

PLANNING BOARD
FOR THE CITY OF CAMBRIDGE

GENERAL HEARING

Tuesday, July 12, 2016

7:15 p.m.

in

Second Floor Meeting Room

344 Broadway

Cambridge, Massachusetts

H. Theodore Cohen, Chair

Hugh Russell, Member

Tom Sieniewicz, Member

Steven Cohen, Member

Louis J. Bacci, Jr., Member

Mary Flynn, Member

Ahmed Nur, Associate Member

Thacher Tiffany, Associate Member

Iram Farooq, Assistant City Manager

Community Development Staff:

Liza Paden

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H. THEODORE COHEN: Okay, good evening, everyone. Welcome to the July 12th meeting of the Planning Board. We'll start with our update from Community Development Department.

IRAM FAROOQ: Thank you, Mr. Chair. Good evening.

Today's agenda focuses -- starts actually with a matter of general business, that we have an update on the Inclusionary Housing study that was completed a few months ago, that the City had commissioned and it was done by a consultant David Paul Rosen, Chris Cotter, the head of our housing division as well as Linda Prosnitz who is the project manager on the study, are both here. And as I've mentioned a couple of times, this process is now moving through the City Council's

Housing Committee, so they are considering this report and trying to pin down some of the policy questions. Based on that it's going to get framed into a Zoning petition that will then come to the Planning Board and referred as well as go to the Ordinance Committee. So at this point the Board doesn't need to take any action. This is more of in the nature of an informational presentation, and then we hope this is an opportunity also for the Board to ask Chris any questions that you might have that you're thinking about with Chris and Linda here.

Coming up in our next couple of meetings, July 26th is the next meeting, which will be the second hearing of the North Point PUD. So it's the final development plan that will be bringing forward. And then a hearing on 135 Fulkerson Street, which is a multi-family project on

Fulkerson.

On August 2nd, we'll have a hearing on 35 CambridgePark Drive, which is renovation and expansion of an existing office building, the one that's right across from the T and used to be in fact offices.

And there is also going to be a design review of Binney Street, Binney Street parking garage.

August 16th will be a hearing on the zoning petition from Healthy Pharms Zoning Petition which is a medical marijuana dispensary related petition where there's a desire to expand the district into Harvard Square where there's Healthy Pharms' desirous of creating a new dispensary.

Related to this, at City Council just yesterday we had a Housing Committee meeting that

talked about the Inclusionary Report and with the Council trying to really pin down some of the policy recommendations. And the next hearing related to that will be August 15th.

Other items of interest at City Council, on July 19th the Council will hold -- the Public Safety Committee and the Housing Committee will hold a hearing on short-term rental units such as Airbnb, FlipKey, VRBO, etcetera, and to try to understand how those fit into, into the market and what impact they might have.

And to also hear from community members and operators what are the positives and negatives, because this is something that we've been struggling to pin down, try to understand, and figure out how it fits into the equation going forward. Does it impact how, how we do business in terms of the zoning framework?

Same day -- so the first hearing is at three. The same day at 5:30 there's a hearing of the Transportation and Public Utilities Committee, the Neighborhoods' Long-Term Planning Committee and the Public Facilities Arts and Celebrations Committee, they'll be doing a joint hearing to talk about pedestrian and bike safety focussed on Inman Square. This is a part of the fallout of the crash there a week or so ago.

Those are the big important relevant things coming up for the Planning Board that would be most interested in.

The summer meeting of the City Council is August 1st. And with that I can end and we can move on to the housing topic.

H. THEODORE COHEN: Thank you. Just, Iram, or, Liza, we only have the two meetings in August? August 2nd and August 16th?

LIZA PADEN: And August 30th.

IRAM FAROOQ: We're holding the 30th.

H. THEODORE COHEN: Okay.

LIZA PADEN: And August 30th possibly.

H. THEODORE COHEN: And August 30th
possibly?

LIZA PADEN: If we need it, right.

H. THEODORE COHEN: Okay. Are there any
transcripts?

LIZA PADEN: We have the June 21st
transcript that was submitted and certified.

H. THEODORE COHEN: June 21st?

LIZA PADEN: Yes.

H. THEODORE COHEN: Do we have a motion
to accept that transcript?

STEVEN COHEN: So moved.

LOUIS J. BACCI, JR.: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Thank you.

And now we will have the Inclusionary Housing Report discussion. At the moment we're not intending that there would be public comment on this, because it is just an informational session for the Planning Board and that there are numerous other boards that are taking public comment on this right at the moment, and that it is anticipated as Iram said, that it will come back to this Board for a public hearing on the proposed rezoning. So that's where we are right now. You know, if something comes up during the informational session, maybe we'll change our mind about it.

Who --

IRAM FAROOQ: Chris.

H. THEODORE COHEN: Chris, are you

starting this?

CHRIS COTTER: Yes.

H. THEODORE COHEN: Thanks very much.

Please.

