

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).

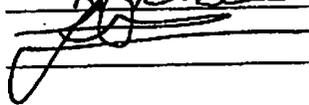
Delete as follows:

- 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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TO : The Cambridge City Council

FROM : Impacted Wellington-Harrington Neighbors

DATE : November 18 2009

RE: In Support of the Fanning Petition

Dear Councilors:

We are writing to provide further material support for the zoning petition from Richard D. Fanning et al., requesting the City Council to amend the Zoning Ordinance Section 5.25.3 Exemption for Existing Parking Facilities and delete 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 (the "Fanning Petition").

Briefly, our petition deals with two issues:

- 1.-REDUCE HEIGHT LIMITATIONS BY REMOVING THE KENDALL CINEMA SITE FROM THE EAST CAMBRIDGE HOUSING OVERLAY (ECHO) AND RETURN THE ZONING OF THE SITE TO BASE ZONING IA-1
- 2.- REDUCE DENSITY BY DELETING THE FAR EXEMPTION FOR THE EXISTING PARKING GARAGE ON THE KENDAL CINEMA SITE (the "Garage")

## THE REASONS

The Kendall Cinema site represents a transition between the surrounding low-rise residential neighborhoods of Wellington-Harrington and Area IV to the north and west and the industrial Kendall Square area to the south and east. The current zoning must be changed to allow the Kendall Cinema site to be the transition area that our past leaders, many current leaders and neighboring residents intend and hope it will remain.

Under the current zoning, ECHO allows buildings on the Kendall Cinema site to be up to 85 feet plus a mechanical addition and set back only 100 feet from neighboring 25 feet tall townhouses and 35 feet tall triple-decker residences. This height limitation is simply too tall for this site. It should have a graded transition in height between the industrial Kendall Square area and the neighboring residential area.

By removing the Kendall Cinema site from ECHO, the site would return to Base Zoning IA-1 which allows for buildings to be 45 feet tall plus a mechanical addition. This height limitation would be compatible in size with the neighborhood as it provides a gradual transition from the low-rise houses to the taller buildings towards Kendall Square.

Under the current exemption of the Garage from the total FAR, the zoning allows for more developments to increase the density on the Kendall Cinema site. The surrounding Wellington-Harrington and Area IV neighborhoods are some of the densest neighborhoods in Cambridge. To be the transition area the Kendall Cinema site is intended to be, the density on the site must be reduced. The site should have a graded transition in density. By removing the Garage from the FAR exemption, the Garage would be included in FAR calculations for any future development on the Kendall Cinema site to ensure the site would continue to serve as the transition area it was intended to be. Also by removing the Kendall Cinema site from ECHO and returning the site to Base Zoning IA-1, the FAR would be limited to 1.25/1.50, a density similar with what currently exists in the neighborhood.

The Fanning Petition is properly framed with the City's Policies and Guidelines for development in this area, as demonstrated by the following quotations:

*The City of Cambridge in their 2007 Update : "Toward a Sustainable Future: Cambridge Growth Policy" states :*

### **Policy 9**

*The evolution of the city's industrial areas should be encouraged, under the guidance of specific urban design plans, and through other public policy and regulations such that:*

- 1.- Those areas can adapt to new commercial and industrial patterns of development;*
- 2.- The residential neighborhood edges abutting such areas are strengthened through selective residential reuse within the development areas or through careful transition in density, scale and lot development pattern;*
- 3.- New uses and varied scales and densities can be introduced into such areas;*
- 4.- Uses incompatible with the city's existing and future desired development pattern are phased out.*

*Furthermore:*

*The "Eastern Cambridge Design Guidelines" of 2001 states as some of the goals:*

### **Transition Areas**

- ▣ Encourage new residential development and conversions of existing buildings to residential use but allow existing commercial uses to remain.*
- ▣ Use finely graduated heights to create transitions in scale from Kendall Square to residential neighborhoods.*
- ▣ Create better pedestrian and bicycle connections between residential neighborhoods, Kendall Square, Central Square, and the Charles River.*

### **Neighborhoods**

- ▣ Preserve and enhance neighborhood character.*
- ▣ Maintain the walkable scale and character of residential blocks.*
- ▣ Support and strengthen businesses on Cambridge Street, Broadway, and Main Street.*

## **THE HISTORY**

A brief summary of the history of the abutting neighborhood provides a context from which the Fanning Petition has emanated:

In the 1980s, the three streets of residences abutting the Kendall Cinema site to the north was an abandoned area of closed factories and retail stores. The City of Cambridge used taxpayers' money to develop the area creating 54 townhouses, 20% of which were sold as affordable housing, and became known as Linden Park.

