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Lopez, Donna

From: Charles Marquardt [cmarquardt2@mac.com]
Sent: Sunday, February 26, 2012 10:57 AM
To: Davis, Henrietta
Cc: Drury, Margaret; Lopez, Donna
Subject: City Manager Item #1 Diminution Request
Attachments: Letter Re Diminution Request 022712.pdf

Mayor Davis

I have attached a letter with my thoughts and concerns regarding the request by the City Manager for Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code.

In short, I urge you to defer action on the Manager's request until the Council has had time to seek public input and consider the preliminary findings of the Goody Clancy study.

Thank you for your time and consideration and please let me know if you have any questions.

Charlie Marquardt

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February 26, 2012

Cambridge City Council
Cambridge City Hall
797 Massachusetts Avenue
Cambridge, MA 02139

Honorable Mayor Davis and the Honorable City Council,

City Manager agenda item number 1 on the City Council agenda for February 27, 2012 asks that you approve a Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code for the modification of two existing open space restriction covenants on buildings located at Four and Five Cambridge Center which would enable Boston Properties to construct a Connector Building between Four and Five Cambridge Center approximating 25,000 square feet of gross floor area. The Connector Building would allow Boston Properties to link the buildings allowing for a significant expansion of Google's presence in Cambridge Center.

The expansion of Google's presence in Cambridge presents a great economic opportunity for Cambridge as well as continued recognition of the role Kendall Square and Cambridge in the Innovation Economy. I welcome the expansion of Google in Cambridge as they have been and look to all accounts to continue to be a good corporate citizen.

It is just this sort of opportunity that makes Cambridge such an exciting city in which to live, work and play. It is also why I am disappointed with Boston Properties, the Cambridge Redevelopment Authority and the City Administration for the manner in which this exciting opportunity is being brought forward.

Without any public process and limited time to review the proposal, as it was posted on the City website on Thursday evening for discussion and consideration at Monday night's City Council meeting, the Administration and Boston Properties have put City residents and their elected representatives on the City Council in a terrible position. Either you forego any opportunity for public input to the process or potentially risk losing the opportunity for significant growth in Google's presence in Cambridge. This is not a position in which I enjoy finding myself nor do I imagine do others.

Further adding to the disappointment of the proposed Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code is that significant resources and community time have been spent and continue to be spent working on a study of Kendall Square with the intention of developing a plan that would provide for further economic development while increasing the opportunities for housing and retail in Kendall Square. The approach adopted in this request could have a chilling effect on that process and its participants and potentially undue a year of very hard work on the part of 100's.

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However, this does not have to be a win-lose situation, it can be turned into a better outcome for all. The Council has the opportunity to defer on the City Manager's request for Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code and hold hearings to seek public input prior to acting on the Manager's request. This would enable an accelerated public process to gather input from residents, businesses, students and landowners while still providing for an accelerated timetable to facilitate the opportunity presented by Google's expansion needs. I strongly urge you to consider a more public approach in this matter.

The following outline some of my concerns with the proposed Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code as well as areas for further consideration by the Council as part of a more public process.

Public Process / Transparency

The Cambridge City Council and the greater Cambridge Community takes pride in the openness with which government generally operates. From public comment periods at City Council meetings to the multitude of Boards and Commissions on which residents can seek to volunteer or to whom they can provide their input, there is no shortage of Cambridge residents willing to lend their voice and experience to help make the City a better place to live, work and play. However, the harnessing of the intellect, wisdom and experience of greater Cambridge requires that there be a public process. That the City Manager is requesting a Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code to limit public involvement in this proposal is disappointing and not in keeping with the spirit of Cambridge.

Potential Conflicts with Current Planning Processes

The City Council and the City Administration, over a year ago, acknowledged the importance of the future development of Kendall Square to the City by engaging Goody Clancy to perform a review of Kendall and Central Squares with an eye towards improving the economic development and vitality of the squares and the transition zone between them.

The Goody Clancy study has included substantial public involvement, public meetings and the creation of two advisory committees of local residents, business owners and City staff to provide input to and feedback on the progress of the study. Boston Properties is a member of the Kendall Square Advisory Committee and has representatives at the Committee meetings. While I have not attended all of the meetings, I cannot recall any discussion of the proposal to construct a "Connector Building" between Four and Five Cambridge Center requiring the removal of rooftop open space and the creation of a new park on the corner of Binney Street and Galileo Galilee Way.

The future development of Kendall and Central Squares is critical for the future success of Cambridge. Members of the community have contributed many 1,000's of hours to the review process and the City has spent over $350,000 on Goody Clancy and countless $1,000's more in staff and management time as part of the study. Yet, the request for Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code does not even

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make mention of the work of Goody Clancy or the Kendall Square Advisory Committee nor does it appear to consider any of its initial findings.

The study so far has highlighted, to me, several key components to the future success of Kendall Square including the expansion of residential opportunities, the expansion of retail spaces and development of additional innovation spaces to take advantage of the proximity to MIT and Harvard. Residential is the area that has stood out to me the most. Kendall Square is basically empty after businesses close for the evening. This has gotten better along Third Street with the development of Watermark and Third Square, but much more residential development is needed if Kendall Square is to become a truly active 18 x 7 community that attracts the very people who work there to live and play there. Indeed, other "Innovation Centers" are working to develop a mix of commercial, residential and retail to do just that, attract the people who work there to live and play there.

