



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Tuesday, January 3, 2023

4:00 PM

Sullivan Chamber
795 Massachusetts Avenue
Cambridge, MA 02139

The Ordinance Committee will hold a public hearing on Citizens Zoning Petition from Patrick Barrett et al. North Mass Ave BA-5 Zoning District Petition – APP 2022 #52

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Paul F. Toner	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

A public meeting of the Cambridge City Council’s Ordinance Committee was held on Tuesday, January 3, 2023. The meeting was Called to Order at 4:00 p.m. by the Chair, Councillor Zondervan. Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2nd Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via Zoom.

- City Clerk LeBlanc called the roll.**
- Councillor Azeem – Present/Remote**
- Councillor Carlone – Present/Remote**
- Vice Mayor Mallon – Present**
- Councillor McGovern – Present**
- Councillor Nolan – Present**
- Councillor Simmons – Present/Remote**
- Councillor Toner – Present/Remote**
- Councillor Zondervan – Present**
- Mayor Siddiqui – Absent**
- Present – 8, Absent – 1. Quorum established.**

The Chair, Councillor Zondervan noted that the call of the meeting was to hold a public hearing on Citizens Zoning Petition from Patrick Barrett et al. North Mass Ave BA-5 Zoning District Petition – APP 2022 #52.

The Petitioner, Patrick Barrett, began by doing an overview of his presentation titled “BA-5 Zoning Petition, Planning Board Presentation” (Attachment A). The presentation offered a

Minutes Acceptance: Minutes of Jan 3, 2023 4:00 PM (Committee Reports)

historical overview of the area, employment in Cambridge, key planning trends, new housing units that have been produced, existing zoning, and the proposed zoning.

The Chair, Councillor Zondervan opened Public Comment.

Public Comment

Eric Johnson, 24 Alberta Terrace, Cambridge, MA spoke against the Barrett petition.

Jennifer Fries, 13 ½ Cedar Street, Cambridge, MA spoke against the petition and asked that there is more meeting with residents, the petitioner, and the developers.

Erin Shackelford, 16 Alberta Terrace, Cambridge, MA, spoke against the petition and asked the City to support a slower, more comprehensive approach to planning in the neighborhood.

Lance Green, 1100 Massachusetts Avenue, Cambridge, MA spoke in support of the BA-5 zoning petition and feels the site would benefit from the proposed zoning.

Rita Guastella, 127 Reed Street, Cambridge, MA, spoke against the petition, noted they did not understand the public meeting notice that was sent to residents, and asked for more neighborhood outreach.

Mike Nakagawa, 51 Madison Avenue, Cambridge, MA, spoke against the petition and suggested resources are being wasted.

Owen Barron, 14 Gold Star Road, Cambridge, MA, spoke in favor of the petition and noted how critical housing is.

Craig Robertson, 16 Alberta Terrace, Cambridge, MA, spoke against the petition and asked that residents meet and talk with developers.

Michael Brandon, 27 Pines Seven Avenue, Cambridge, MA, spoke against the petition and asked for a negative recommendation to the Council.

Rabbi Yoni, spoke in favor of the proposal because of the spot zoning detail that was provided.

James Williamson, 30 Churchill Avenue, Cambridge, MA, spoke against the petition and noted that many residents were against it at a neighborhood meeting, and mentioned that developers were not present at meetings.

Heather Hoffman, 213 Hurley Street, Cambridge, MA, spoke on the petition and studies.

Naheet Tricedi, 41 Magoon Street, Cambridge, MA, spoke in favor of the petition and housing, and that a community process would be effective.

Craig Kelley, 6 St. Gerard Terrace, Cambridge, MA, spoke in support of the petition and asked the Council to make good judgment honoring the concerns of residents.

Brooke Mohnkern, 13 Cedar Street, Cambridge, MA, asked the process to be more comprehensive and take the appropriate time.

Tim Rowe, spoke in favor of the petition and supported neighborhood considerations and concerns.

Rhea Lesage, 20 Alberta Terrace, Cambridge, MA, spoke against the petition and the extreme change in zoning, asked the process to be slowed down.

Councillor Zondervan introduced Jeff Roberts, Director of Zoning and Development for the Community Development Department (CDD), who was accompanied by Megan Bayer, Deputy City Solicitor for the Law Department, and Iram Farooq, Assistant City Manager for CDD. Jeff Roberts began by explaining that the Planning Board had a public meeting regarding this petition on December 20, 2022 and heard public comment and discussed the petition which resulted in an

unfavorable recommendation to the City Council (Attachment B). Jeff Roberts also noted that there was a memo from CDD (Attachment C) that summarized the details of the proposal and included some background information.

The Chair, Councillor Zondervan recognized Councillor Toner who stressed that he would like the neighborhood concerns to be addressed properly and stated he would like to see the property be used for mixed use with housing, retail, and parking. Councillor Toner noted that he looks forward to seeing the conversation on this Petition go further. Councillor Toner had clarifying questions for CDD and the Law Department regarding contract zoning to which Jeff Roberts and Megan Bayer both responded, noting that contract zoning is when the developer initiates a zoning process for a property or area in exchange for density bonuses or changes of use, to allow uses that weren't previously allowed, and the developer offers certain benefits for the City or area in exchange for the revised zoning.

The Chair, Councillor Zondervan had a clarifying question about the petition not being contract zoning, and if the petitioner wanted it to be contract zoning would they have to refile. Megan Bayer noted that it is something she would have to research.

The Chair, Councillor Zondervan recognized Councillor Simmons who asked The Chair to walk through the process of the petition being in Ordinance, which he did. Councillor Simmons noted that she is in favor of the petition and in favor of the petition going through the process to be able to give the petitioner and developers the opportunity to discuss this with the community and to have more conversations going forward.

The Chair, Councillor Zondervan recognized Councillor Nolan who had clarifying questions on contract zoning, MOU (memorandum of understanding), and special permits. Megan Bayer and Jeff Roberts responded. Councillor Nolan also had a clarifying question for the Petitioner about the Net Zero Specialized Stretch Code. Patrick Barrett noted that there was no language in the petition about the Net Zero Stretch Code.

The Chair, Councillor Zondervan recognized Iram Farooq who wanted to make a correction by noting that the City conducted a planning study in 2008 for the entire Alewife area, and that is the zoning study in place right now. She also wanted to stress and make clear that the reason why the City was not involved in any of the community outreach before is because this is not a City sponsored petition.

The Chair, Councillor Zondervan recognized Councillor Carlone who wanted clarity on the breakdown of the doubling of density in the proposed area and asked if there was a proposal for compensation on increased land value. Patrick Barrett responded by reviewing the current zoning in the district and noting what he as the Petitioner is asking for.

The Chair, Councillor Zondervan recognized Vice Mayor Mallon who shared this was a good opportunity for housing and that this project should not be held up. She also stressed the importance for both parties, the community, and the petitioner, to have more conversations about the petition going forward.

The Chair, Councillor Zondervan recognized Councillor McGovern who made a motion to extend the meeting thirty minutes.

City Clerk LeBlanc called the roll.

Councillor Azeem – Yes

Councillor Carlone – Yes

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Absent

Yes -8, No – 0, Absent – 1. Motion passed.