In the late 1990's, the explosion of development in Cambridge gave the city the opportunity to put a moratorium on all developments until a comprehensive plan was crafted. The resulting study, the Eastern Cambridge Planning Study or EcaPs, won awards for its ability to promote urban revitalization as well as promote rational commercial developments. It was approved in October 2001.

In 2002, the previous owner of the Kendall Cinema site came to this Board seeking to build a large development. The petition received so much opposition that it was withdrawn even before it was voted on.

In 2008, the current owner of the site filed a zoning change looking to expand even further in size what was allowed by law for other uses. Again, the neighborhood opposition and the leadership displayed by the City Council helped defeat this petition.

Linden Park is a demonstration of revitalizing an area using good urban planning and clear leadership from city officials. Many of the initial residents are still occupying these properties. Maintaining the character and integration of the Kendall Cinema site with the rest of the Wellington-Harrington Neighborhood speaks to good urban planning and the Fanning Petition aims at preserving it.

### **THE OUTCOME OF APPROVING THE FANNING PETITION**

The Base Zoning IA-1 allows for 45 feet tall (+mechanics) buildings which are compatible in size with the neighborhood as it provides a gradual transition from the low-rise houses to the taller buildings towards Kendall Square. Also, it limits the FAR to 1.25/1.50, similar with what currently exists in the neighborhood.

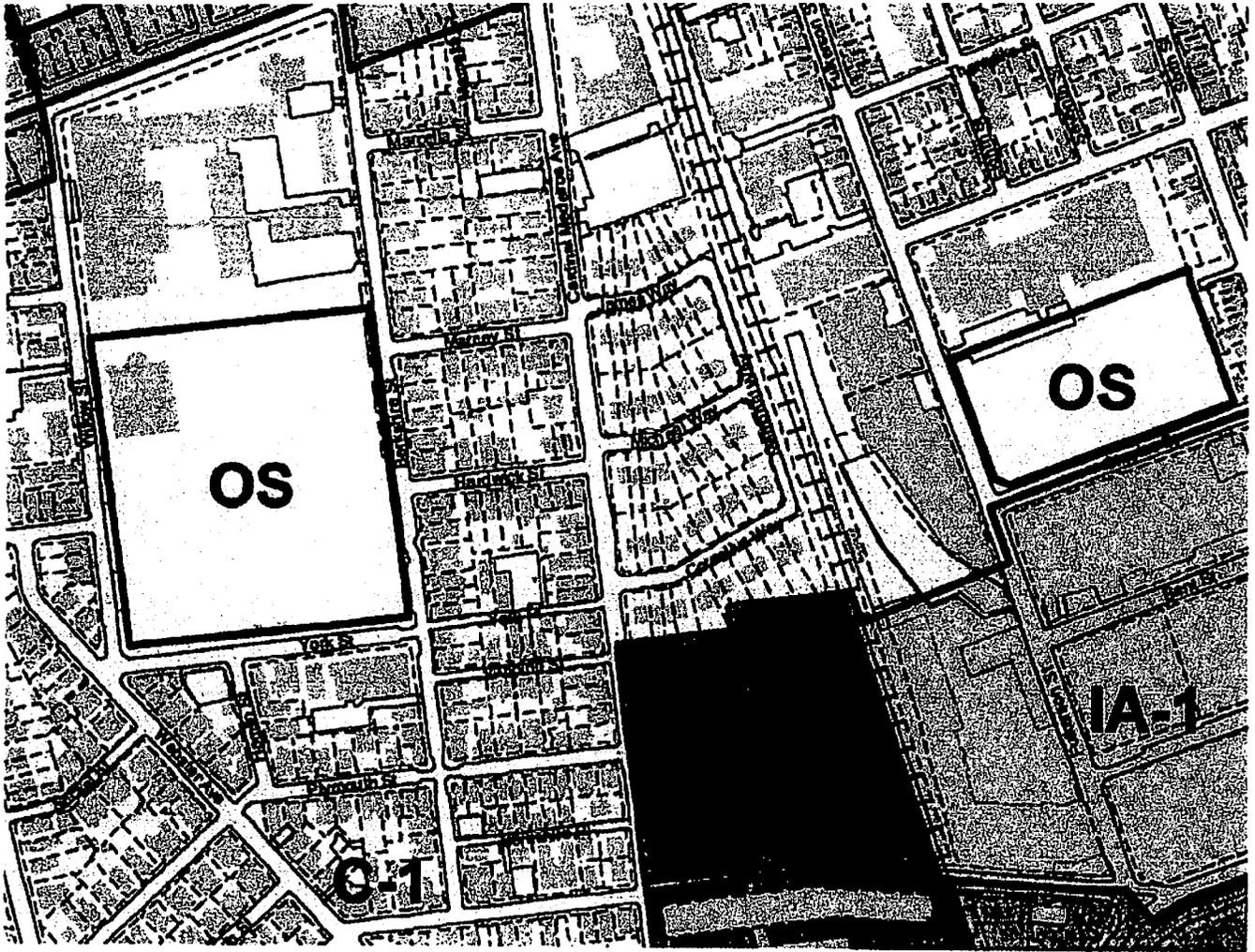
We have attached sample perspectives of what currently is allowed and what is proposed here.

