We hope before it's too late. Yet, even now, large-scale projects are in the works that would exacerbate already nightmarish problems in several areas of our City. And, what about the Twining parcels in Central Sq.?

As was repeatedly mentioned by public speakers at your last night's meeting, considering just the Fresh Pond, Alewife, Concord Turnpike and New Street areas:

- motor vehicle traffic and the roadways are now nightmarish;¹
- there are no walk-or-bike-friendly routes to public transportation, shopping or dining facilities;
- even before further filling of our precious wetlands, flooding is already occurring;²
- there are brownfield sites on which housing has already been constructed and more is being proposed;
- the Silver Maple Forest is a precious resource for wildlife, plants and us, and should be at least preserved for wildlife and the City's open-space starved residents' children who need contact with nature to thrive and lead balanced lives;³
- Etc., etc.

We hope you, our elected representatives, muster the courage, creativity and will, to hit the Slow-Down Button on large-scale buildings and developments during the Master-Planning process that everyone recognizes is essential for the health of our City and its residents, businesses and institutions. This will give City personnel and boards and you time to listen and repair an essentially broken development process, in which developers are so "advantaged" but the public's concerns have been given such short shrift. The various City departments (including the Law Dept) and boards responsible for land-use and development frequently even seem disinterested, at best, in the goals and concerns of their counterparts.

The Carlone Petition seeks to force a thoughtful process and temporarily (not permanently) slow things down. By contrast, the alternative proposal presented by the Mayor and three City Councillors at last night's City Council meeting doesn't seem to accomplish that.

We're heartened that the Council is now taking seriously the concerns expressed so often for so long by so many from all over the City. And, we second the speaker who last night exhorted you and other City officials to listen, not just to hear your concerned fellow-citizens from all across the City.

Thank you for your time and consideration.

MyDocuments/PublicPolitical/ZoningCarlonePetition-MemoToCityCouncil140729.doc

¹ Last night, State Rep. David Rogers said some roadways were rated F-as-in-failing by the state.

² Indeed, one speaker informed you that her New St. residential area was flooded by yesterday's sudden, torrential rain.

³ As one audience member quietly observed, "What would NYC be without Central Park?"

Carol O'Hare

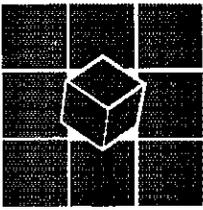
From: Carol O'Hare [c.burchardohare@att.net]
Sent: Tuesday, July 29, 2014 6:11 PM
To: 'dmaher@cambridgema.gov'; 'dbenzan@cambridgema.gov'; 'dcarlone@cambridgema.gov'; 'lcheung@cambridgema.gov'; 'ckelley@cambridgema.gov'; 'nmazen@cambridgema.gov'; 'mmcgovern@cambridgema.gov'; 'dsimmons@cambridgema.gov'; 'ttoomey@cambridgema.gov'
Cc: 'Dave.Rogers@mahouse.gov'; Richard Rossi; Brian Murphy; Ranjit Singanayagam (ranjits@cambridgema.us); Liza Paden; Jeff Roberts (jroberts@cambridgema.gov); Sean O'Grady; 'Walter McDonald'
Subject: City Council: When is enough enough? - Carlone Petition Hearing, 7/30/14 @ 4 p.m.
Attachments: ZoningCarlonePetition-MemoToCityCouncil140729.doc

Dear Mayor Maher, Vice Mayor Benzan and City Councillors:

We've attached for your consideration our memo supporting the Carlone Petition that you, as the Ordinance Committee, will be considering at your public hearing tomorrow afternoon "on the Dennis Carlone, et al. zoning petition requesting the City Council to amend the Zoning Ordinance of the City of Cambridge to designate the City Council [for a limited period of time] as the exclusive special permit granting authority for Project Review Special Permits."

Sincerely,

Carol O'Hare and Walter McDonald
172 Magazine St.
Cambridge, Mass. 02139



CENTRAL SQUARE BUSINESS ASSOCIATION

P.O. Box 390426 • Cambridge, MA 02139
Telephone 617-864-3211
www.centalsquarecambridge.com

ATTACHMENT K

July 30, 2014

President
George R. Metzger
HMFH Architects, Inc.

Vice Presidents
Patrick Barrett
JB Realty Trust
Patrick Rowe
MIT Investment Co

Clerk
Jay Kiely
Forest City

Treasurer
Mark Orent
Leader Bank

Directors
Christina Abele
IDEO
Anya Alexandra Bear
MIT
Cathy Carr Kelly
Central Square Theater
Devin Cole
WorkBar
Kara Cournoyer
Novartis Institutes
Christopher Durkin
Harvest Co-op Market
Josh Gerber
1369 Coffee House
David Levine
Central Square Florist Inc.
Elaina Romano
Cambridge Savings Bank
Nabil Sater
Middle East
Bill Scott
e-Place Real Estate
John Woods
Cambridge Housing Authority

Member Emeritus
Norman McIver
Cambridge Trust Co.

Executive Director
Robin Lapidus

Ordinance Committee
Cambridge City Council
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Members of the Ordinance Committee:

Over the past two decades, Central Square has been the subject of several efforts to engage both residents and business in imaging a better future for the square. Cities are complex organizations that are in constant change and dependent on publicly funded infrastructure, from water and power utilities to tree-shaded sidewalks and parking spaces.