The Chair, Councillor Zondervan recognized Councillor McGovern who had clarifying questions for the Law Department regarding spot zoning, and if this petition was considered spot zoning. Megan Bayer responded by noting the Law Department has not issued an opinion on whether this petition is spot zoning but will do so if asked. The Deputy Solicitor also emphasized that there are several factors that go into the conclusion on whether something is zoning or spot zoning. Councillor McGovern also stressed the importance of community outreach.

The Chair, Councillor Zondervan recognized Vice Mayor Mallon who made a motion that the City Manager direct the Law Department to research whether the Barrett et al. petition would need to be refiled should there be a Letter of Commitment attached to the rezoning and be it further that the City Manager direct the Law Department to research whether the Barret et al. petition constitutes “spot zoning” and report back to the City Council as soon as possible.

City Clerk LeBlanc called the roll.

Councillor Azeem – Absent

Councillor Carlone – Yes

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Absent

Yes -7, No – 0, Absent – 2. Motion passes.

ORDERED: that the City Manager direct the Law Department to research whether the Barrett et al. petition would need to be refiled should there be a Letter of Commitment attached to the rezoning, and be it further

ORDERED: That the City Manager direct the Law Department to research whether the Barrett et al. petition constitutes “spot zoning” and report back to the City Council as soon as possible.

The Chair, Councillor Zondervan commented that he would like to see this come back as a proper contract zoning petition so there is a correct way to negotiate with developers and asked if the petitioner would be amenable to that approach. Patrick Barrett noted that without owning the parcel, it's impossible to commit into a contract zoning agreement for land he does not own. Councillor Zondervan also had clarifying questions for CDD regarding a footnote about commercial spaces in their memo, Jeff Roberts and Patrick Barrett responded.

The Chair, Councillor Zondervan made a motion to adjourn.

City Clerk LeBlanc called the roll.

Councillor Azeem – Absent

Councillor Carlone – Yes

Vice Mayor Mallon – Absent

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Absent

Yes -6, No – 0, Absent – 3. Meeting adjourned at 6:19p.m.

Attachment A – BA-5 Zoning Petition Planning Board Presentation

Attachment B – Planning Board recommendation letter

Attachment C – Memo to the Planning Board from CDD

Attachments D-G, Written Communications from the Public

Clerk's Note: The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record.

The video for this meeting can be viewed at:

https://cambridgema.granicus.com/player/clip/385?view_id=1&redirect=true&h=3e91faadd4a13e770940c80a86cc7a94

A Zoning Petition Has been received from Patrick Barrett et al. North Mass Ave BA-5 Zoning District Petition

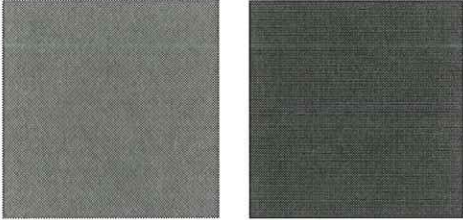
A communication was received from Patrick W. Barrett III, regarding a presentation BA-5 Zoning Petition.

A communication was received from Director of Zoning and Development, Community Development Jeffrey Roberts, transmitting the Planning Board report.

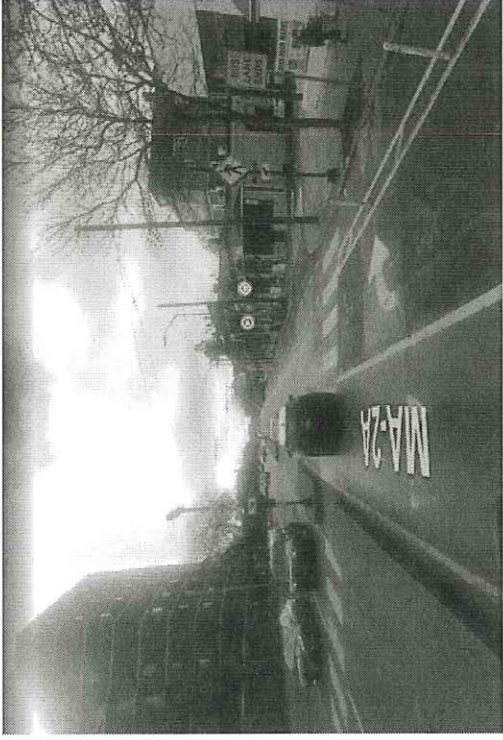
A communication was received from Councillor Zondervan, transmitting a memorandum from the Planning Board.

Attachment A

BA-5 Zoning Petition
Planning Board
Presentation



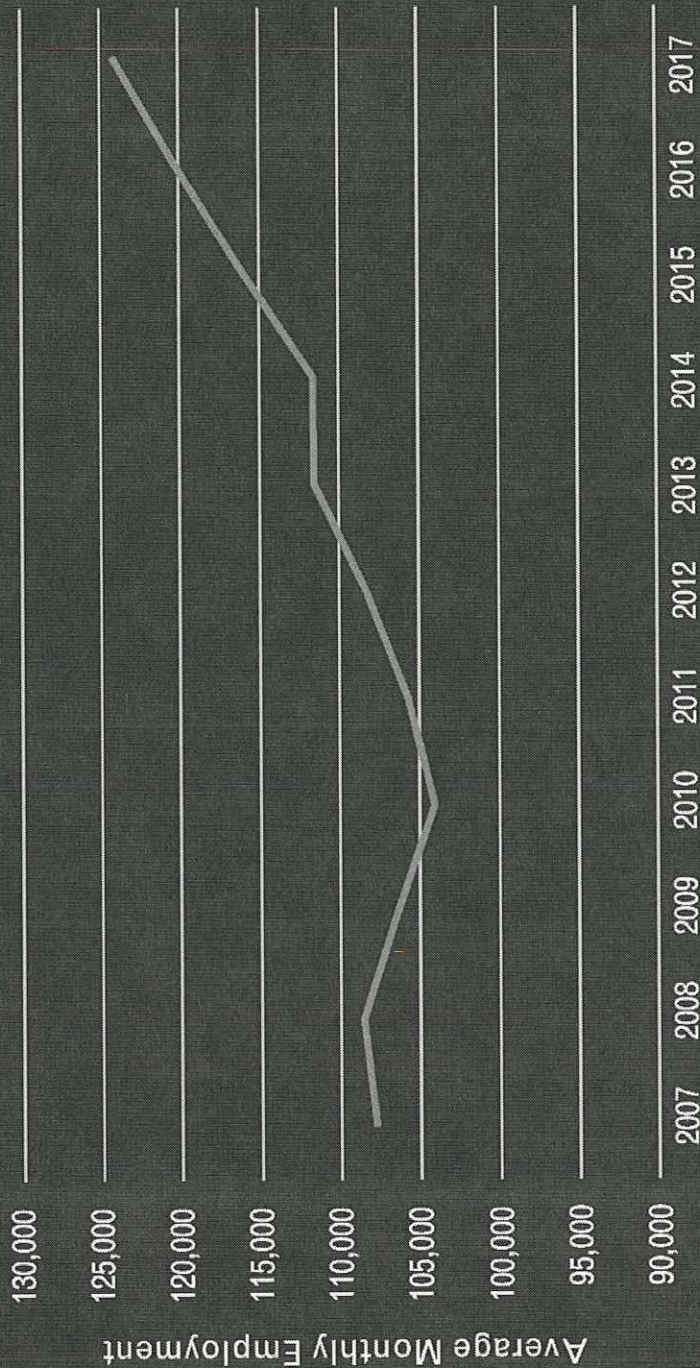
• Patrick W. Barrett III, Esq (Barrett Legal)



Historical Overview

- 1943-1961: The area was designated Business A. Height limitation at 60’
- 1961-1986: The area was zoned B with no height limitation and an FAR of 4.0 and a 300 square foot lot per dwelling unit calculation
- 1986-Present: North Mass Ave Overlay Zoning and Guidelines created as a response to **“[I]ncreased market pressure resulting from opening of the Porter Square Transit Station and business climate of the Boston Metropolitan area in general.”** (North Massachusetts Avenue Urban Design Guidelines Handbook)

Employment in Cambridge, 2007–2017



Source: Massachusetts Executive Office of Labor and Workforce Development, Employment and Wages (ES-202) data, 2007–2017 annual reports.