### **SUMMARY:**

We are here to correct a clear imbalance in height and density which the current Zoning Ordinance allows for this area in relation to its immediate neighbors. Adoption of the proposed changes will preserve the character of the neighborhood, and potentially enhance it, with residential development appropriate to the human scale of the neighborhood.

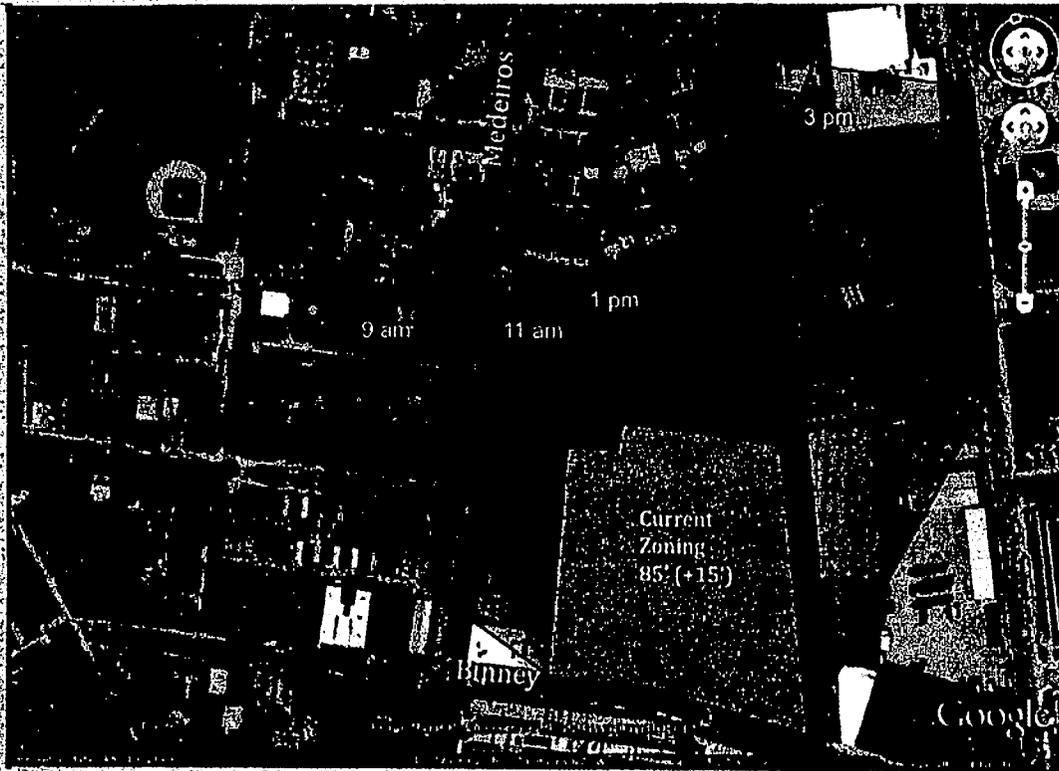
**ATTACHEMENTS:**

From the City Zoning Map, in red the area subject to the Petition

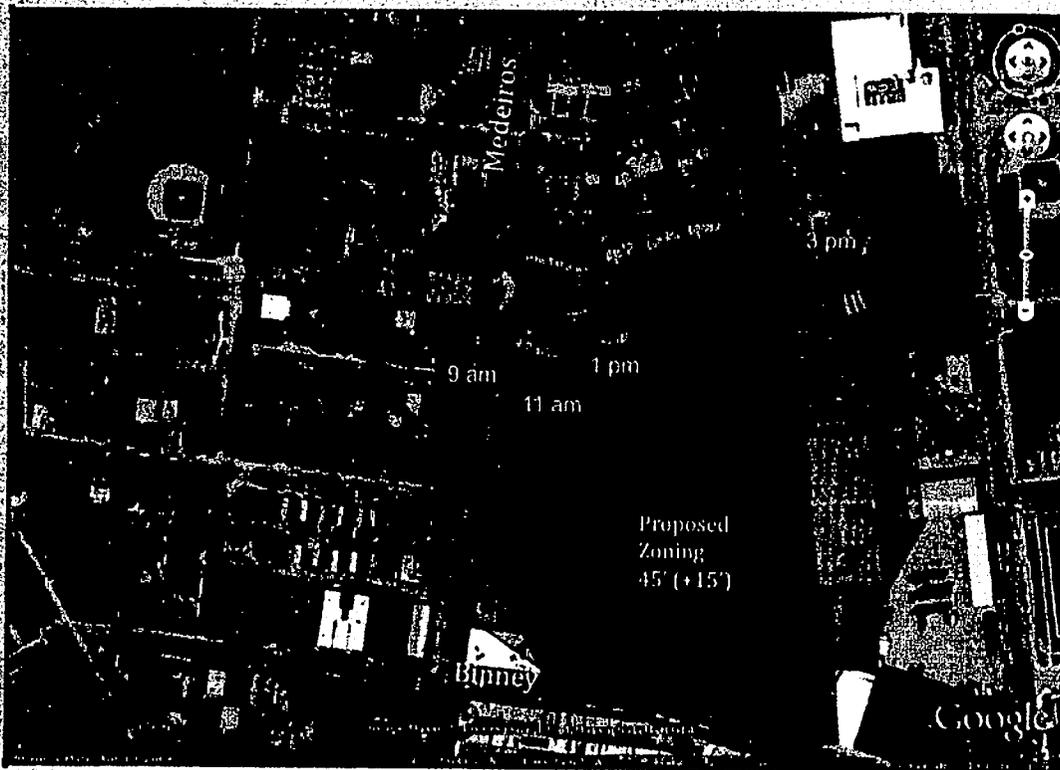


In the shadow studies below, a 15 feet height has been added to accommodate mechanical structures

