



ORDINANCE COMMITTEE

COMMITTEE MEETING

~ MINUTES ~

Thursday, April 7, 2022

5:30 PM

Sullivan Chamber

The Ordinance Committee will meet to continue a public hear on a petition to amend Article 20.90- Alewife Overlay Districts 1-6 of the Cambridge Zoning Ordinance by inserting a new section entitled Section 20.94.3- Temporarily prohibited uses. (ORDINANCE #2022-1)

Attendee Name	Present	Absent	Late	Arrived
Marc C. McGovern	p	..	..
Quinton Zondervan	p	..	..
Burhan Azeem	..	p	..	
Dennis J. Carlone	p	..	..
Alanna Mallon	p	..	..
Patricia Nolan	p	..	..
Sumbul Siddiqui	..	..	p	7:00 PM
E. Denise Simmons	p	..	..
Paul F. Toner	p	..	..

Councillor McGovern called the meeting to order.

Iram Farroq, Assistant City Manager of Community Development, introduced staff.

Jeff Robert, Director of Zoning and Development, explained that the planning board was supportive of having a pause in development while the city council contemplates changes to the zoning. Planning Board members urged that to be done with speed. Some board members felt the council might consider an even shorter period of time than what was proposed to emphasize the desire to act with some sense of urgency. CDD also transmitted to the committee a list of projects in various stages of the permitting process.

Nancy Glowa, City Solicitor, stated the moratorium that applies only for office and laboratory uses is permissible. the language proposed by CCD clarifies the intent of the council, which was to not allow building permits or special permits to be issued for a new application for one of the uses mentioned in the district during the period of the moratorium. projects that are in development but do not have the building or special permit cannot be protected from the provisions of the moratorium.

Councillor McGovern opened the floor to public comment.

Chris Chandor from the Davis Company asked the committee to allow them to continue to develop the neighborhood with their 75-109 Smith place project.

Matt Lerner, a senior project manager with Longfellow real estate partners, asked that consideration be given to amending the zoning petition so as to exclude the triangle district.

Ann Tennis stated that the Cambridge Highlands Quad association and the Fresh Pond Residents' Alliance support the moratorium as rewritten by CDD. However, the want to moratorium expanded to include of existing offices and labs in the district.

John Chun expressed his support for the amendment of the overlay district zoning ordinance. He asked the city to amend the zoning to allow for developments to ensure a balanced mix of residential and commercial buildings with ample green space and public amenities. He requested the moratorium to be applied to the new and existing development and to allow the moratorium to stay in effect until December 31, 2023 or until such time as a new district zoning is ordained by the Cambridge city council, whichever shall be sooner.

Johanna Schneider, representing the 180 Fawcett street project, she requested the committee exclude projects that have received Planning Board approval.

Lee Farris spoke in support of the overlay district zoning petition for the Cambridge residence alliance. It is not appropriate to creatively special carveouts for the proposed projects that have not yet received permits.

In response to a question from Councillor Toner about the exclusion of projects, Mr. Roberts stated that any projects that have not filed for a permit before the first advertisement of this petition would be subject to the moratorium, if adopted.

In response to a question from Vice Mayor Mallon about the impact of the petition on certain projects, he stated that in general because a building permit has not been issued those projects could be impacted. Vice Mayor Mallon expressed concern for projects that have applied for building permits but are not issued.

Councillor Carlone stated that there is a need in the future for public amenities like schools and libraries. Every lab developer of a certain size should have to develop housing. There will be a shuttle bridge or a bridge someday by the future T station.

Councillor Nolan agreed that this is an opportunity for housing. if a project is a new or expanded use, it should be subject to the moratorium. State law says that a building permit is what matters. Her intent was not to impact upgrades of existing uses.

Councillor Toner is all for moving forward with the moratorium. He wanted to find a way to exempt projects that are far along in the process.

Councillor McGovern expressed an interest in shortening the length of the moratorium to encourage new zoning language to get finalized more quickly. He did not think the intent was to stop smaller projects that were further along in the process.'

Councillor Nolan stated that it was clear in the city solicitor's memo that to add carveouts is going to require refiling. She is not interested in refiling. She supports the substitute CDD language. She would add an expansion of an existing laboratory use.

In response to a question from Vice Mayor Mallon, Mr. Roberts stated the language as intended in the original petition, as was stated in the public hearings, applied to new office and laboratory uses. So a building permit for an existing officer laboratory uses would not necessarily be affected.

Vice Mayor Mallon expressed an interest in exempting the Triangle. Solicitor Glowa stated that she would analyze that issue.

Councillor Carlone stated that Cambridge has 10 times the number of labs as Boston.

In response to a question from Councillor Zondervan, Solicitor Glowa confirmed that the first four projects on the list from Community Development would not be affected by the moratorium.

Councillor McGovern moved to amend the petition by substitution with the language from the memo from Community Development Department

	present	absent	yea	nay
Councillor Azeem		x		
Councillor Carlone			x	
Vice Mayor Mallon			x	
Councillor Nolan			x	
Mayor Siddiqui		x		
Councillor Simmons		x		
Councillor Toner			x	
Chair - Councillor Zondervan			x	
Chair - Councillor McGovern			x	

Councillor Carlone stated that the Council should require developers to explain why they want the Triangle excluded from the moratorium. He felt that the Community Development department should explain how long it takes to do a good urban design plan.

Iram Farooq stated that every time the city formulates a committee and work with individuals that have differing opinions, the group has to get to a point where they reach consensus or some sort of an agreement on a plan to create zoning. It would take a minimum of 6 months but it could easily take longer. She added that the number of projects that staff is working on will affect the timeline as well.

Councillor Zondervan stated that he is not in favor of changing the deadline.