Key Planning Trends

Envision Cambridge builds on the city's strength and guides growth to address key challenges.

1. Growing Economy

Cambridge is a center of the global knowledge economy. The city has gained nearly 16,000 new jobs since 2008. More than half of total jobs in Cambridge are in education or professional and technical services, including the life sciences and technology industries. These jobs compete for highly skilled workers by offering high salaries, and they attract workers and students to the region from all over the world. Meanwhile, employment in industries that typically

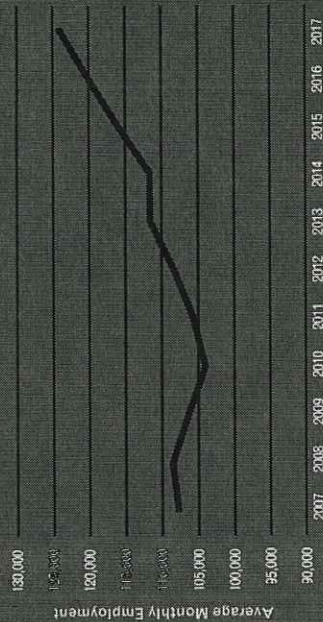
offer middle-income wages, such as construction and manufacturing, has decreased over the same period.

The strong economy supports a healthy real estate sector, whose strong property tax revenues both fund high quality services and underpin a low residential tax rate. However, our productive economy increases both the demand for and cost of housing and commercial space, driving change in the City's character.

2. Growing Population

Fueled by economic growth, expansion of Cambridge's educational institutions, and a desire for urban living, Cambridge's population is growing rapidly. By 2030 we are on track to once again reach approximately 350,000 people. Growth has brought shifts in the character of the population. Changes to the composition of the city's population has mirrored changes to the national population, including

Employment in Cambridge, 2007-2017

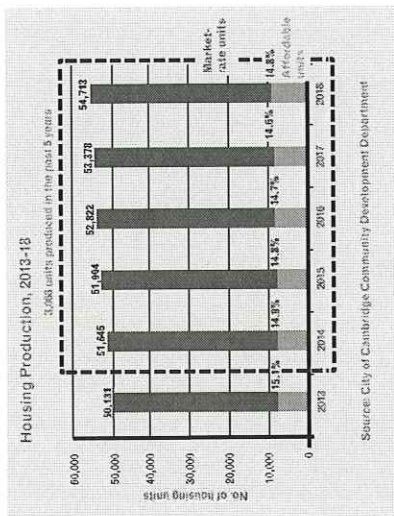


Source: Massachusetts Executive Office of Labor and Workforce Development, Employment and Wages (ES-203) data, 2007-2017 annual reports.

Indicators and Targets

Total New Housing Units Produced

The community set a goal to increase housing supply in order to mitigate cost increases driven by demand. Though Cambridge cannot tackle the region's under-supply of housing on its own, this indicator will track Cambridge's contribution to the regional effort.



