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To : The Cambridge City Council

From : Stephen H. Kaiser, PhD

**Comments on the May 13 Zoning Language from the Planning Board,  
as proposed for substitution re. Normandy/Twining Zoning petition**

I support the concept of order #16 to urge a return to C2 planning issues and thereby to reject piecemeal zoning. And there can be no doubt that the original Normandy-Twining petition and the substitute zoning proposed by the Planning Board both represent piecemeal zoning.

The developer may be justified in submitting the petition on the grounds that city officials and the Planning Board did not move forward with more comprehensive planning and zoning decisions for Central Square. The reality of the various versions of the zoning proposals at Lafayette Square (at least four different texts have been submitted to the Council) is starkly disappointing.

Critics could look carefully at what the city review process has produced since last November. We have achieved "doughnut zoning." This is spot zoning with a hole in the middle. Such deficiencies represent a breakdown in the creation of quality zoning for the city of Cambridge.

The City parking lot sits in the middle of the area proposed for rezoning. City officials have presented no plan or concept for a future use of this parking lot, while one developer has gone into some detail about what it wishes to do with its own properties. In no way can doughnut zoning be considered as good planning practice. The only drawing I am aware of that fills in the hole in the doughnut is Councillor Carlone's design sketch. No other complete proposal was reached the public from any other part of city government, consultants, universities or any other source. This omission -- which I do not see as the fault of the developer -- undermines any credibility for this petition to become part of the Cambridge Zoning Ordinance.

On January 22, I explicitly warned this Council against last minute submissions and substitutions. Typically the result becomes a rushed and haphazard process that does not yield quality zoning. The original text of the petition was so deficient that those responsible

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almost got fired. The Planning Board has stated that they do not want to see any more zoning petitions as confusing and otherwise inadequate as this one.

Major changes have come just recently. A substantially revised text was not submitted by the developer until April 23, four days before the last Planning Board hearing. On April 27, the Board charged Community Development to prepare a further revision of the proposed zoning. This second revision was not released until last Thursday, May 13.

We are here today on the following Monday, May 18. All of us have had insufficient time to assure that quality zoning has indeed been produced. We are facing a serious breakdown in quality control.

If you choose to reject this petition, I urge that a revised version of the Planning Board text become the focus of discussion, rather than further piecemeal submissions by any one developer. If the current proposal is substituted and adopted, I will revise my draft zoning of April 26 and will submit a new Lafayette Square zoning petition forthwith.

I thank Councillor Kelley for expressing in considerable detail his concerns for the priorities and the distinct choices he sees before the Council this evening. He has highlighted the narrow choice of either a housing use as proposed -- in contrast with the alternative of a commercial use, such as lab or office having a height of 80 feet. He recognizes the desirability of housing uses.

In fact, the choice is not this stark. Should the developer move to build for a commercial use under current zoning, the as-of-right zoning would limit construction to a height of 55 feet, not 80 feet. The taller option is feasible only through approval of a special permit from the Planning Board, and special permits are not -- or should not be -- automatic. Moreover, any special permit can be appealed to the courts, as we have seen in the case of the East Cambridge courthouse.

Any effort to do an "end run" by building lab or office space can also be challenged on the basis of Article 7 of the Declaration of Rights of the state Constitution. In effect, Article 7 states that the purpose of government is to serve the common good and not for the profit of special interests. Our public process has determined that a housing use serves the public or common good. Alternate uses would not serve that purpose, as Councillor Kelley has so clearly argued. If I were the developer, I would not wish to go up against an Article 7 challenge in the courts.

Therefore, the Council has both the option and the obligation to get the planning and the zoning right. The clearest deficiencies are :

\*\*\* The proposed 6.5 FAR is excessive. By comparison the 14-acre Volpe site is being proposed for 3.4 million square feet of development, or an FAR of 5.6. Why should any site at Central Square have a higher FAR than Kendall Square ??

\*\*\* Tables 5-1 through 5-3 list of the Zoning Ordinance indicate maximum FARs for various zones in Cambridge : Residential, Office and Business B are all 3.0 FAR maximum. An FAR of 6.5 is more than twice the highest FAR allowed in city zoning today. Such a difference represents a lack of proper transition to adjacent land uses.

\*\*\* The developer's proposal to build housing on the parking lot at 65 Bishop Allen Drive was rejected by the Planning Board, when it now appears that the 113-car parking garage by itself is adequate to meet the parking minimum of 107 spaces. The Board's action to reject housing on this parking lot should be reversed by the City Council, and all units built on this lot should be affordable.

\*\*\* The zoning proposed by the Planning Board places a limit on credits for carsharing parking spaces in the range of two to eight spaces for the 230 units. I believe the developer should have the option to provide 100% carsharing spaces if he wishes and if such an arrangement is in the public interest.

The public and the Council should realize that any action taken tonight to amend by substitution will mean the entire original text of the zoning amendment will be discarded. The entire language from the Planning Board will replace the earlier text. The Planning Board text includes much wording that was not available for public comment at hearings. For this reason, I oppose any amendment by substitution that does not provide for an additional public hearing on those changes.

Sincerely,



Stephen H. Kaiser