CHRIS COTTER: Thank you, Mr. Chair, Members of the Planning Board, happy to be back and talking to you about Inclusionary. What I thought I'd do is just give a quick overview of the Inclusionary program, how it works currently, and talk briefly about the study that was completed by David Paul Rosen and Associates in April and review what the study recommendations are and what the discussions have been to date. We have been talking as Iram mentioned, about the study and its recommendations with the City Council's Housing Committee. We've also been spending a lot of time talking about study recommendations and considerations with the

Affordable Housing Trust. The Trust recently issued its recommendations which we have copies here for you if you don't have them. They were transmitted to the Council a couple of weeks ago.

So, just to start, looking at the Ordinance itself as it exists currently, many of you likely recall it was adopted first in 1998 as part of a series of measures implemented after the end of rent control to offset changes in the community and trying to increase the stock of affordable housing in the city as the City began to see a lot of development and reinvestment after the end of rent control.

It applies to projects of ten or more units or 10,000 or more square feet.

It is stated as a nominal 15 percent requirement. However, there was a density bonus that allows for 30 percent increase in both unit

count and floor area. With the application of that density bonus, the yield of affordable units is typically about eleven-and-a-half percent for projects that are eligible for the density bonus.

It targets affordability of households at 65 percent median income with an eligibility limit of 80 percent of median income, which is pretty typical of affordable housing programs.

And one of the things that has been very successful, and I think was really cutting edge at the time, was really to require that the affordable units be delivered and be created on-site. There's no off-site option. There's a hardship option which involves coming to you all for a hardship determination. I don't recall in my 15 years ever seeing such a request. So I think it, again, speaks to the success of the Ordinance to date in creating units on-site.

And then the affordability is guaranteed permanently through deed restriction that is put on the property prior to beginning of construction, a long-term restriction held by the City.

So to date it's been very successful. There are now more than 900 affordable units that have been completed and/or now under construction. And I think, you can correct me, about 820 or so that are now complete with about 100 that are currently under construction. There you go, 820 completed.

So, yes, it's been very successful in creating units. It's been the most significant producer of new affordable housing in the last ten years in the end, and even more dramatically in the last five with how the housing market has been and how difficult it's been for the

affordable housing developers to compete in the current market. The bulk of the new units that we've seen being added to the stock have come to the Inclusionary Program in the last few years.

And you can see that here. You can see how the program of the stock has grown over the years, kind of year by year, you can see kind of the peaks and then it levels off. We've got -- yeah, you can see here, this is showing just the cycles that we have seen in the program. We thought it was interesting, so it really does track the economic cycles which you'd expect given that is predicated on market development.

So, one of the things that we have seen with the Ordinance in its current configuration where units are required to mirror the market units in a market rate building, that we are seeing a significant number of smaller units that

is both the private development markets producing. You can see from this chart that more than half the units are studio one bedrooms.

This is looking at the full range of 920 or so units. If we were to look at this more in recent times, I think you'd see the number even higher. We're seeing a dramatic increase in the number of small units that are coming given what the market's producing. So when we get to the study, one things we asked the consultants to look at was what are the ways, options, or considerations that we might discuss to try to better produce family units. That's -- it has been and continues to be a significant policy concern of the City, of the Affordable Housing Trust, and something that we wanted to try to see if we can better match what was being produced here with some of the demand that we see in

administering the program.

You can see here, just given the production how the inclusionary units have become an increasing resource for people looking for housing in recent years, it has been a critical component of the broader housing delivery system in the city just in terms of the number of units that have been coming on-line and/or made available when households are turning over, particularly in a time when the Cambridge Housing Authority has closed its list. There have been no public housing units that have been available given the capital improvements that the CHA has been making and long lists with every housing provider. In FY16, which we just completed, we housed about 180 new household in rental units completed through the inclusionary program. You can see compared to four or five years ago it's a

dramatic increase and we expect that will continue.

Looking at the income targeting the income limits, just for reference, you can see here what the limits are for Inclusionary. For a single household, we are talking about households that earn up to 55,000 for a four-person household. It's up to about 78,500. A little higher than what the HUD programs allow, but you can see very much in the moderate, what we call the moderate income range.

So, the report we commissioned in 2014, we selected David Paul Rosen and Associates, a firm from California that has done similar studies in dozens of communities around the country. This is their first experience in Massachusetts. They're not as familiar with the east coast, but a lot of experience in looking at

inclusionary housing requirements and other regulatory measures that cities can take to produce and preserve affordable housing. They've brought a lot of experience and we've very pleased with the report. It's a very comprehensive analysis. I think you've had a chance to see it. It's got a lot of detail in there. A lot of different scenarios that were run. They talked a very long look at the community looking at housing affordability, trying to understand what had changed since 1988 when it was first adopted.

So, they looked at the current program to see what was working, what was being produced, what was successful, what was not working as well. As I mentioned, we asked them to really focus on family units and to give us some advice as to what we could do to try to increase the

number of family units that are produced through the inclusionary provisions.