Indicator

Total housing units in Cambridge

2018 Baseline

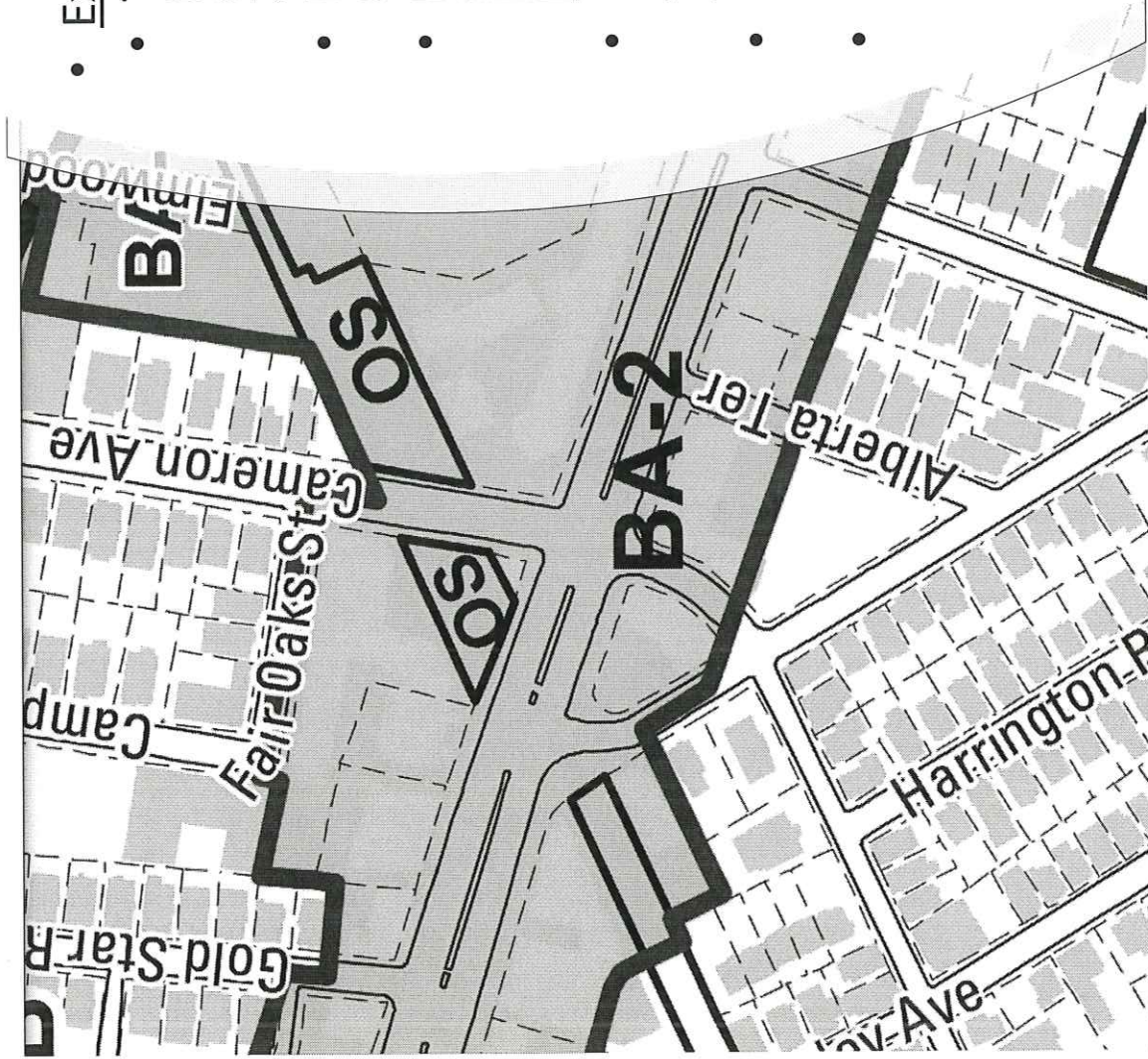
54,713

2030 Target

+12,500

net new housing units

Source: City of Cambridge Community Development Department

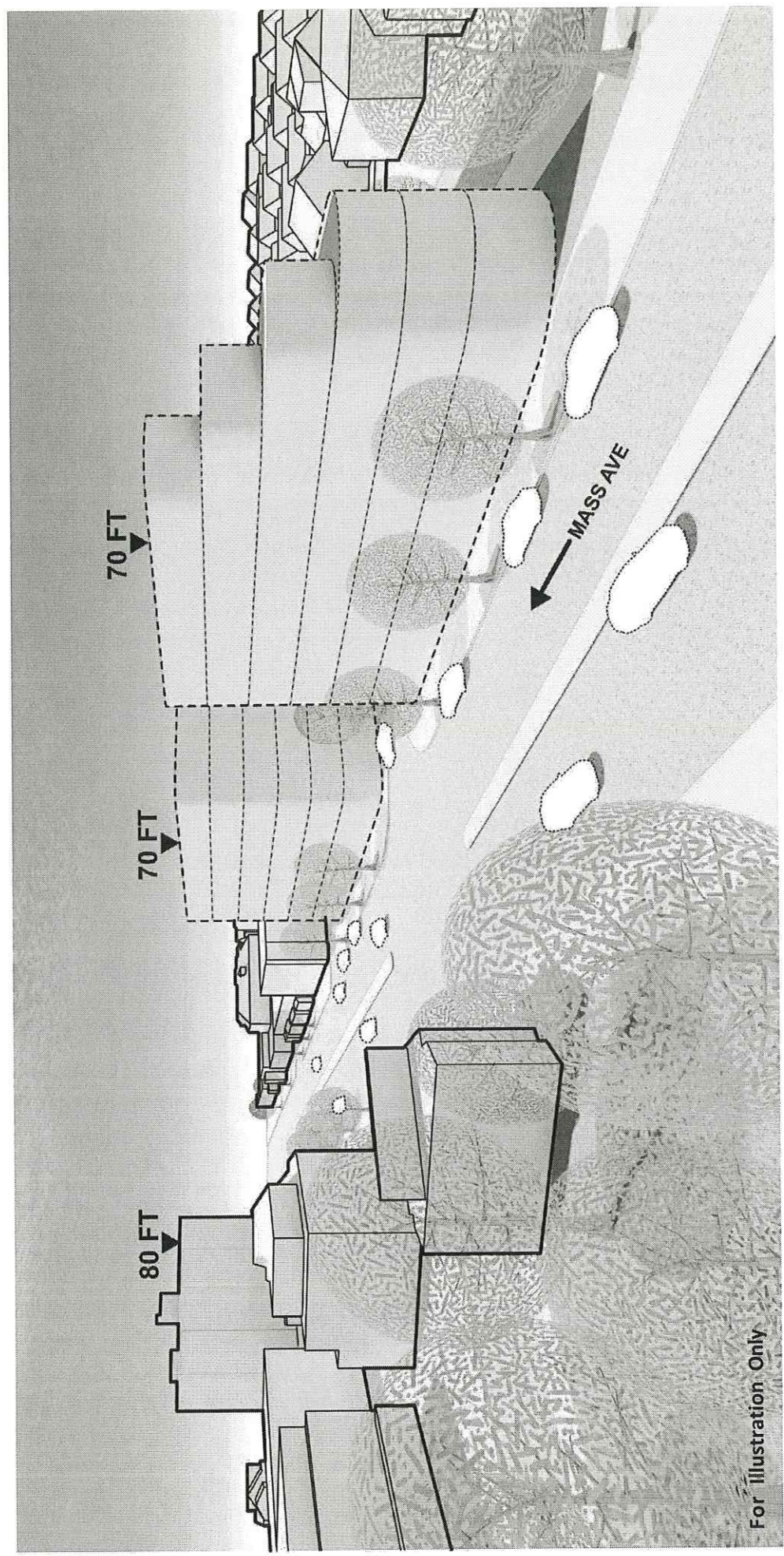


- Existing Zoning (1986-present)
- Two different zoning districts (BA-2 and Res B) Res-B district is outside of Mass Ave Overlay Zoning
- Floor Area Ratio (FAR) for BA-2: (1.0/1.75)
- Floor Area Ratio for Res-B: .5 (Does not include incursionary bonus of 30%) **Total Combined FAR is 2.275**
- Height for BA-2 is 50' along Mass Ave and 35' in Res-B (Cedar and Alberta)
- Open space is N/A for BA-2 and 30% for Res-B
- Parking is not required