Councillor Nolan moved to amend the amended petition by inserting the words “or any expansion or existing” after the words “accommodate a new”.

Solicitor Glowa stated that the proposed amendment was not entirely clear. She added that the language from Community Development helped clarify the original intent and the Law Department would agree that any expansion of existing officer laboratory use would be consistent with that understanding.

Councillor Zondervan suggested that the proposed amendment would be better framed as a policy order requesting draft language from the staff.

Councillor Nolan withdrew the motion.

Vice Mayor Mallon moved that the City Manager is hereby requested to direct City staff to provide the following to the City Council for discussion:

- Update the list of properties that would be impacted in the Alewife Overlay District by a proposed moratorium with additional information requested
- Provide legal implications of removing AOD-6 from the proposed zoning moratorium.

- Provide a legal analysis under 40A for inclusion or exclusion of projects approved by the Planning Board, but a Special Permit has not yet been filed.

Councillor Carlone stated that there should be a rationale for even consider removing AOD-6 from the moratorium.

Councillor Nolan moved to amend Vice Mayor’s proposed Policy Order by adding the following:

- what language is appropriate to ensure that new and expansion of existing labs and offices will be subject to the moratorium

	present	absent	yea	nay
Councillor Azeem		x		
Councillor Carlone			x	
Vice Mayor Mallon			x	
Councillor Nolan			x	
Mayor Siddiqui			x	
Councillor Simmons			x	
Councillor Toner			x	
Chair - Councillor Zondervan			x	
Chair - Councillor McGovern			x	

In response to a question from Councillor Zondervan, Solicitor Glowa stated that the rationale for the removal of AOD-6 has to come from the City Council.

Councillor Zondervan expressed concerned about exempting AOD-6 from the moratorium if that would jeopardize the legality of the petition.

Councillor McGovern moved to suspend the rules to extend the meeting to 8pm

	present	absent	yea	nay
Councillor Azeem		x		
Councillor Carlone			x	
Vice Mayor Mallon			x	
Councillor Nolan			x	
Mayor Siddiqui			x	
Councillor Simmons			x	
Councillor Toner			x	
Chair - Councillor Zondervan			x	
Chair - Councillor McGovern			x	

Councillor McGovern moved to delete the following language from the vice mayor's proposed order: "Provide legal implications of removing AOD-6 from the proposed zoning moratorium"

	present	absent	yea	nay
Councillor Azeem		x		
Councillor Carlone			x	
Vice Mayor Mallon			x	
Councillor Nolan			x	
Mayor Siddiqui			x	
Councillor Simmons			x	
Councillor Toner			x	
Chair - Councillor Zondervan			x	
Chair - Councillor McGovern			x	

Councillor Carlone moved to amend the Vice Mayor's order to add: "After considering options and the impacts on other Community Development study timetables, what is the department's well-considered schedule to prepare the Alewife's continued analysis, urban design plan, and zoning petition?"

	present	absent	yea	nay
Councillor Azeem		x		
Councillor Carlone			x	
Vice Mayor Mallon			x	
Councillor Nolan			x	
Mayor Siddiqui			x	
Councillor Simmons			x	
Councillor Toner			x	
Chair - Councillor Zondervan			x	
Chair - Councillor McGovern			x	

Vice Mayor Mallon amended Policy Order: Vice Mayor Mallon moved that the City Manager is hereby requested to direct City staff to provide the following to the City Council for discussion:

- Update the list of properties that would be impacted in the Alewife Overlay District by a proposed moratorium with additional information requested
- Provide a legal analysis under 40A for inclusion or exclusion of projects approved by the Planning Board, but a Special Permit has not yet been filed.
- what language is appropriate to ensure that new and expansion of existing labs and offices will be subject to the moratorium
- After considering options and the impacts on other Community Development study timetables, what is the department’s well-considered schedule to prepare the Alewife’s continued analysis, urban design plan, and zoning petition?

	present	absent	yea	nay
Councillor Azeem		x		
Councillor Carlone			x	
Vice Mayor Mallon			x	
Councillor Nolan			x	
Mayor Siddiqui			x	
Councillor Simmons			x	
Councillor Toner			x	
Chair - Councillor Zondervan			x	
Chair - Councillor McGovern			x	

Councillor Nolan moved to refer the amended petition to the full city council with a favorable recommendation

	present	absent	yea	nay
Councillor Azeem		x		
Councillor Carlone			x	
Vice Mayor Mallon			x	
Councillor Nolan			x	
Mayor Siddiqui			x	
Councillor Simmons		x		
Councillor Toner			x	
Chair - Councillor Zondervan			x	
Chair - Councillor McGovern			x	

Councillor Calone moved to adjourn at 7:40pm

	present	absent	yea	nay
Councillor Azeem		x		
Councillor Carlone			x	
Vice Mayor Mallon			x	
Councillor Nolan			x	
Mayor Siddiqui			x	
Councillor Simmons		x		
Councillor Toner			x	
Chair - Councillor Zondervan			x	
Chair - Councillor McGovern			x	

That Article 20.90- Alewife Overlay Districts 1-6 of the Cambridge Zoning Ordinance be amended to insert a new section entitled Section 20.94.3- Temporarily prohibited uses. (ORDINANCE #2022-1)

A communication was received from Assistant City Manager, Community Development, Iram Farooq, AICP, LEED-AP, transmitting a presentation regarding the zoning petition to temporarily prohibit office and laboratory uses in the Alewife Overlay Districts 1-6.

A communication was received from City Solicitor Nancy E. Glowa, transmitting a memorandum regarding the Alewife Overlay Development Zoning Petition- Response to Ordinance Committee's legal questions from March 9, 2022.