We asked them to look at the community. Again, to look at what has changed since 1998. How is the community different given what we've seen happen in the market? What is the impact of new development on the community next to the income profile of the City, housing affordability compare today to what it was in 2000 closer to the rent control.

We asked them to look at best practices and other programs. We identified a series of communities around the country that we thought would be good comparable communities to look at. Ones that have had successful programs, ones that are similarly sized. We asked them to look at local communities, including Boston and Somerville, that have inclusionary provisions to

really help us understand what are the best practices and what might we be looking at that we're not doing now.

We then asked them to do an economic analysis, to look at the -- how to estimate the impact of the varying set-aside ratios and income targeting on typical developments. We gave them I think six or seven development types that we see typically in Cambridge and asked them to put together a model that would show us the impact on the -- the financial impact on these developments in a typical way.

And then finally we asked them to recognize a series of policy options and considerations which we'll go through.

And so the economic analysis was surprising and not surprising. It was not surprising in that it was very clear that housing

costs outstripped incomes in the last 15 years.

I think it's something we've all seen, looking at what the costs in the market are and how incomes have been picked at the lower modern incomes have been pretty stable.

What was surprising when they did the socioeconomic analysis was, looking at the income profile of the City. So how is the City comprised of households of varying income levels? And so looking at this and comparing the most recent data that they had to data from 2000, they found that the ratio of households under 50 percent has been fairly stable. They attributed this to a strong housing program, a lot of good work by the Cambridge Housing Authority, and the non-profit and all the affordable housing developers and commitment from the City to fund those programs where we've been able to both

preserve affordable housing during this time and also add to the stock strategically. So that's helped with maintaining that stability under 50.

What they saw in the 50 to 80 and the 80 to 100 percent of median income range was dramatic declines. I'll show you in the next slide here. This is how it compares.

So you can see in the 50 to 80 range there's a significant reduction in the ratio of households in that moderate, what we call the moderate income range. And a similar reduction of almost half in the 80 to 100 percent, kind of the lower end of the middle income range.

You can see the upper end and middle income range about 100 to 120 range is fairly constant and this is offset by dramatic increase of households earning more than 120 percent median, which I think are almost up to about 50

percent of the community.

So that's -- the big takeaway is from the socioeconomic analysis was that there has been a decline in households between 50 and 100 percent median. Stability under 50 and dramatic increases over the 120.

Looking at how we compared to other communities and what the best practices were, they noted, and I think they heard from developers that they interviewed, that the predictable nature of Cambridge requirements were very much, very important. That they were predictable, they were consistent. A lot of communities is a little bit more difficult to understand what the requirements are. They may change project to project. There may be more of a negotiation which is they've told us is the most difficult thing for developers not to know

what they're getting into as they go into a project.

About half of the communities had density bonuses. They like the fact that there was a density bonus of 30 percent here. The 30 percent was on the high end of that. I think there was one that was higher.

The ratios and the set-asides ranged dramatically. They found that the -- typically the higher hire set-aside ratios targeted higher income households and/or allowed for offset compliance.

And conversely the lower set-aside ratios tend to target deeper affordability to households where they would be paying less.

We asked them to look at other communities from the standpoint of what was successful in producing units. There are a lot

of different components that go into Inclusionary Ordinances; there's the income target, the eligibility limit, the set-aside ratio, there's the density bonus or other offsets that would offset the costs of providing the affordable units on-site. So it's hard to compare apples to apples, community to community, but we did want them to look at production, and they found that the Cambridge program was very successful in producing units which is a good measure of success. And they also noted that our mirroring requirements were very notable, and delivering units that were consistent with the market units marbled throughout the building so they don't stand out located in the one area of the building or one floor. Located throughout and around the building, in a typical way so we could disperse the affordable units throughout the building and

consisted of the units of the same quality finishes and sizes and types.

I mentioned the economic analysis. So we asked them to model various scenarios. These are the scenarios we asked them to look at. And buildings that are typical for developments that we see -- have seen in recent years, they did not model any one particular development, but they did reach out to many local developers to get input on the assumptions, the costs, the rent, the challenges in putting together developments and trying to best approximate what the development of these different prototypes would -- how they would work with varying set-aside ratios. So you can see we asked them to do a couple of larger scale rental or moderate size rental, a moderate size home ownership and a couple of small renter home ownership

developments. And this was really to help us understand the order of magnitude impacts looking at different developments at different set-aside -- potential set-aside ratios.

So we asked them to model with these four different scenarios looking at the current requirements, looking at a 15 percent set-aside for low and moderate income households and a five percent set-aside for middle income. And we found middle income earning up to 20 percent. We typically do in the current ordinance the 15 percent would be targeted in the same way that the current requirements have. We asked them to do a full 20 percent at low mod up to 80 percent, target at 65 percent and then finally a 20 percent of low mod plus a five percent middle.