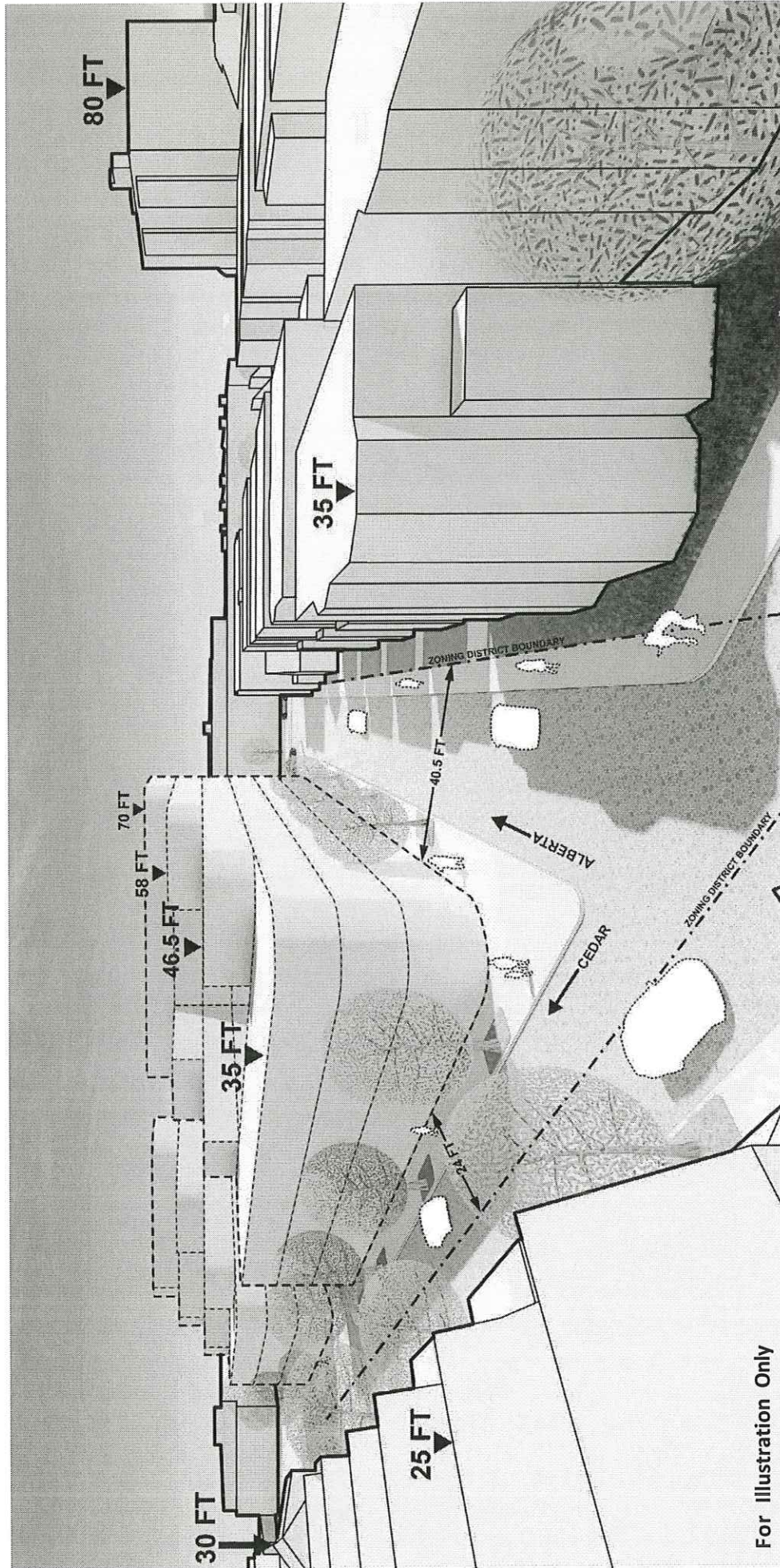
- Proposed Zoning
- BA-5 (Neighborhood Business District) all within and subject to Mass Ave Overlay Zoning
- FAR 1.0/4.0 (Commercial/Residential)
- 35' setback from Residential Districts and Height limited to 35' (same as Res-B Zoning)
- Max allowable height to 80' facing Mass Ave. (actual height of proposed 2400 Block is 69.5')
- Nearly identical to zoning conditions pre-1986 downzoning with the exception to the limit on height to 80'
- **Affordable Housing Overlay Zoning** allows up to 70' on Mass Ave, 45' on Cedar, 80 units by right, and no public process.
- Building Code at 70' Increased bond strength in Spray Fire Proofing materials.
- Additional Sprinkler System, Smoke Detection, Fire Alarm and Standpipe requirements.
- Required Emergency Responder Radio system.
- Required Fire Command Center.
- Required Smoke Removal System.
- Standby and Emergency Power Systems.
- Stairway Communication System.
- Conclusion: It is unlikely and impractical for a building to reach 80' but the flexibility is needed for building elements still considered "height" under zoning.

Perspective - Mass Ave

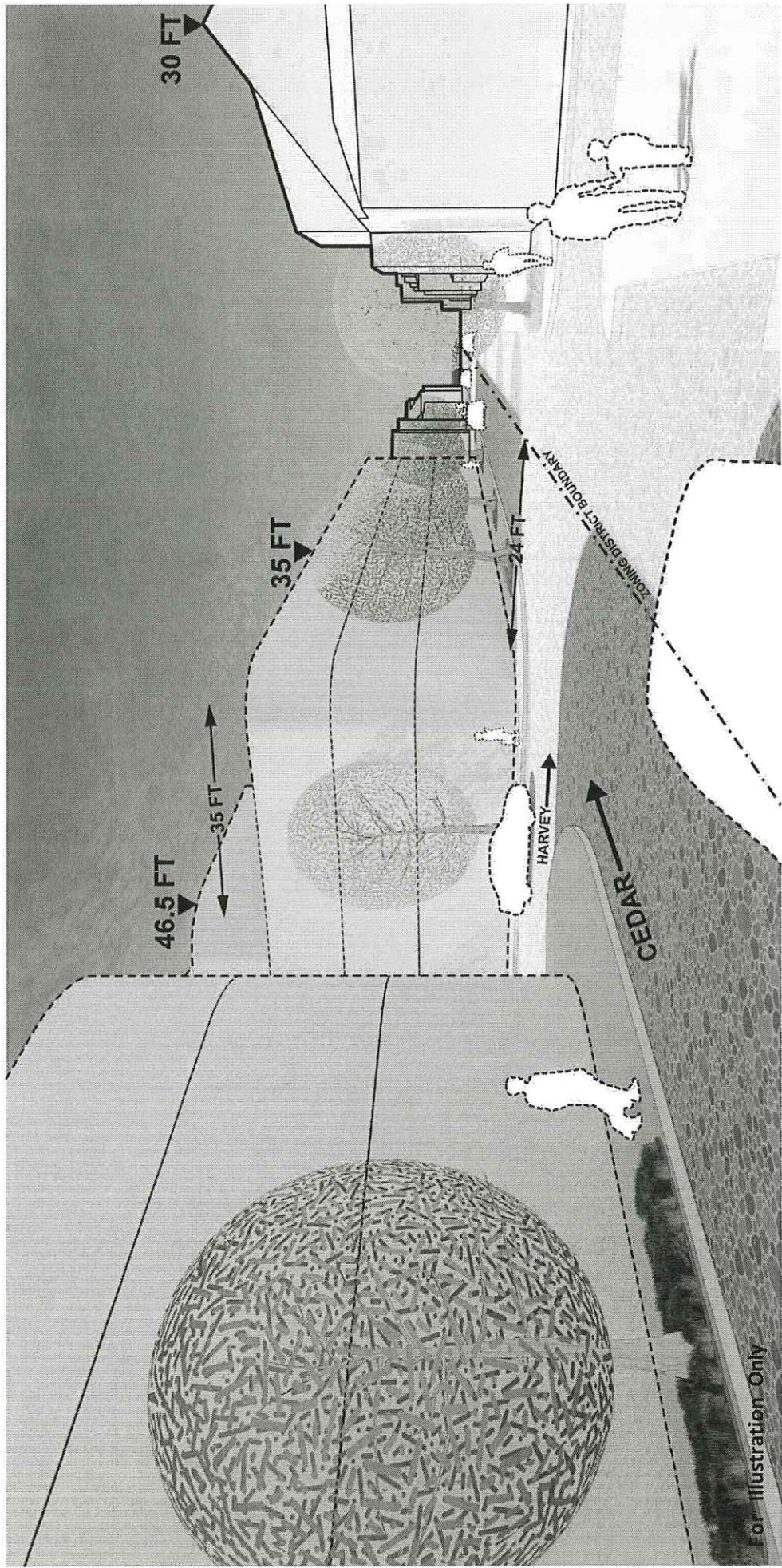


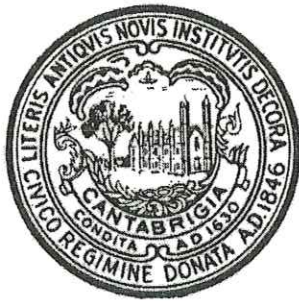
For Illustration Only

Perspective - Cedar + Alberta



Perspective - Cedar + Harvey





CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date: December 21, 2022

Subject: Patrick Barrett, et al., Zoning Petition

Recommendation: The Planning Board does NOT RECOMMEND adoption.

