

By Hand

September 17, 2009

Cambridge City Council
Cambridge City Hall
Cambridge, Massachusetts

2009 SEP 17 P 2:46
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Re: Forwarding for Consideration, a Zoning Petition to Amend Ordinance Section 5.25.3 Exemption for Existing Parking Facilities and Delete from Section 20.40 Eastern Cambridge Housing Overlay District and the Zoning Map describing it, the area defined in Section 20.44.3, also known as the Kendall Cinema site.

Dear Council Members,

We respectfully submit herewith, the petition referred to above requesting the City Council to vote its approval.

As the petition seeks approval of two Zoning Ordinance sections, although they have the same objective: to limit the unwarranted intrusion of out of scale, incompatible, overly dense industrial development of land abutting ours in Linden Park, we have chosen to address each separately.

As we have already expressed many objections to The Beal Companies' petition at the time of its submission, we will not expound upon its manifestly negative impacts upon our abutting neighborhood.

AMENDMENT OF EXISTING PARKING FACILITIES' FLOOR AREA RATIO EXEMPTION

Below is Section 5.25.3 of the current Zoning Ordinance adopted in February 2001:

5.25.3 Exemption for Existing Parking Facilities. Structured parking facilities in existence on or before September 15, 2000, or constructed and occupied at a later date pursuant to a building or special permit in conformance with all provisions of Chapter 40A issued prior to the effective date of the provisions of this Section 5.25, shall not be subject to the requirements as to Floor Area Ratio.

It is upon this section the Kendall Cinema site's owner's petition relies when stating:

"The maximum non-residential FAR shall be 2.0."

In this statement, the petition would perpetuate the myth that its 310-foot long x 150-foot wide, football field sized, 73-foot high, 8-story, 1500 car, Open 7 days a week 'til Midnight, Binney Street Garage, alone having a FAR of 2.1 and located 8 feet from our property, does not exist.

To the contrary, the Cinema site in reality has an FAR of over double that at 4.1.

We now consider the Eastern Cambridge Planning (ECaP) study. This study is a work product stemming from the 1999 Larkin Petition's 18-month moratorium, "The primary concerns (of which) were the encroachment of commercial development, increasing traffic congestion, real estate price escalation, and inadequate public space." The ECAP study states:

However, some aspects of the Citywide rezoning adopted in February 2001 apply to the entire city, including the Eastern Cambridge Study Area. These include amendment of the city's density requirements to include aboveground structured parking in the calculations of Floor Area Ratio (FAR) and the citywide project review process.

Therefore, when the ECaP study was issued in October of 2001, abutters and others in Linden Park, residents of the Eastern Cambridge and Wellington-Harrington neighborhoods affected, and others concerned were told without reservation that the zoning adopted eight (8) months earlier had incorporated an:

"Amendment of the City's density requirements to include aboveground structured parking in the calculations of Floor Area Ratio (FAR)."

Inclusion of the above ground structured parking in the calculations of FAR unambiguously represent to affected community members, that one of their principal goals, limiting density on existing industrial sites abutting Residence C-1 District neighborhoods, had already been achieved through deletion of the FAR garage exemption from the 2001 Zoning Ordinance.

Accordingly, families living in the abutting and adjacent Wellington-Harrington neighborhood, now freed from the threat the exemption posed, looked forward to continued lives of relative tranquility.

However just a year later in 2002, the then owners of the Cinema site submitted to the Planning Board for approval a Bio-lab Proposal with somewhat less negative impact than the owner's petition submitted this spring.

Based upon the same above ground garage FAR exemption that the current owner now repeats, those speaking at the Planning Board's Public Hearing were so overwhelming in opposition, that before all had the opportunity to speak, the owners' called a halt to the proceedings, no subsequent public hearing was held, and the Board eventually granted Permission to Withdraw in 2003. Although the reasons for the Board's Permission to Withdraw were not cited, clearly its negative impact upon abutting Linden Park and area neighborhoods was the prime factor.

Hence we were a bit surprised when, despite uniform and clearly voiced and written neighborhood opposition starting last fall, the current owner submitted a repeat but more negatively impacting petition this year. On what rational basis could The Beal Companies,

knowing full well of the overwhelming and successful opposition to the prior owner's petition before it bought the Cinema site, expect a different reception from the neighborhood or a different outcome to their ever more unacceptable petition this time?

We respectfully request that the City Council to vote to approve Section 5.25.3 as amended.

DELETION OF THE KENDALL CINEMA SITE FROM THE EASTERN CAMBRIDGE HOUSING OVERLAY (ECHO) PLAN

While the Vision Statement of the ECaP study is consistent with the Purposes stated in the Zoning Ordinance's Article 1, specific sections of both documents effecting their implementation would in some cases, produce contrary results.

Such would be the case were the Kendall site developed for housing under the ECHO plan.

Housing within zoning Residence C-1 District makes up by far the largest portion of the Wellington Harrington neighborhood. From the public data we were able to gather, the predominantly 1 thru 3 family housing in the district yields an average Floor Area Ratio (FAR) for the district well below 1.0 with the abutting Linden Park townhouse average being less than half that.

If the Cinema site were fully developed for housing under the ECHO plan's allowed height of 85 feet, Linden Park's 25 foot high townhouses would be dwarfed; with an allowed FAR of 3.0, conservatively five times the density of abutting land, Linden Park would be overwhelmed; and with the greatly lengthened shadows cast on Linden Park homes and those across the street on Cardinal Medeiros Avenue, many of those who have lived in sunshine for 30, 40, even 50 years, would be destined to live in shadow or be greeted by the morning sun only after it has risen well into the sky or both.