So, we then asked them to boil that all up, take the economic analysis to look at what

that seemed feasible to look at the socioeconomic analysis to look at the community and look at best practices and to recommend to us a set of changes and considerations for discussion. So what they did was recommend an -- increasing the set-aside ratio to 20 percent. And they recommended that the net 20 percent or a full 20 percent, not then altered by the density bonus, so this would be equivalent of increasing the net eleven-and-a-half percent to a 20 percent. And putting the density bonus and how it works kind of behind the scenes to the extent that we can do that.

They recommended that we maintain the affordability targets as they are now for rental housing. So continuing the eligibility up to 80 percent of the median and targeting affordability to households at 65 percent. They did, however,

recommend that we increased the eligibility and the target for home ownership. This is typically done in communities where the home ownership is targeted to households of a little higher income that are more interested in home ownership and in a way that can better serve the community. So they're recommending that we increase the eligibility limit for home ownership up to 100 percent median to really into the middle income range.

They recommended that we maintain the 30 percent density bonus. We did not ask them to model an increase the bonus. We've understood from developers that they kind of have had trouble accessing the full 30 percent density bonus given other limitations in the zoning and other considerations, so we wanted them to do this analysis, assuming the 30 percent density

bonus would remain.

And then they're recognizing that we're -- there is additional development potential or density that's granted through specific re-zonings, that we do look at increasing the inclusionary set-aside goal. I think that they were in that case looking at the 20 plus five, the 25 percent range. So that would be kind of a specific re-zoning which would allow for maybe a more significant affordability component.

As far as family units, they recommended a -- some ideas that we could consider on that. I think the one that's now gaining the most traction, the one that we've kind of got the most positive response for is the idea of looking at compliance by building area rather than by unit count. So if we're looking at 20 percent of

units, we're looking at 20 percent of floor area, but with creating some mechanism where that 20 percent of floor area could be carved up differently to yield larger units, albeit a few units in those cases. So a lot of detail to work out there, but I think the idea of trying to redesign the affordable component a little differently to yield larger units has been well received, and we are talking about how best to do that and what the details might be.

So, we also talked about studio units. They recommended that we disallow studio units and/or look at lower price structure. We've seen a lot of turnover in studio units. We see that people will take studios because they're available. But the way that the current Ordinance works, they are priced at the same rent as one-bedroom units. So based on a tenant's

income. So a lot of folks will take a studio and then immediately want to get on the list and transfer to a one bedroom which is essentially the same cost. So they recommended either considering disallowing studios in the inclusionary component or looking at whether studios could be offered at a lower rent to kind of mimic the market in getting a lower rent for a smaller unit which is more typical.

They suggested we consider the threshold size. As I said earlier, the threshold is a ten unit or 10,000 square feet. That they're recommending that we look at that. We've talked about that with the Affordable Housing Trust. We'll go over their recommendations in a minute.

One thing they are recommending, again, from the review of other programs is that we look at a contribution for fractional units. In the

case where applying the set-aside ratio yields a fraction ratio. The way the current requirements work is we would round up or down. So if you are 15 percent of your base units would yield 9.4 units, we would -- it would require nine units. In the case of requiring a contribution, that 0.4 units would be required as a contribution to the Affordable Housing Trust and determine based on some benchmark set by the Trust or some other standard tied to the cost in producing an affordable unit. So that was something that they thought would better level the playing field between projects that are rounding down or rounding up. So you could see the difference that rounding makes as far as the difference that units make in the buildings.

Location of units is something we asked them to look at. We see a lot of really

exceptional units in the Inclusionary Program.

And so we thought it would be important to at least ask them what did they think about the flexibility -- what flexibility could yield if we were willing to take some of the less premium units and the affordable components in exchange for more units to better serve more people. So they recommended that we consider that and that we have clearer standards to do that. That's been a difficult thing to discuss without a lot more information, but that's something that we are talking about with the Housing Committee.

I've talked about with the Affordable Housing Trust how that might work. It's also -- I've gotten a fair amount of reaction from folks in the community who are concerned about kind of going too far and having all the affordable units on the lower floors and not having any

disbursements. And so it's how do you best strike that balance if there is a benefit? But at this point it's hard to say how to quantify what that benefit would be. So that's something that's part of the continuing discussion.

And then finally they are recommending that we be aware of the impact of raising these standards on the choices that the developers have to make when they're considering whether they would develop as residential project or a commercial, in that this -- raising this ratio could be -- tip the balance more towards commercial in certain cases. Just to be aware of that, we've heard from developers as well.

And then the grandfathering, just to be clear, that changes should apply to new projects going forward without permits.