To the Honorable, the City Council,

On December 20, 2022, the Planning Board (the "Board") held a public hearing to discuss a Zoning Petition by Patrick Barrett, et al., to amend the Zoning Map and Articles 4.000 (Use Regulations), 5.000 (Development Standards), and 6.000 (Parking and Loading Requirements) of the Zoning Ordinance (the "Petition"). The Petition would rezone the area bounded by Massachusetts Avenue, Cedar Street, and Alberta Terrace, which is currently zoned Business A-2 (BA-2) and Residence B, to a new base zoning district "Business A-5" (BA-5). It would also expand the Massachusetts Avenue Overlay District, which currently covers part of that area, to cover the entire area. The resulting zoning would allow increased density for residential uses and building heights up to 80 feet.

Following public comment and discussion among Board members, the Planning Board voted to transmit an unfavorable recommendation on this Petition to the City Council, with the following comments.

Board members expressed differing opinions on the substance of the proposal. However, Board members agreed that a development proposal for this site should follow a more thorough planning process addressing the entire area and incorporating more input from the larger community. The City Council has requested that a planning study of northern Massachusetts Avenue be commenced in 2023, and Board Members supported waiting for that process to be completed.

The Planning Board voted 7-0 in favor of transmitting the above recommendation. One member was absent.

Respectfully submitted for the Planning Board,

Mary Flynn, Vice Chair.

Minutes Acceptance: Minutes of Jan 3, 2023 4:00 PM (Committee Reports)

Attachment C



CITY OF CAMBRIDGE
Community Development Department

To: Planning Board
From: Community Development Department (CDD) Staff
Date: December 13, 2022
Re: **Patrick Barrett, et al., Zoning Petition**

IRAM FAROOQ
Assistant City Manager for
Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

KHALIL MOGASSABI
Deputy Director
Chief of Planning

Overview

Petitioner: Patrick Barrett, et al. (group of at least 10 registered voters)
Zoning Articles: 4.000 (Use Regulations), 5.000 (Development Standards), 6.000 (Parking and Loading Requirements), Zoning Map
Petition Summary: Rezone the area bounded by Massachusetts Avenue, Cedar Street, and Alberta Terrace, which is currently zoned Business A-2 (BA-2) and Residence B, to a new base zoning district "Business A-5" (BA-5). The BA-5 district would permit the same uses as the BA-2 district. The maximum height would be 80 feet, maximum floor area ratio (FAR) 1.0 for non-residential uses, maximum FAR 4.0 for residential uses, minimum 300 square feet of lot area per dwelling unit, no required yard setbacks, and no required open space.
Planning Board Action: Recommendation to City Council
Memo Contents: Summary of the proposed zoning, background information on the topic of the Petition, and considerations and comments from staff.

Minutes Acceptance: Minutes of Jan 3, 2023 4:00 PM (Committee Reports)

344 Broadway
Cambridge, MA 02139
Voice: 617 349-4600
Fax: 617 349-4669
TTY: 617 349-4621
www.cambridgema.gov

Summary of Petition Effects

The effects of the Petition are limited to the area bounded by Massachusetts Avenue, Cedar Street, and Alberta Terrace (“Rezoning Area”). This triangular-shaped area contains two lots, which are separated by a portion of Harvey Street that intersects Cedar Street and Massachusetts Avenue. *See attached map.*

Currently, the portion of the Rezoning Area within 100 feet of Massachusetts Avenue is zoned Business A-2 (BA-2) and is within the Massachusetts Avenue Overlay District (MAOD). The remainder of the area, further than 100 feet from Massachusetts Avenue, is currently zoned Residence B (Res. B).

The Petition proposes to rezone the entire Rezoning Area to a new zoning designation Business A-5 (BA-5), and to expand the MAOD to the entire Rezoning Area. The MAOD standards are not proposed to be amended, but several proposed footnotes are intended to supersede some MAOD requirements.

The table below summarizes the proposed changes to use, dimensional, and parking requirements:

	Current Res. B	Current BA-2 / MAOD	Proposed BA-5 / MAOD
Allowed Uses	Single-family, two-family, townhouse residential	All residential; most office and retail uses; “active” retail, office, or institutional uses required at ground story (relief by special permit)	All residential; most office and retail uses
Max. Height	35 feet	50 feet (mixed-use) 45 feet (residential only) 35 feet (non-residential)	80 feet
Max. FAR	0.5 (reduced for lots over 5,000 SF)	1.75 (residential above ground-story active use) 1.00 (all residential or non-residential)	4.00 (residential) 1.00 (non-residential) All ground floor commercial spaces and roof decks exempt
Min. Lot Area per D.U.	2,500 SF (increased for lots over 5,000 SF)	600 SF	300 SF
Min. Yard Setbacks	Front: 15 feet Sides: 7.5(+) feet Rear: 25(+) feet	Front: 5 feet Sides: 10 feet, with modifications Rear: 20 feet or 2/3 height of rear wall	No front, side, or rear yards required
Min. Open Space	40% of lot area	None	None
Required Parking	None	None	None

Background

The zoning for northern Massachusetts Avenue contains multiple layers of regulations that need to be combined to get the total picture, some of which are newer and others of which are vestiges from older times. It is like an old house that has been painted over multiple times in many different colors, sometimes only in parts.

The following is a summary of the zoning history of the Rezoning Area and northern Massachusetts Avenue in general.

- From 1943-1961, the Rezoning Area was zoned Business A, which had a 60-foot height limit and few other dimensional requirements. From 1961-1986 it was zoned Business B, which had no height limit, a 4.0 FAR limit, and required 300 square feet of lot area per dwelling unit. During this time, Massachusetts Avenue north of Harvard Square was a mix of Business A, Business B, Business C, and several higher-density residential districts.
- In 1986, there was a comprehensive rezoning of Massachusetts Avenue north of Harvard Square, based on a planning study. The Rezoning Area and its surroundings were rezoned to a new Business C-1 district, while other sections of the commercial corridor were rezoned to a new Business A-2 district. Porter Square remained Business C.

New Base District	Max. Non-Residential FAR	Max. Residential FAR	Max. Height
Business C-1 (BC-1)	2.00	3.00	50'
Business A-2 (BA-2)	1.00	1.75	45'

- The 1986 rezoning included the creation of the Massachusetts Avenue Overlay District. Like other overlay districts created around that time, the purpose was to apply detailed development standards and advisory review procedures based on urban design objectives. The design-based standards focused on encouraging pedestrian-friendly buildings with active ground floors, articulated building façades, and clear windows. Proposals that did not meet all the detailed standards could seek approval for modifications by special permit from the Planning Board. The North Massachusetts Avenue Urban Design Guidelines were published to guide Planning Board review and advisory review.
- In 1991, the Rezoning Area (along with most other BC-1 areas) was rezoned to BA-2, except that the portion more than 100 feet from Massachusetts Avenue was rezoned to Residence B. Previously, the entire Rezoning Area was included in the Business district.
- Some zoning changes adopted in the early 2000s were relevant to this area. In 2005, the threshold to require a public advisory review meeting in the MAOD was lowered from 6,000 square feet to 2,000 square feet of GFA. In 2007, the threshold for requiring a Project Review Special Permit in the BA, BA-1, and BA-2 districts was lowered from 50,000 square feet to 20,000 square feet of GFA.
- In 2012, the “North Mass Ave” zoning was adopted following recommendations from the North Cambridge Neighborhood Study. The main goal of this zoning was to better encourage mixed-use development with active ground stories. In previous years, some larger residential developments had been built with little to no ground story retail.

