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**To:** Cambridge City Council Ordinance Committee  
Vice Mayor Murphy, Co-Chair, Councilor Maher, Co-Chair  
**Cc:** Beth Rubenstein - Assistant City Manager, Stuart Dash, Director Of Community Planning  
**From:** Members of East Cambridge Planning Team, Alexandria Zoning Sub-Committee  
**Date:** January 5, 2009  
**Re:** Binney Street Rezoning Petition

Happy New Year to all!

We have had a chance to review the Goody Clancy Report and find that it provides a useful reference for the major issues that have been raised during our discussions. By and large we believe that the report should serve as a guide and template for the process going forward. Yet, it is important to take this opportunity to go over several issues which need to be addressed concerning key issues of quantity and proportion that the neighborhood, Council, Planning Staff and Goody Clancy worked very hard to establish not so long ago. The report also contains a few critical inaccuracies and invalid assumptions.

The first significant issue with the Goody Clancy Report can be found in the *Appendix A: Impacts Analysis*. This analysis assumes that the owner of the land in question is entitled to build 1,585,000 gross square feet of development. This premise is at odds with the facts, and effectively gives away assets that belong to the people of Cambridge. The petitioner bought this land with a clear understanding that the potential to develop is 1,300,000 square feet if it were developed for housing and 768,000 if it were developed solely as industrial lab space. The ideal as expressed in ECaPS would be a mixed use development somewhere in between these use-densities. While we believe that the opportunity to establish a new planned unit development in this area may yield benefits for the city, we are certain that there is no good reason to encourage the development of an inordinate amount of industrial density without commensurate consideration of community values that are recognized in the bylaws of the city.

The Goody Clancy report also presumes that 240,000 square feet (approximately 200 units) is an appropriate amount of residential use for this planned unit development -- a proportion of one-sixth of the square footage developed as industrial. In fact, the principles worked out with great care by the community and the city have established that the desirable ratio is two parts of housing for each unit of lab/office development. Residential uses of various sizes and opportunities for home-ownership are necessary to make a healthy, vibrant city where people live, work and play. We are not so much against increased density, but a more even proportion of residential to industrial would be one part residential to two parts industrial. This figure grants a huge increase in value, easily measured in billions of dollars, to the future developer who loses nothing by transferring development rights from the park and historic buildings, and receives a huge dividend in development potential in the bargain. This exchange of added development potential is justified only if it is in exchange for additional actions required of developer toward developing a vibrant mixed use district.

The retail analysis provided in Appendix B of the report provides a good summary of rules of thumb and common retail typologies, yet it lacks vision and sense of stake in the future possibilities. Naturally, if this area is developed as Cambridge Center/Kendall Square was, it will not be anyone's voluntary destination. The proper attitude of the city and the neighborhood is that we can do better! The elected representatives of the community must recognize this rezoning as the last opportunity for the optimization and beautification of Binney Street as a gateway and connector for Kendall Square, One Kendall, First Street, the Charles River, and the East Cambridge community. There is significant purchasing power and civic potential in East Cambridge, along First Street and Land Boulevard and on Third Street, and this is growing to critical mass. The retail study also fails to count the 18,000 members of the MIT community who live and take classes in the area south of Main Street every day. The likelihood that the Urban Ring will pass through this corridor is another aspect that the retail analysis fails to recognize. The staff and representatives of City of Cambridge should to play to the strengths with a vision of long term success to let this corner of the city become an interesting, vibrant and exciting destination and place to live and work, not merely the dismal result of a pessimistic retail formula.

We have a short window of opportunity to make Binney Street something more than a suburban style office industrial park. Alexandria Real Estate Equities Inc. is not going to voluntarily lobby the city for provisions that would decrease their short term return for their share-holders. Turning the economic interest of land owners toward a long term future vision requires the wisdom and active responsibility of

the Planning Staff, Planning Board and the City Council. Accommodation for civic uses into a development is an example of trading short term profits for long-term health of a district. The Goody Clancy report acknowledges the utility of including 30,000 square feet for a community center for youth and senior programs on the park, yet our expert on community centers insists that 50,000 square feet is the minimum requirement to service the needs of the community and the people who will be coming to work in this area on a daily basis.

In terms of the four configuration options for residential development considered in the report, our choice is "all of the above," with the exception of the large housing development at Sixth Street. The brick buildings on First Street and Linskey Way might be better left to serve as office buildings for small businesses rather than converted into housing, as this will recognize the history, texture, and charm of the district. The staff should also consider that the dimensional allowances being proposed for the site on First Street south of Binney promote, as-of-right, a massive brick-shaped building that would cast afternoon shadows on the proposed 'Triangle Park' that leads to Land Boulevard and the Charles River.

Thank you for your consideration of the issues outlined above and for your attention to this important responsibility for determining the future of Binney Street, the East Cambridge neighborhood, and the City of Cambridge as a whole.

Signed,

Members of the East Cambridge Planning Team Alexandria Zoning Committee  
Mark Jaquith, Chair; Carole Bellew; Paul Cote, Michael Hegarty; Tom Joyce;  
Donna Keefe; Ilan Levy; Nancy Steining; Jay Wasserman;

#### **Appendix: Concise Outline of Neighborhood Concerns:**

##### **Noise:**

Enforce Current Ordinance  
Transfer of Enforcement to Health Department  
Set Compliance Level for current development (no net gain?)  
Annual checks on compliance

##### **Traffic, Transportation & Parking:**

- A. Set Maximum Parking levels at 25% less than currently required minimum
- B. Requirement for a comprehensive Parking and Transportation Demand Management Plan (PTDM plan).
- C. Requirement of a comprehensive traffic study covering all of the East Cambridge and Kendall Square area.
- D. Implementation of Parking and Traffic calming measures on Binney St.
- E. Proactive area-wide master planning of pedestrian and bicycle connections.