So, so far as I said, the study came out

in April. We've had a series of meetings with the Affordable Housing Trust. We've met with the City Council. One of the things that we did after the study came out was forwarded it to about 30 different developers that we've had contact with in recent years just to make sure they saw it and then to be available to talk with them, to hear their feedback. We offered to take their feedback, summarize it in a way that would be helpful to the City Council and the Housing Committee as they heard it, to give them that feedback based on those meetings. So we met with community groups, we met with developers individually, we've met with business associations, we've met with development groups, we've met with the Chamber of Commerce just to get that feedback. We gathered that feedback, we've transmitted it to the Housing Committee

last night. We will get you copies of that as well. As I said, we've been talking to the Affordable Housing Trust over the last couple months as they've been going through the study in a very detailed review looking at the different considerations, talking about the benefits and tradeoffs of some of the considerations that the consultant was recommending. They did just issue their recommendations a couple weeks ago. We'll run through what they've got in a moment. And then we've had three committee meetings with the Housing Committee to date. The most recent being one last night and as Iram mentioned, there's another one in about a month.

Briefly just to go through the Affordable Housing Trust recommendations, I think we're very much in support of the study recommendations but did want to put their own spin and comments on

that, and on particular recommendations that the study made. And I think these are consistent with the study recommendations.

We spent a lot of time talking about the idea of creating additional family units and how that might work. The Trust is very interested in creating a mechanism that would allow for that flexibility. So we're now talking internally and with other city departments on how best to do that. So that's something that we are continuing to look at.

The Trust talked a lot about the studio units, and I think agreed that it would be ideal to see fewer studio units in buildings, but they did not want to go so far as to recommend disallowing them, but they did recommend that we look at an alternate price structure to try to make them more affordable. They felt the studios

did serve a need, particularly where we've been trying to match them with some folks coming out of SROs and other supportive housing environments and try to get them into more mainstream housing with supports.

They recommended maintaining the threshold that the ten units or 10,000 square feet. Again, as I said, consistent with the current requirements.

They like the idea establishing a mechanism to allow for a contribution based on partial units, and spent a lot of time talking about the idea of trading the more premium units for other units in the building.

And, again, as I said, this is a fairly controversial recommendation and where the Trust ended up was wanting more information. I think that's consistent with the discussion we've had

with the Housing Committee, is that we need better information in order to quantify what the benefit would be from say trading units at the upper floors of a taller building for more units in the lower floors.

We've heard from developers in talking through this, is they would be interested in this obviously, but not so much from the standpoint of trading for more but maybe trading for larger. I don't think that we've heard that the -- they thought there was enough benefit to allow for additional units but that maybe we could look at larger units.

And then the grandfathering we talked, again, a lot about that, the trust and just the idea that we should be aware of projects that are underway that will commence under the current regime and are moving through the development

process, people that have made decisions on land and be aware of that of how we think of the changes might be implemented as they go forward.

So, next steps, again, there's another committee meeting of the City Council on August 15th. I think we heard from several Councilors last night a desire to move the matter out of committee. So I think we could expect that there might be a recommendation at that meeting that we could then take, to begin to draft a zoning petition. It's possible that there could be more meetings after that. But this process is moving along, and you know, we are ready to draft a zoning petition to come back to you all and to discuss with the Ordinance Committee once we have an idea what the Housing Committee might want to see in that petition.

So that's my run through of where we are,

where we've been, the study. Happy to talk, answer any questions that you might have.

H. THEODORE COHEN: Do you have questions? Hugh.

HUGH RUSSELL: Comments.

H. THEODORE COHEN: Comments. Please.

HUGH RUSSELL: I was just sort of thinking about the premium units, I think it would be desirable to allow the developer to exclude a percentage of units, premium units from the -- to reserve those units for rent. That percentage might be something like 20 percent. And I will say that in 40B projects, which is a different kind of affordable program, that's very common. I have conversations with my clients about which units like to be the excluded units, what are the best units. And I think it helps the developer's bottom line a little bit. And I

think it should be done because we're increasing the number of units by 73 percent. So it's not to get even more, but in some ways make it politically feasible and with the development community to get the full 20 percent we'd like to see.

I like the idea of working on a formula that will allow studio units to be priced below one-bedroom units. And that, I think, that would serve a public purpose. Possibly that could be paired up with the notion of creating larger units. And I think a little more flexibility would make a lot of sense to try to achieve the goals that you've announced.

Those are my comments.

H. THEODORE COHEN: Other comments?

Steve.

STEVEN COHEN: Question: What's the

rationale on the rental units and capping it at the 80 percent of AMI?

CHRIS COTTER: I think the basic rationale is the demand that we see for rental housing, you know, in the more severe needs of lower income households. One of the things that I didn't mention is that they did take a look at in the socioeconomic analysis is cost burdening. And cost burdening is worsened dramatic in the last 15 years and more significantly for the households at the lower end of the income spectrum. And I think what we've heard from the Trust very strongly based upon the demand numbers and what we've heard from a lot of folks through the committee process and public comment is the, you know, just the challenges that people under 80 percent face in the current market. I think the data that we have to speak about is the more

than 1600 applications that we have in our current pool for rental housing for the Inclusionary Program, including I think more than 500 residents and, you know, compared to the Alexandria, 270 Third Street units, that we've spoken about with you all in the past where we got about 45 applications for 15 units. In fact, just filled the last unit I think last week after about nine months of working to fill that building. So it's a little bit of the disparity of demand and the needs of the lower, the under 80 that have certainly impacted the trust and their recommendation to maintain the income target for rental under 80 percent.