**Projected Shadows for Current Zoning at 4 different times of the day, December 21**



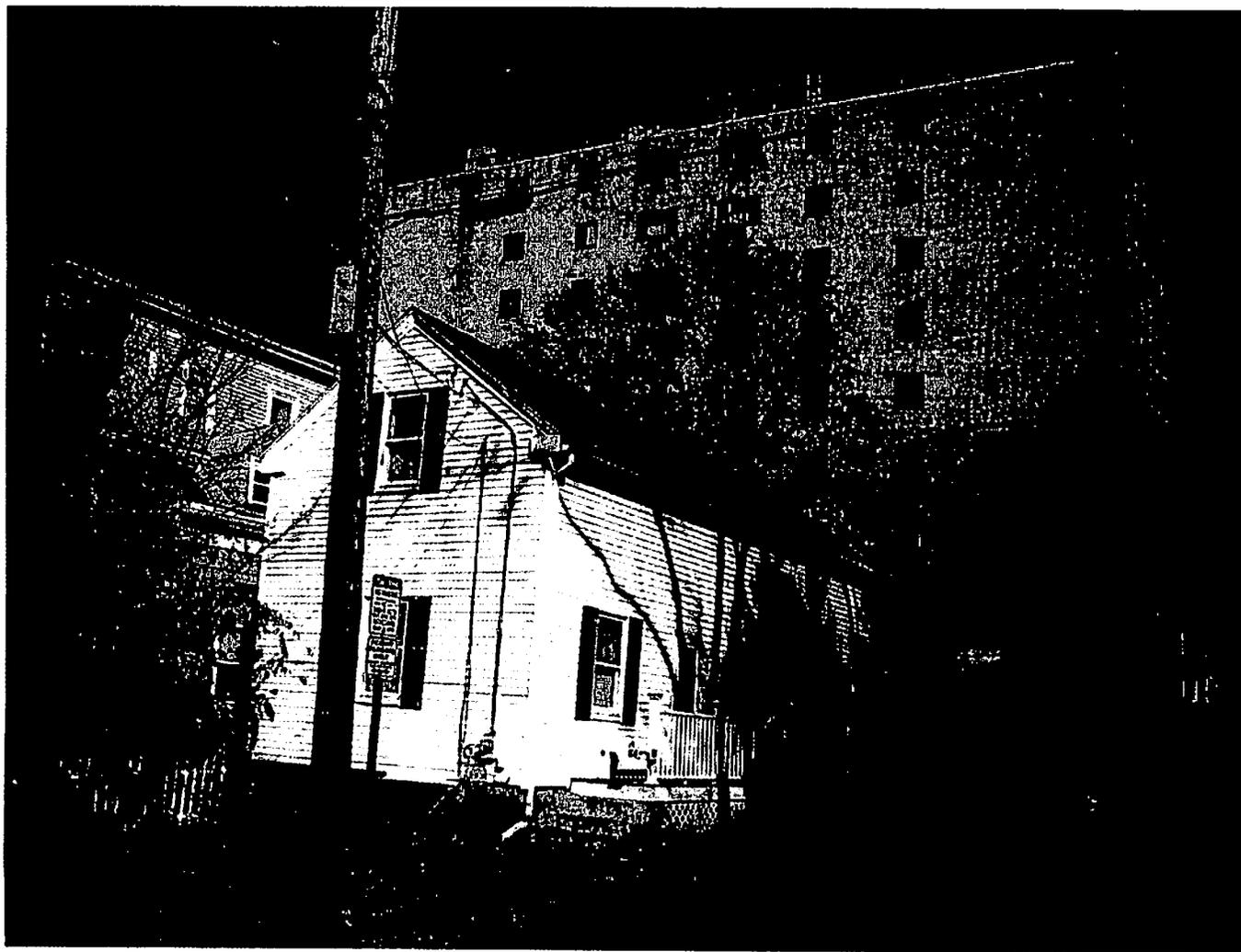
**Projected Shadows for Proposed Zoning at 4 different times of the day, December 21**