##### **Density:**

Set limits and realistic ratios for overall GFA and building heights (including mechanicals: 15% of building height max?).  
Assure that Open Space parcels and historic buildings are zoned as such.

##### **Mixed Use:**

**Housing** – Specify a minimum ratio of 1:3 housing to lab/industrial square footage, as a ratio of GFA (including specification of unit mix and number of affordable/moderate income units for renters and owners).

**Industrial / BioMedical:** The zoning for this area needs to have the flexibility to allow significant changes in use over time. Including shifts to more housing.

**Retail** – Specify minimum square footage (35,000 sq ft.) and that all usable ground floor space be built out as 'capable' of a retail use.

1. Specific zoning language that retail space must be leased within 90 days of issuance of CO.
2. Specific zoning language allowing and incentivizing condo-type sales by the developer of retail spaces
3. Community Center – Set aside +/- 50,000 sq ft. of contiguous space for development of a community center.

##### **Open Space:**

Open Space zoned as Open Space  
Specify that Open Space be delivered and accepted prior to any temporary or permanent CO issuance

*Stephen H. Kaiser*  
*191 Hamilton Street*  
*Cambridge, Mass. 02139*

TO : David Maher  
Brian Murphy  
-- co-chairs of the Ordinance Committee of the City Council

SUBJECT : Proposed Upzoning of Areas of East Cambridge

Several facts in the Alexandria zoning proposal remain undisputed :

1. The applicant making the proposal is a private corporation intent on making a profit in real estate dealings.
2. The proposed zoning will allow for at least 750,000 s.f. of additional office or lab space development. This change represents an upzoning of the use of the land and an increase in the value of the land simply due to the passage of the zoning proposal.
3. The proponent has failed to provide any assessment of the amount of new vehicle trip generation from the site and what the impact would be on streets of East Cambridge or elsewhere in the city.
4. The only mitigation proposed is not in zoning but is part of a proposed "plan" by the developer to create a two-acre park. This park would be included within the open space requirements of zoning, and the FAR development rights can be transferred to other parcels owned by this developer. Thus the extent of the "gift" is unclear.
5. Any increase in land value associated with the proposed upzoning has not been officially identified by any city official nor has it been quantified by the developer. Unofficial estimates of value added from the rezoning, as offered by citizens and observers of the process, is in the range of \$100 million to \$400 million.

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There are also several facts that remain in dispute, even at this late date :

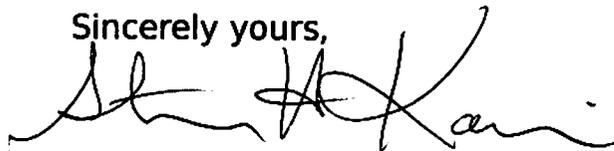
- 6. The total possible increase in development allowed within the building envelope is significantly more than 750,000 s.f. and may be in the vicinity of 2 to 3 million square feet.
- 7. The calculation of the increased land value must be made by the city if officials are to be in legal compliance. Article Seven of the Bill of Rights of the state Constitution specifies the following :

*VII. Government is instituted for the Common good, for the protection, safety, prosperity, and happiness of the people, and not for the profit, honor, or private interest of any one man, family or Class of men : Therefore the people alone have an incontestible, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it."*

What Article VII means is that the same provisions apply to Cambridge government and its laws, that the same limits against profits to any one class of men apply, and if the people alone have those powers of government and law, special non-public entities are precluded from initiated such governmental changes -- as long as that change provides those parties with a benefit in the form of a profit.

The only way that the proposed zoning can be considered legal and valid is if the city can determine that the developer is not making a profit. If the developer is making a profit from the zoning, the proposed enterprise is illegal and the zoning petition should be rejected.

Sincerely yours,



Stephen H. Kaiser

Stash Horowitz  
12 Florence St.  
Cambridge Mass. 02139

To : David Maher and Brian Murphy, Co-Chairs of the Ordinance committee

From : Stash Horowitz

## Comments on Proposed Alexandria Plan and Zoning

I would like to make eight points.

1. This proposal violates the spirit, intent, goals and actual zoning language of the 2001 ECaPS "housing zone" with its gradually stepped up heights and density, from Charles Street to Binney Street
2. It amounts to bribery : One block of park is to be exchanged for an additional 0.9 to 1.5 million square feet of development with greatly increased heights and density, as well as parking and traffic. It makes the North Point developers look generous by comparison with their five-acre central park with retention pond and 22 percent overall open space. For Alexandria, the detriments far outweigh the benefits.
3. This zoning is being proposed by the developer himself, rather than the result of a city study, like the two-year ECaPS and 1 1/2 year Concord-Alewife studies. Why should the City accommodate a financially troubled real estate investment trust's attempt to increase the value of its assets before resale?
4. If we are honest with ourselves, there will be no labs there for a decade or more. Please consider the evidence of a 30 percent lab vacancy rate and the declining office market. North Point remains a vast empty space.
5. Rents for start-up biotechs have become too expensive in Cambridge, due to high land acquisition costs. Many startups, if still viable, are fleeing to lower rental suburbs and exurbs around Route 128 and beyond.

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6. No meaningful attempt to limit new traffic generation or emphasize a switch to public transit has been made by the developer.

7. A parking ratio of about one space per 1,000 s.f. is much too high. Because of the transit attributes of the area, the ratios should be 0.25 spaces/1,000 for labs, 0.33 for commercial, and 0.7 for housing.

8. Finally, I wish to remind the City Council that pollution from auto exhaust is a significant health hazard in Cambridge.