STEVEN COHEN: If I could just comment on that. Certainly I'm -- I wouldn't question the greatest demand would be below 80, but that is not to say that there isn't need and demand in

that 80 to 100 percent section. And I guess it makes me think about the purposes of the program, and in my mind it's actually twofold: Certainly it sets the one that you've articulated, and that is to help out those whose need is the greatest, but a related but distinct goal I would think would be to maintain a diversity of demographic within the city and not end up with a donut sort of thing where we can provide for the neediest on an income level, and the market takes care of those most comfortable, and the middle moderate folks really fall between the cracks. And so it does seem to me that public policy, it would be served by, to some extent, serving those in the 80 to 100 profile. And I guess it might be a fear among some that gee, if they were not excluded, all of the units might go to them because they are financially most qualified and

perhaps you can say instead of placing a cap of 80 percent for all 20 percent, perhaps you can say that, you know, as many as, you know, five percent could be reserved for those in 80 to 100 percent demographic. Or if you're really looking for diversity, make that, you know, actually a requirement, you know, that 15 percent go to low income and five be reserved for the 80 to 100.

Does that make any sense to you? Does that -- that approach?

CHRIS COTTER: Yes, I think that the goals of the Ordinance are twofold, I think, as you say, to serve households that are housing that's affordable and also to preserve some of the diversity in the community as new development brings in higher income households and changes the character of the community. I will say that the study did look at both of those scenarios in

that regard, the 20 percent under 80 as well as the 15/5 and that's been something that's been part of the discussion. But I think in the discussion that we've had so far with the Trust and that with the Council and the Housing Committee, there's been a lot more support for maintaining the current targeting for rental housing. But I think we've been pleased to see that the recommendation to raise the income limit for home ownership has been very well received because I think there is that need. And, you know, one of the things that we have taken away from our experience trying to offer housing services to middle income households, is that there is I think more interest in home ownership in households over 80 percent in the 100 percent range and really up to 120. So we're certainly not stopping what we want to do to try to serve

that demographic. We are continuing to offer the financial assistance program for home buyers who are interested in buying. We expect that we'll be soon announcing a way that we think we can expand that and actually raise the income limit to serve even a higher income, middle income households who want to buy. But our experience with 270 Third Street rental units has been, is not the interest, albeit there is certainly the gap in the market, but even at 30 percent of income for household net range, the feedback that we've gotten from households is that they're able to find something that is priced in the market.

STEVEN COHEN: If I could just comment on that, certainly you know the data and the demand better than I do, but if you are correct that there is a demand in that range, then nothing -- we've ventured nothing and lost by having a limit

80 -- or including the 80 to 100 if there's no demand there, fine. But to the extent that there is demand, and I imagine that there is some demand, I think it wouldn't hurt the goals of the program to at least permit such folks. And, you know, among the leading advocates those most dedicated to affordable housing, I would imagine that their priority is in fact for those who are neediest, but to hear from a broader municipal policy perspective, I would wish not to forget the diversity component of public policy. So at least for this single member of the Planning Board, I would like to see the opportunity for more middle income people to avail themselves of the rental housing that's available. Not everybody can afford the ownership or wishes to take advantage of ownership. I think it can be raised to better serve that demographic.

HUGH RUSSELL: Can I ask a follow-up question?

If 80 percent tenant income grows, are they thrown out?

CHRIS COTTER: No, no. So the way that the recertification works is a tenant in an inclusionary unit will continue to be eligible so long as their income is less than 100 percent median getting into the middle income. So we're not displacing people that tip over the 80 percent of the middle income, but as their income continues to grow and exceeds 100 percent, then we look at transitioning them into a market unit.

H. THEODORE COHEN: And a related question, what happens to ownership units when people are moving out?

CHRIS COTTER: What happens to the units?

H. THEODORE COHEN: Well, what happens to

the people who are living there, are they entitled to make a profit on their unit?

CHRIS COTTER: Oh, yes.

H. THEODORE COHEN: Or does it have to be sold back to the Housing Authority? What happens to it?

CHRIS COTTER: It's -- we have a pretty active program that helps owners of deed restricted affordable units in the city resell those units. There are about 520 or so deed restricted units in the city, about 200 produced in the inclusionary program, others that have been purchased with funding, buyer-based subsidy given by the City and that are non-profit and other housing developers. All the City-assisted have deed restricted requirements that require that the unit be resold to an income-eligible household. That the equity return, that an owner

realizes upon sale is limited, and that they live in the unit. So as a practical matter, we work with owners when they want to sell, to either sell to another income-eligible buyer, we maintain a ready pool of buyers upstairs here that we work with to repurchase these units, and oftentimes there's a transfer through a nonprofit housing agency and do whatever work we think needs to happen before it's sold to a new buyer. We take a pretty strong hand in ensuring the control of the affordability through the resale process of inclusionary units.