Within Cambridge, the specific characteristics of each area of the city are reflected in the zoning ordinance. For areas of special concern, flexibility within the base zoning may be permitted to achieve certain benefits for the community, like affordable housing, conversion of industrial uses, etc. As a result, within its 6 square miles, Cambridge has very subtle development patterns. And in many areas of the city, existing residential and business structures could not be built today and what could be built would not result in the friendly character that distinguishes our streets and neighborhoods.

The Central Square overlay district, and the recently proposed revisions provide for tradeoffs in height and density for added residential development setbacks from public ways. Technical expertise in buildings and urban systems, good listening, adherence to precedent, adequate time and a dose of common sense are needed to determine that a proposed development enhances the public realm rather than merely mitigates its own impacts.

Through the City's public review process, passionate, engaged and knowledgeable advocates review, argue over and otherwise provide the planning board with input regarding the perceived advantages and disadvantages of proposed development. The role of the City Council is to help us find a common vision for our city and with that to establish rules and procedures that will encourage developments that will achieve that vision. At a time when we most need to encourage the best development by affirming regulatory flexibility and predictability in public process, we should not be inserting our already overburdened City Council into this process.

Respectfully,

George R. Metzger
President



July 29, 2014

The Hon. Dennis A. Benzan, Chair
The Hon. Dennis J. Carlone, Chair
Ordinance Committee
Cambridge City Council
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Chairperson Benzan, Carlone and Members of the Ordinance Committee:

On behalf of Forest City Enterprises, I am writing to oppose the Dennis Carlone, et al. zoning petition requesting the City Council to amend the Zoning Ordinance of the City of Cambridge to designate the City Council as the exclusive special permit granting authority for Project Review Special Permits.

We base our position in this matter on our experiences working with both the City Council, on its own and through its Ordinance Committee, and with the Planning Board, in the entitlement process for the building now under construction at 300 Massachusetts Avenue. We firmly believe that both the City Council, in its review of our zoning proposals, and the Planning Board in its review of design and other community impact elements associated with the Special Permit, made important contributions that helped us to achieve a better overall project for all concerned, and that a similar result would not have been achieved had all Special Permit authority been vested in City Council.

From a zoning perspective, the Ordinance Committee used its jurisdiction to establish a set of recommended dimensional limits for the project – the overall allowable floor area, height and massing setbacks – that were guided by neighborhood context and were ultimately approved by the full City Council. In doing so, the Members took into account a broad range of economic, physical and experiential benefits and impacts that the building might generate, and also identified opportunities for mitigating certain concerns that the project raised among different elements of the Cambridge community. In a city with the scale and complexity of Cambridge, this is a highly appropriate role for elected City Councilors who bring to their position a broad range of skills and experiences, which may but in most cases do not include professional expertise in planning and design.

The Planning Board on the other hand, is made up of experts in just these fields, who often bring to their position many years of first hand design experience, as well as the critical perspective that one gains through constantly working with others in the design profession. In our case, through their Special Permit review, the Planning Board recommended modifications to the building's design, massing, façade, and contextual perspective that we believe improved the final result. Supported by CDD planning staff, the Planning Board also reviewed a number of more technical issues required by the

Special Permit process, such as sustainability and traffic impacts that call for some degree of specific knowledge.

The end result of this process is a greatly enhanced building that will serve the expanding research requirements of Take da, a key Cambridge life science company, bring retail vitality to an important block of Massachusetts Avenue, and enhance the City's tax base, ultimately supporting other initiatives throughout the City. Achieving these objectives, however, required both the input of caring City Councilors who must focus on a broad range of major issues in fulfilling their responsibilities to govern this dynamic City, and the specific expertise of the planning and design professionals who, in an equally caring manner, dedicate their time on a volunteer basis to ensuring that as our built environment evolves, it lives up to the high standards we all hold for Cambridge.

It would be a significant mistake to erode the role of the Planning Board by removing it's authority with respect to the granting of Special Permits. Among other concerns, we would not be surprised if such a move had a significantly negative impact on the focus and the professional qualifications of the individuals who choose to serve the City in this manner. While we hold great respect for the care and dedication that Members of the City Council hold for their community, they cannot be experts on all issues. Cambridge needs the expertise that a well-selected, appropriately charged Planning Board brings to the role of protecting and enhancing the built environment of Cambridge in a manner befitting the dynamism and excitement of this great city.

We respectfully urge you to vote no on this petition.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Kiely, Jr.", written in a cursive style.

John T. Kiely, Jr.
Forest City Enterprises

Lopez, Donna

ATTACHMENT M

From: Smith, Jacquelyn A [jams@bu.edu]
Sent: Tuesday, July 29, 2014 11:13 AM
To: City Council
Cc: Lopez, Donna
Subject: Carlone Petition

Council Members:

I write to express my support of the Carlone Petition. After attending several Planning Board meetings, I have lost confidence in their ability to do their job in a way that benefits and protects the overall community. Until a Master Plan for development is place, I think it is essential that the City Council, an elected body, provide oversight on large development projects.

Sincerely,
Jacquelyn Smith
7 Ashburton Place
Cambridge 02139