The attached Shadow Study illustrates just how dark would be the year's shortest day to those destined to live in shadow knowing that after New Year's Eve in this clime it's a long, long time to Easter.

And it is now, faced with Beal's clear intention to reactivate its withdrawn petition as stated at the June 23rd meeting it called with community leaders, that we choose to file ours attached. With two petitions in five years that threaten our way of life and no reason to expect that more will not be forthcoming, we are forced to seek redress through action and have done so forthwith.

How does the site's continued inclusion within the ECHO plan possibly comport with the Vision Statement of the ECaP Study and the stated Purposes of the Cambridge Zoning Ordinance? We believe it does not. And it is only through an effort relatively as detailed as this that the unintended adverse consequences of its inclusion are fully revealed.

We do not for a moment contest the good intentions of those who worked diligently on the ECHO plan but we firmly believe were they all to express their opinions now, recognizing these consequences, they would join the leaderships of the Eastern Cambridge Planning Team and the Wellington-Harrington Neighborhood Association and give us their full support.

With respect to housing that could still be built on the site, under its current base Industry A-1 zoning, up to 150 housing units could be built, a respectable number much more compatible with the existing FAR in the adjoining C-1 District.

As it is clear that the owner's Cinema site petition relies on ECHO's increased height limit when it proposes a 105 foot bio-lab tower set back but 50 feet from our abutting Linden Park homes, the deletion of the site from ECHO also serves as a preventive measure, lest another owner again try to convince the Council of the interchangeability of these two inherently incompatible uses.

We respectfully request the City Council to vote to delete the Kendall Cinema Site from the Eastern Cambridge Housing Overlay Plan.

The above amply demonstrate the very real damage a reactivated Beal Companies' petition would present to our community, the perverse reasoning behind its attempt to equate two incompatible uses to our great detriment, and the many ways it defies the words and intents of the ECaP Study, the Eastern Cambridge Design Guidelines, and the Purposes of the Zoning Ordinance itself, all of which support approval of our petition.

Before making a decision Councilors may wish to reread "A Short History of Linden Park" which reflects the investment of considerable amounts of taxpayers' dollars but much more importantly, the time and effort expended by your predecessors in government and ours in the neighborhood in creating Linden Park, and thus fulfilling their joint objectives of clearing a blighted area and building affordable housing.

There is considerable area support as the 80 plus signatures on the accompanying petitions give witness including those of other residents of Wellington-Harrington, many living across Cardinal Medeiros Avenue, in Lilac Court, and in East Cambridge.

We respectfully request your affirmative votes on this petition so critical to our continuing our lives in the same way we have lived them for going on 30 years.



Richard D. Fanning, Abutter, 21 Cornelius Way, Linden Park



Anthony J. Keber, 4 Cornelius Way, Linden Park



Lino Becerra, 6 Cornelius Way, Linden Park

Zoning Petition

Zoning: Industry IA-1 Site: Lot 39, Parcels 173, 174, and 179 and Lot 33, Parcel 110

The undersigned hereby petition the Cambridge City Council as follows:

To see if the City Council will vote to amend Section 5.25.3 and delete Section 20.44.3 of the Zoning Ordinance along with the area it describes shown on the Eastern Cambridge Housing Overlay District map, all as set forth below. (Proposed change additions are shown in bold face).

Amend as follows:

5.25.3 Exemption for Existing Parking Facilities. Structured parking facilities in existence on or before September 15, 2000, or constructed and occupied at a later date pursuant to the building or special permit in conformance with all provisions of Chapter 40A issued prior to the effective date of the provisions of this Section 5.25, shall not be subject to the requirements as to Floor Area Ratio except if located in an Industry A-1 District (IA-1).

Delete as follows:

20.44.3 Maximum Height in that area between the centerline of the railroad right of way and the centerline of Cardinal Medeiros Way.

1. Eighty-five (85) feet except as described in Paragraph (2) below.
2. Thirty-five (35) feet in that area bounded by the centerline of Binney Street, then the centerline of Medeiros Avenue; then the Residence C-1 zoning district line; then the centerline of the railroad right of way; then a line one hundred (100) feet distant from, parallel to, and southerly or easterly of the Residence C-2 zoning district line and the easterly sideline of Medeiros Avenue, to the point of origin.

Delete from the map illustrating the Eastern Cambridge Housing Overlay District the following:

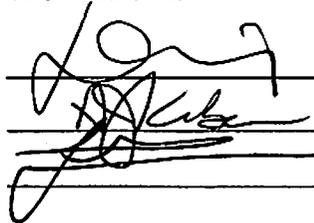
That area bounded by the centerline of Binney Street, then the centerline of Medeiros Avenue; then the Residence C-1 zoning district line; then the centerline of the railroad right of way; then a line one hundred (100) feet distant from, parallel to, and southerly or easterly of the Residence C-2 zoning district line and the easterly sideline of Medeiros Avenue, to the point of origin.

Respectfully submitted,

SIGNATURE

PRINTED NAME

STREET ADDRESS



RICHARD FANNING 21 CORNELIUS WAY

ANTHONY KERBER 4 CORNELIUS WAY

LINO BECERRA 6 CORNELIUS WAY

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