H. THEODORE COHEN: Well, I guess I still don't quite understand. So do the current owners, sellers do they make some profit on it?

CHRIS COTTER: Yes.

H. THEODORE COHEN: Okay. Because otherwise there's not much benefit of the

ownership over rental except perhaps a tax benefit from mortgage payments.

CHRIS COTTER: Right. Well, there's the tax benefit. There's the owners will stabilize their housing cost because they're no longer tied to the income. They're housing costs will be fixed unless you refinance, but your income goes up, your housing costs are not going to increase. And, yes, there is a return based upon the owner's investment in the unit over time.

H. THEODORE COHEN: Okay.

A couple other comments I had. If one were to disallow studio units, what happens if a developer plans to build a building that's entirely studios or micro-lofts or whatever you want to call them? Did Rosens suggest what you do in that situation?

CHRIS COTTER: They did not. What they

gave us was ideas to consider. And we did not ask them to do a legal analysis to understand, you know, what was most advisable, what could be done, what could not be done. We asked them to give us some ideas. So I think that recommendation in particular would also have to be vetted through what we could feasibly require in this, and particularly the case you mentioned that would be a tough one to crack if the building is all studio units and we weren't accepting studio. So I think we have to somehow address that in the drafting of the petition if that were the recommended change.

H. THEODORE COHEN: Just other comments.

I am interested in the concept that there was some benefit to letting the developers use, say, upper floors for some premium units in return for either more units or -- it seems if you go to a

measurement by bedrooms or by square footage, you have a fairly easy way of saying that we need more. You know, more square footage, more bedrooms. Obviously I understand the issue that we don't want to have, you know, parts of the building that are saying well, this is the low and moderate income housing and this is the affordable housing and this is the luxury housing. And I think what Hugh was suggesting of some sort of percentage limitation on what you can do makes sense. And I also think that it does seem to make sense to go to a measurement by square footage or bedrooms or something other than simple units to allow some flexibility in getting the larger units, you know, we think are needed. I think is needed.

Yeah, I thought the report was very interesting. I thought it raised lots of

interesting issues and, you know, the issue, the disappearance of the middle class in Cambridge and the rise of, you know, a wealthier segment of people who are perhaps just looking for one bedrooms or I guess one bedrooms and two bedrooms. You know, the demographic issue is interesting and I think maintaining the diversity all across the city is really important.

Other people have comments? Questions?

Lou.

LOUIS J. BACCI, JR.: Does it make any sense to require a certain percentage of these units be three bedroom, larger units just right off, just straightforward if you're going to get 20 percent, you're going to give us how many percentage of those units are going to be....

CHRIS COTTER: Yeah, that's a good question, actually. That has come up. And what

we're trying to do is figure out what are the limits of what we can ask for in this type of thing, but certainly that suggestion has come up and we're researching it to figure out if we can do that. And if so, how would we do that?

Because certainly I think the one shared goal that has come up in talking about this with the Housing Committee and with the Affordable Housing Trusts and other forums, is how can we better serve families through this? Particularly when we see the demand that we see in the program and who's being served. And, you know, we're able to serve smaller households reasonably quickly, but we don't see the larger units turning over at all. So the families really do face an inordinate long way.

LOUIS J. BACCI, JR.: I mean it sort of ties into the same idea of the higher level units

in the building. If you allowed the lower part of the building to be occupied by the larger units, it seems like, I mean in some good design maybe they're right on the ground floor and townhouse type effects or something of that nature. It seems like it makes more sense, kind of helps in both making a kind of a neighborhood looking residential area even if it has a much taller building above it.

CHRIS COTTER: I think yeah, depending on the design. We've heard that as well. You know, you could have family units, you know, in a townhouse setting. I don't know if we could go so far to dictate what the design would be, but certainly that would be a good outcome. I think the challenge that we're facing with the idea of trading say the more premium units for more better, bigger units in the other parts of the

building is trying to quantify what the impact of that is. And the understanding of it is different in every project, so how do we set some standards on that that are clear, objective, and how do we best quantify at least what's a bigger turn or bigger, better in the building. So we've gotten some feedback from the developers in some of the meetings that we've had, but one of the things we've asked them kind of in mass, again, is to help us understand that. Give us some ideas as to how that might work financially and what would the benefits of that be. Again, we went at it wondering could you get more? We've heard anecdotally from a number of developers is it's not a more, it's a maybe bigger, but how do we, how do we understand that? How do we quantify that if we're trying to enact something to do that type of flexibility? That's something

I think certainly worth looking at.