Some of the work of Goody Clancy and the Advisory Committee has focused on the need for housing and identifying potential opportunities to locate housing in and around Kendall Square. Without considering the Goody Clancy study as part of the proposal contained in the City Manager's request for Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code, the Council and the City risk removing potential housing sites from the Kendall Square study. Such an outcome may still be warranted in consideration of the benefits presented by the proposal, but the decision to approve a request for Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code should be fully informed with the results of the Goody Clancy study prior to making such a determination.

Composition and Authority of Cambridge Redevelopment Authority Board

The Cambridge Redevelopment Authority (CRA) was established pursuant to Massachusetts General Laws, Chapter 121A to engage in urban redevelopment projects and other activities as provided in the enabling legislation. The CRA's largest project in Cambridge has been the redevelopment of Kendall Square, however, the CRA has also engaged in other projects in Cambridge to the benefit of the community.

The CRA is governed by a 5-member board, 4 of who are appointed by the City Manager, subject to confirmation by the City Council, and 1 of who is appointed by the Governor of the Commonwealth. Board members are required to be Cambridge residents and serve 5-year terms

The number of members on the CRA Board has declined over the years as members have served out their terms or moved out of the City and new members not appointed. The lack of a fully constituted CRA Board could cast question on the ability of the CRA to enter into agreements with the City, its development partners or any parties.

This is especially important as the proposal included in the City Manager's request for a Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code includes additional commitments made on the part of Boston Properties and CRA. However, without a fully constituted board, or at least one that would provide for a quorum at a CRA Board meeting, it is difficult to see how the CRA has the authority to enter into such an agreement.

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In connection with these questions and in the context of this proposal, regardless of whether or not the Council votes to grant the City Manager's request to proceed with the project under a Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code, I would respectfully suggest the Council:

1) Request that the City Manager ask the acting City Solicitor to investigate the ability of the CRA to enter into agreements with the City in light of its current Board composition and report back to the City Council; and
2) Request that the City Manager immediately undertake efforts to identify and appoint members for the CRA Board, subject to City Council confirmation, such that all positions subject to City Manager appointment on the CRA Board are filled in a timely manner.

Open Space, Parks and Public Spaces

Cambridge takes great pride in its network of parks, open space and public spaces and rightly so. These areas are not just public amenities and benefits but are the areas that help to bring neighborhood and community together. Done well a small park can become a vibrant addition to any neighborhood. Done poorly a large park can become a windswept expanse that sits unused.

Cambridge has recognized the importance of not only building a park, but also in working with the neighborhood and users of the park (not all users may live in the neighborhood) to ensure that the maximum benefit is derived from the City's combined investment of time, money and other resources.

This process of public involvement is highlighted in City Manager's agenda item #8 on the February 27th agenda, the very same agenda on which the request for a Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code appears as City Manager Item #1 when the Manager writes with regard to $1,000,000 received from Alexandria Real Estate for the design component of two parks to be created as a part of the Alexandria Real Estate upzoning along Binney Street - "Once the design consultant is selected CDD will work with the consultant to begin a public process for the design of the two parks. This process is expected to include a series of public meetings as well as a survey to obtain input about the needs and priorities of potential park users."

This is the very same process that I respectfully suggest should be employed with regard to any park or open space proposed for the corner of Binney Street and Galileo Galilee Way, should such location be determined to be best used as a park or open space.

Construction and Maintenance of the Proposed Park

There has been considerable discussion about the open space constructed by Boston Properties and CRA in the plaza at the Marriot Hotel. The plaza is public open space built and maintained by CRA and Boston Properties. It has been redesigned and repaired several times over the course of its existence and has been noted as being in disrepair on more than one occasion in the Council Chambers. I respectfully request that, with this history of construction and management of public open spaces, should the City Council, either via an

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approval of the City Manager's request for Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code or a more public process, the City Council request that any agreement include provisions that the City design and maintain the public open space/park with the funds for such design and maintenance coming from Boston Properties.

Open Space Covenants

Learning that the rooftop open space in Kendall Square is subject to covenants scheduled to expire in less than 10 years was eye opening to me. I have not heard mention of any time limit on that open space or any other open space in the City. That we could lose a valuable community resource in less than a decade leaving Kendall Square with very little open space is alarming and something that needs to be addressed regardless the outcome of the Manager's request for Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code.

Learning of these covenants raises the following questions and concerns:

1) How many other open spaces, parks, playgrounds, etc. in Cambridge are subject to covenants of this nature and when do they expire?
2) What is the policy with regard to notifying the Council that covenants are nearing their expiration date? Should the Council be informed a year from expiration date or at some time further from the expiration date? I would urge a much longer date so that public open space is not potentially lost to expiration of covenants.
3) Should the City have a policy of seeking longer term covenants with built in extensions if the outright acquisition of the land is unfeasible or not legally accomplished?

I thank you for your consideration of the need for a more public process in this instance and respectfully request that you defer action on the City Manager's request for Diminution of Process under Chapter 2.110 of the Cambridge Municipal Code. Doing so would allow the Council to hold a hearing to gather public input, including the preliminary results of the Goody Clancy review, prior to making any final determination on the Manager's request.

Sincerely,

Charles J Marquardt