- In 2016, after a resident-led zoning petition, the North Mass Ave zoning was expanded to cover all areas within the MAOD with a BA-2 base zoning, north and south of Porter Square. (At the same time, another resident-led zoning petition was adopted which excluded the area north of Richard Avenue from the North Mass Ave zoning.)

The North Mass Ave zoning (Section 20.110 of the Zoning Ordinance, now applicable to almost all areas with a BA-2 base and MAOD overlay) can be described as an “overlay on an overlay,” applying in addition to the general MAOD standards in specific areas. It adjusts the base development standards to allow 4-story mixed-use development, so long as the ground story contains “active” space such as retail, certain types of office, or certain types of institutional use. There is a minimum height, depth, and frontage of active space, subject to modification by Planning Board special permit. Exceptions can be made in the case of historically residential buildings or by Planning Board special permit if active use is found to be infeasible. The total FAR for a mixed-use project is 1.75 and maximum height is 50 feet, to allow for a taller ground story. If a non-mixed-use project is permitted, the FAR is limited to 1.00, and height is limited to 45’ (residential) or 35’ (non-residential).

Massachusetts Avenue was identified in the *Envision Cambridge* comprehensive plan as an area for further study, with the goal of providing area-specific recommendations for zoning changes and development guidelines. The City Council adopted a Policy Order in September, 2022, requesting that CDD begin a study in 2023.

Considerations

It is difficult to evaluate the proposed zoning against the City’s planning goals. The previous planning study that formed the basis for the current zoning is over 35 years old, and the zoning has been adjusted several times since that original study based on changing priorities. In some respects, the proposed BA-5 zoning reflects the pre-1986 zoning for this area.

Increasing the zoning capacity for housing in a mixed-use area is generally consistent with the *Envision Cambridge* planning recommendations. However, *Envision Cambridge* also calls for area-specific planning in order to decide what zoning standards should be implemented.

Without area-specific planning objectives or priorities, the following considerations are meant to guide general discussion of the proposed zoning compared to planning and zoning principles applied throughout the city.

Geographic Area

The history of zoning along northern Massachusetts Avenue is complex and layered, as is the current zoning. The existing patterns of development are similarly complex and at times chaotic, containing a wide variety of buildings with different uses, sizes, and ages.

The Petition proposes to rezone only one small section of this corridor. The Petition does not explain why this specific area is proposed to be rezoned and not others. The sites in the Rezoning Area have older buildings and lower-density development relative to some nearby sites. The Rezoning Area is at a key intersection, but not the busiest in the corridor, and excludes other sites near the same intersection.

Rezoning this small section would continue the trend of varied and eclectic development patterns along Massachusetts Ave. That could be a positive or negative result, depending on one's attitudes about varied and eclectic development patterns. The proposed change would also eliminate what is currently a "split-lot" zoning, and would restore the original "Business" designation of the area that is commercial in use but was rezoned to Residence B.

As a technical matter, where it is proposed to create a new base zoning district, that district should be listed in Article 3.000 of the Zoning Ordinance.

Development Scale and Density

The proposed BA-5 zoning would have a permitted height and density similar to what is currently permitted in Harvard Square and Central Square. The distinction is that the proposed BA-5 would only permit increased height and density for residential uses, while Harvard Square and Central Square permit greater height and density for non-residential uses as well. Residential uses would be permitted at a greater height and density than in Porter Square, but non-residential uses would be permitted at a similar scale. Per Section 5.30.11, "residential" uses in this context would exclude hotels.

The proposed change would result in a large difference between the allowed height in the Rezoning Area (80') and the allowed height in abutting districts (35'-50'). For developments greater than 25,000 square feet, this variation could trigger provisions in Section 19.52, which limits building cornice lines to no more than 20' higher than the height limit of an abutting zoning district, with bulk control requirements for building sections above that cornice line.

The proposal would exempt "all ground-floor commercial spaces" from FAR calculations, which potentially removes the complication of applying the "mixed-use formula" in Section 5.30.12 to a project with residential development above ground-story retail. However, it could also have unanticipated consequences by excluding all "commercial spaces" (a term which is not defined in the Cambridge Zoning Ordinance) instead of specific uses that are desired to meet area objectives. As an example, the proposed zoning might allow a two-story office/lab building without setbacks (an effective FAR of 2.0) by exempting the ground story.

Massachusetts Avenue Overlay District Standards

The proposed zoning would retain the MAOD designation for the entire area. Some design standards would continue to apply, such as requiring clear windows and street-facing pedestrian entrances, and prohibiting parking at the ground story. However, the proposed zoning contains footnotes that would waive or supersede some requirements of the MAOD. In particular, a proposed footnote waives some of the active use requirements (Section 20.110.21) applicable in BA-2 areas that were originally created in the "North Mass Ave" zoning amendment. A substantial development without active use along Massachusetts Avenue might not be a desirable outcome.

As a practical matter, it is not clear that these footnotes are necessary. By rezoning the area to BA-5, the requirements applicable in BA-2 districts would arguably no longer be applicable to the Rezoning Area. Moreover, it is confusing to write provisions into base zoning that are intended to supersede overlay district requirements. Base zoning requirements should apply except to the extent that they are

modified by overlay zoning requirements. Amending the MAOD, where desired, would be a clearer approach than writing base requirements that are intended to supersede it.

Development Review

By keeping the Rezoning Area in the MAOD, the proposal would retain the advisory review procedures that require a non-binding public meeting for any development proposal of at least 2,000 square feet.

Changing the base zoning from BA-2 to BA-5 would increase the threshold for a Project Review Special Permit from 20,000 square feet – the lower threshold that was enacted in 2007 – to the general citywide threshold of 50,000 square feet. A higher project review threshold could remove impediments to new development by making the review process less burdensome for medium-scale projects, but the absence of a binding design review could result in worse urban design outcomes.



Map prepared by Brendan Monroe on December 7, 2022. CDD GIS C:\Projects\Zoning\Petitions\Barrett_BA-5\ExistingZoningBA5_8x11.mxd

Minutes Acceptance: Minutes of Jan 3, 2023 4:00 PM (Committee Reports)

Attachment

D

Erwin, Nicole

From: Allan Sadun <aesadun@alum.mit.edu>
Sent: Monday, January 2, 2023 4:45 PM
To: City Council; City Clerk
Subject: Barrett and Callendar petitions should build towards long-term housing outcomes

Dear City Councillors,

Happy new year! Thank you for all your work in 2022 and thanks in advance for all your work in 2023.

As you evaluate the Barrett BA-5 petition and the Callendar labs regulation petition, I think it's worth keeping in mind that both petitions are incomplete. **Neither one would make a significant difference in addressing our large and urgent housing shortage.** What you do with them is less important than how you use them to build momentum for actual pro-housing solutions.

(This email is sent on behalf of myself and not on behalf of any group, etc., etc.)

I tend to view the Barrett petition favorably. Yes, there will be a North Mass Ave study process starting this summer, and if the Barrett petition is adopted, it will hopefully be superceded later down the line by fresh new zoning for the whole North Mass Ave area. So this isn't a particularly transformative request. However, it will help anchor the North Mass Ave process; by discussing what zoning you want to see here (more housing, ground floor commercial exemptions), you will help set expectations and precedent for how mixed-use districts should look.