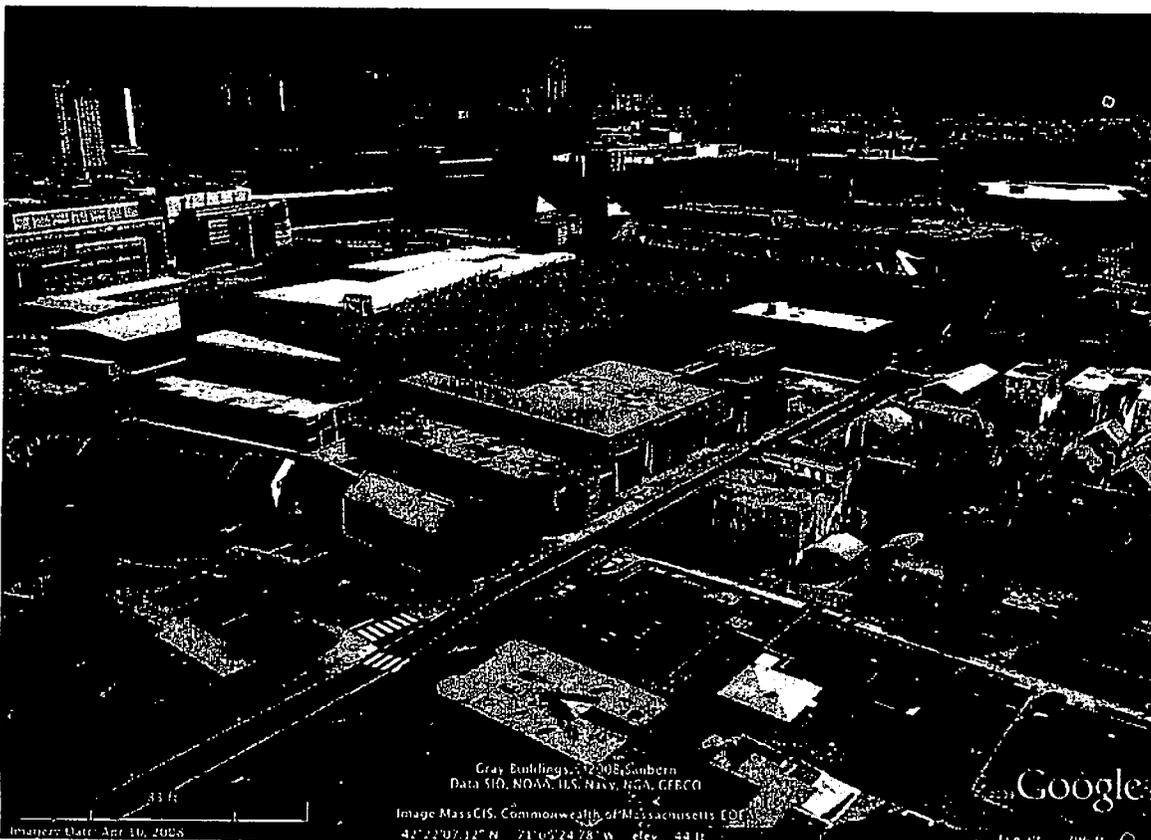
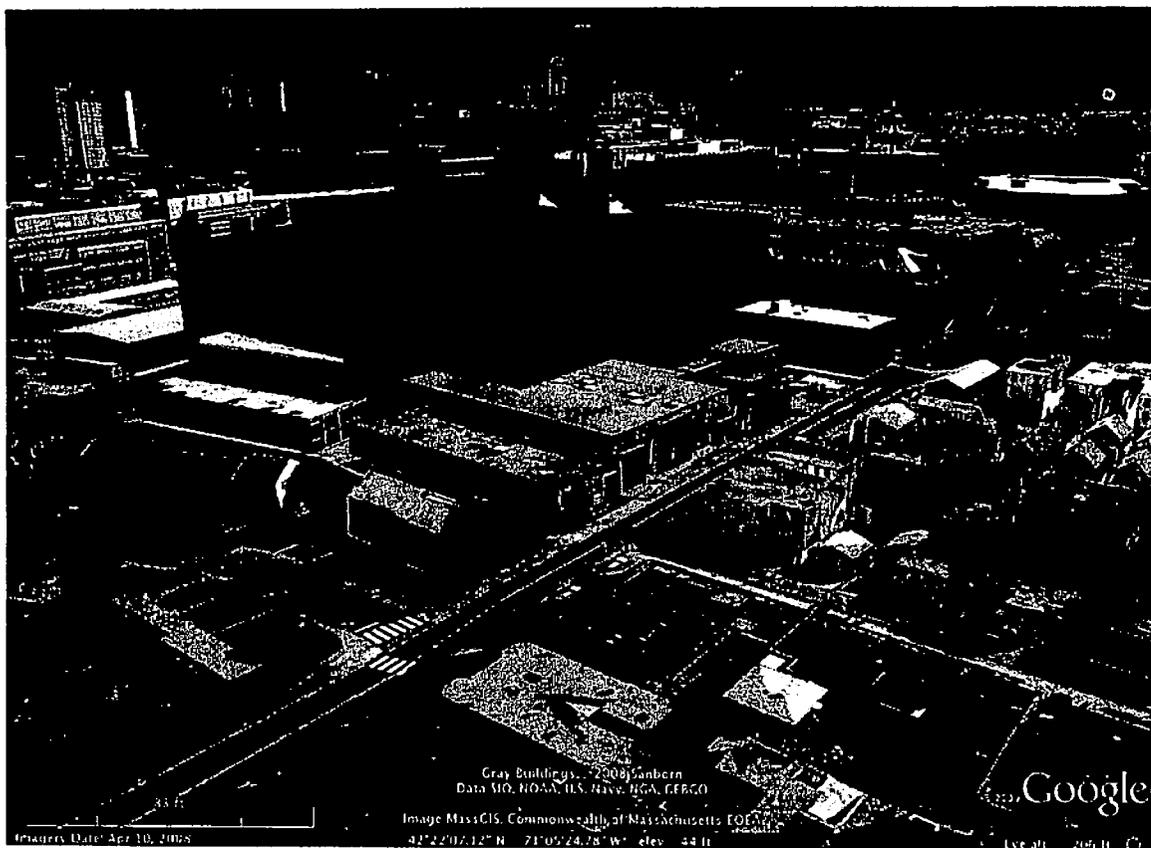
Photographs from Cornelius Way facing South. Parking Garage's 2<sup>nd</sup> (43 feet) and 3<sup>rd</sup> (55 feet) decks are visible on the left and right photographs, respectively. Houses are 27 feet tall



Representative photograph of what Cornelius Way residents would look at if Current Zoning Ordinance is not changed. Brick buildings is 99 feet tall. House is 24 feet tall. Setback is about 135 feet from the front of the house. House located at 56 Line St. Somerville.



3D Representation of Current (Top) and Proposed Zoning (Bottom). The View is from the West side of Cardinal Medeiros facing south east.



November 15, 2009

The Cambridge Planning Board  
City Hall Annex  
Broadway  
Cambridge MA 02139

Re: The Fanning et al Zoning Petition Pertaining to the Kendall Cinema Site located on the corner of Binney Street and Cardinal Medeiros Way, Cambridge MA

Dear Planning Board members,

I am unable to attend tonight's meeting due to a client meeting I have this evening. My intention was to read this to you myself, but work has taken priority for my presence. Please accept the reading of it by another member of the Fanning et al group for me.

As neighborhood residents and active participant members of the 2001 Eastern Cambridge Planning (ECaP) Study Committee, we fully support the Fanning Zoning Petition nullifying the Binney Street garage's Floor Area Ratio (FAR) exemption and deleting the area known as the Kendall Cinema site from the Eastern Cambridge Housing Overlay (ECHO) District.

Although the ECHO district was unquestionably a result of the ECaP study and undoubtedly well intended, ECHO's provisions specifically applicable to the Cinema site clearly do not fulfill the stated objectives contained in the Study's Vision Statement and its Design Guidelines, particularly the excerpts cited below:

- Create better transitions in massing and scale from higher density mixed-use districts to residential neighborhoods;
- Manage development to maintain livability in residential neighborhoods and ensure compatibility with existing neighborhood character;
- Apply new, finely graded height limits;

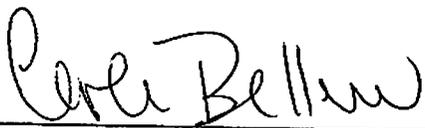
- Provide better transitions between developed/developing areas and residential neighborhoods;
- Pursue urban design policies that enhance the character of residential neighborhoods.

In addition, the ECHO district provisions applicable to the Cinema site do not satisfy similar portions of the Zoning Ordinance's Purposes stated in Article 1 of which the Board is knowledgeable.

As a Member of the Rooftop Mechanical Committee also, I am very concerned about the abutting buildings being so close to neighborhoods with their heights and mass being quite inappropriate for vulnerable and smaller areas such as Cardinal Medeiros Way, Linden Park and various extensions to Cambridge Street.

For the above reasons and numerous others substantiated in detail by the petitioners, I strongly recommend that each Planning Board Member vote to approve the petition as submitted.

Respectfully submitted,



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Carole Bellew  
257 Charles Street  
Cambridge MA 02141