I do have some quibbles with the Barrett petition:

(1) I believe that lot area / dwelling unit is a useless restriction, which serves only to prevent the construction of smaller, more affordable homes like 800 sqft 2-bedrooms. Even 300 sqft / unit is too high; at 4.0 FAR, that is essentially a minimum average unit size of 1200 sqft (minus common areas), i.e. a minimum average price of \$1.2 million.

(2) I am disappointed with the "step-back" provisions. I hate the idea that building development should be concentrated right up against the noisy main street, but that we should avoid having tall buildings in quieter residential neighborhoods. This is completely backwards from a liveability perspective. Why are we saying that residents of new buildings should have to live as close to the noisy main street as possible? Our most beautiful streets - Harvard St, Franklin St, Linnaean St - are dense residential streets away from major car routes. We should let more people live like that, and in general, we should support denser housing near main roads even (and especially!) when it is not literally on top of them.

I hope you will use this petition as an opportunity to highlight aspects such as these which should **not** be treated as precedent. However, these are quibbles, and especially for temporary zoning, I'm not too hung up on them. If anything, adopting imperfect zoning in the name of getting housing built sends the message that you care about results, which is an important message to send given how many times planning studies sit on the shelf without producing concrete zoning petitions or real results.

Unfortunately, I have trouble drawing a similar conclusion for the Callendar petition. **It calls itself a "pro-housing" petition, but it does nothing to increase the amount of housing we allow in Cambridge.** Its location and use restriction

are narrow enough that they do not address the bulk of labs development in Cambridge (and certainly not Boston or Somerville), so it won't even significantly impact the causes of rising demand to live here.

The only thing that can be said for it is that it might slightly decrease competition for certain mixed-use parcels where it applies; and in particular, I've heard advocates tell me that certain kinds of lab uses are incompatible with housing so if you allow their construction you can't later put housing on top. **But if your goal is to ensure housing on top of labs, you should allow and require housing on top of labs. This petition neither allows housing nor requires it.** I just don't buy the argument that if we only would ban labs, we would see more housing built in Central Square. The fact is, we don't see housing built in Central Square because we don't allow housing in Central Square in any significant quantity (maybe if we adopted the C2 study this would change). We don't see housing along Cambridge Street because we don't allow housing along Cambridge Street in any significant quantity. (CDD's Cambridge Street study is not currently shaping up to change that; it's mostly a nothingburger, as I've written to you before and hope to elaborate on in the coming weeks).

If you pass the Callendar petition as is, you are saying "we don't care about or need pro-housing zoning, we will allow anti-labs zoning to be 'good enough'." It's not like the Barrett petition, which would very clearly communicate a desire for results, and would set a marker for what kind of thing you want to see so that it can be cleaned up and expanded to more areas later. In my mind, passing the Callendar petition without any kind of commitment to following it up would communicate a lack of desire for results.

I know that this is a momentum-based / procedural argument on which reasonable minds can disagree. But whether you agree or disagree with me on the petitions themselves, I hope you will put them in context, and keep your eye on the ball, which is real zoning reform that allows more housing - at enough density to actually incentivize development - on many parcels citywide.

Thank you,
Allan Sadun
237 Elm St. #1

Erwin, Nicole

Attachment E

From: ELIZABET PADEN <paden3@comcast.net>
Sent: Monday, January 2, 2023 6:43 PM
To: City Council
Cc: City Clerk
Subject: Ordinance Committee - Barrett Petition
Attachments: Barrett Petition letter of support Ord Comm.docx

Attached is my letter of support of the Barrett Zoning Petition to be heard on Tuesday, January 3, 2023.

Regards,

Liza Paden

Minutes Acceptance: Minutes of Jan 3, 2023 4:00 PM (Committee Reports)

January 2, 2023

To The Ordinance Committee members,

This letter is in **support** of the **Barrett Petition** to rezone a section of North Mass Avenue in the area of **Trolley Square** for the following reasons.

This area has a cluster of residential units and additional units would add to the housing supply in a desirable location. It is located on a major MBTA bus line (#77), and an easy walk to both Porter Square and Alewife T stops. These blocks are on the newly created Mass Avenue bike lanes.

The proximity to Porter Square and Davis Square makes grocery shopping, medical care and dining convenient within the neighborhood.

The additional height would address the current building code and fire safety issues of head houses and potential roof deck uses such as green roof or blue roof technology and socializing.

Overall, this is a good location for additional multifamily housing.

Elements of the new zoning should include setbacks to protect the existing one and two family housing on Cedar Street and Alberta Terrace and prevent towering construction.

Access and egress at new developments should minimize the negative impacts of driveways on the narrow streets of Cedar Street and Alberta Terrace.

Regards,

Elizabeth M Paden

6 Theriault Court, Cambridge

Note: existing residential uses

2440 Mass Avenue

7 Cameron Avenue, PB239

2472 Mass Avenue, PB195

Trolley Square Affordable Housing development

2427-2429 Mass Avenue

2443 Mass Avenue

Erwin, Nicole

Attachment F

From: David Sullivan <davidesullivan77@gmail.com>
Sent: Monday, January 2, 2023 10:00 AM
To: City Council; City Clerk
Subject: Support in principle for Barrett zoning petition

Dear Honorable Councillors,

I write to support in principle the Barrett zoning petition, which is before you for its Ordinance Committee hearing on Tuesday, January 3. Happy New Year to you and yours!

I am a former five-term elected City Councillor. My wife and I have been North Cambridge homeowners for over 31 years. We have raised our family here. We live less than a half-mile from the zoning locus. I often run, walk, and bike by it.

As you know from my history on other matters, I am a strong supporter of more housing of all kinds in our city. I believe we need it, as part of a regional effort, to provide affordable homes for people who want to live and work here.

I support this zoning petition in principle because it will allow 60 new homes, 12 of which will be affordable inclusionary units. I acknowledge that broader zoning changes are needed along North Mass. Ave. and elsewhere, but I do not favor waiting until that materializes. And I have read the CDD memo and the Planning Board report, so I also understand that some amendments may be needed to carry out this petition's purposes.

I hope you will support some version of this petition. Thank you for your consideration.

David E. Sullivan
 16 Notre Dame Ave., North Cambridge

Minutes Acceptance: Minutes of Jan 3, 2023 4:00 PM (Committee Reports)

1. My name is Eric Johnson. I live at 24 Alberta Terrace, directly across the street from the proposed zoning change.
2. I oppose this zoning petition, and you should vote ^{today} to reject it. The petitioner is seeking special treatment from the city to rewrite the law specifically to maximize their development profits. I understand and agree that the city needs more housing. This zoning petition is too open ended and would allow non-housing development on this lot, such as a lab building. The petitioner doesn't own the land yet, and if the zoning changes pass, there's no guarantee that we get the residential development that they are showing us.
3. This is not a development proposal, it's a zoning proposal. The developer has provided massing renderings for a possible building, but it is not clear to me or my neighbors whether these renderings are an actual representation of the proposed zoning. Could there be 80 ft building height along the length of Alberta Terrace? We need more time to understand the full impact of the zoning proposal. The petition has been rushed through the process during the holidays. We would appreciate it if Community Development could elaborate on their interpretation of the petition in regards to allowed building height and setback on each street frontage.
4. The way to move forward to get housing on this site is to reject this petition and have a collaborative contract zoning process for the design of a development. Passing the zoning petition as-is would open up the parcel to undesirable as-of-right development, such as a lab building or an oversized residential building.

Received during public comment
on January 3, 2023