H. THEODORE COHEN: Tom.

TOM SIENIEWICZ: Just a couple of quick comments, and I appreciate I think kind of going to the square footage metric. I, too, found the report really fascinating. But more a question, and this, I think must be a common question for affordable housing experts, I'm not one, I absolutely understand and agree with the Chair, the importance of affordability and its relationship to diversity in this community, because income levels correlate directly with race in this country. And with the weeks we've just recently had, we need it more than ever to live in diverse communities. We've got to work towards that. So I'm absolutely in support of affordable housing. However, the statistics about 1600 people on a waiting list and 500

residents, I struggle with this notion and maybe it's an unanswerable question, between need and want. Of course people want to live in Cambridge. I mean, the Planning Board has done an extraordinary job over many decades and made a beautiful and attractive city. There are other people who can take credit for that besides the Planning Board.

JOHN HAWKINSON: But they're not here.

TOM SIENIEWICZ: They're not here.

So people want to come here in overwhelming numbers. So it's maybe a philosophical question, when is the amount of affordable housing satiated? When do you close shop and say, yeah, "We're done," We have enough"? And I don't know. So every time I hear the statistics of the waiting list, I kind of blanch a little bit because of course it would be

a huge list.

CHRIS COTTER: It makes sense. I mean certainly Cambridge is a desirable place. I would say among the applicants that we do not consider residents are many former residents who want to come back, but because of fair housing limitations and how we have to look at an application at a point in time, we can't look at them as local preference as resident applicants. But certainly a lot of folks who have been displaced over the years are continuing to be displaced. We hear from them on a daily basis as they're faced with rising rents, buildings being sold, displacements. So one of the things that we are looking at in a -- through a separate conversation is how can we better adapt how we're using the units to sort of improve our efforts to stay displacement that's happening given the

market. As to the question as to how much affordable housing, that's a very complicated question. I think it's a very big question. A point I guess towards the citywide plan that's underway --

TOM SIENIEWICZ: Okay, fair enough.

CHRIS COTTER: And looking at that and trying to talk about who do we want to be as community? And what is that diversity? But certainly when you look at what the community was 20, 25, 30 years ago, it's very different. We looked at a 10-year sample and saw dramatic changes. If we were to look back further, which we would love to do if we had data that would line up, I think it's even more dramatic changes. And I think it's come up in some other visions sessions and some earlier outreach that we've had for the citywide plan, the concern about the loss

of diversity. And so what we were really trying to do is mitigate that loss and trying to have programs and resources in place to help offset that, but that's happening, that's the market, that's what is happening in Cambridge and the cities around the country.

IRAM FAROOQ: If I could just add one set of -- bringing back from Envision Cambridge is that in all of the conversations we've had, affordable housing just with capital A affordability and lower case A affordability has been the strongest theme that has resounded through every single session that we've had. So when we think about what are our aspirations as a community, I would say there might be people who question how much housing should we have in the city in total. Nobody thinks that we have too much affordable housing or that they're worried

about running, getting too close to too much affordability. So that's really -- we're just bring that as a thread from the Envision conversations.

STEVEN COHEN: Could I follow up with just one quick related factual question? Tom had a good point, raises policy questions and moral questions, but I have a simple factual question. And that is between public housing and 40B housing and housing under the zoning affordability programs, what are the total number of affordable units in the city as a proportion of the total units?

CHRIS COTTER: It's just under 15 percent.

STEVEN COHEN: 15?

CHRIS COTTER: About 7700 units, I don't recall exactly. It's about 15 percent and that's

one of the things that the consultant noted is that we've been successful in maintaining that 15 percent ratio, notwithstanding the addition of a lot of market units. If you think about the inclusionaries yielding eleven and a half percent, for every additional 100 units we were losing ground from the affordability perspective, but we've been able to supplement that with the city-funded affordable developments that local non-profit developers have done. So that is a measure of success and, you know, preserving that level of diversity, but certainly different than what it was say in the years before the end of rent control, when rent control provisions were in place for probably close to 20,000 rental units in the city.

STEVEN COHEN: Thanks.

H. THEODORE COHEN: Ahmed.

AHMED NUR: Yeah, so Tom started to ask part of my question just towards the rent backup and the leftovers. So, according to the chart that you had there in 2014 and 2016 you have almost double the number of available affordable units supplied. And I wondered, you know, as like an institution admittance, they say the admittance rate is three percent at Harvard. You know, so I would like to see some sort of data of what the supply and demand is, like number of applications versus the availability. That looks very promising looking at that. But I also understand in comparing to Boston. And all the construction that's going on that at some point, as Mr. Trump says, the bubble is gonna burst.

CHRIS COTTER: I will say that the spike here you see in households that have been leased in rental units is obviously dramatically

impacted by those coming on-line. As we add to the stock and increase the base, you know, we do see turnover. And so as the stock gross turnover becomes a more significant supply of units, so we see that trend as well. We've also seen a trend in increases in applications and that's really where we have that information.

AHMED NUR: Oh, okay.

The second part of that is the applicants themselves, how do you, for example, Section 8 -- I think it was Section 8 that a friend reached out to me thinking that I had something to do with the City, how does it work? Waiting for seven years, eight years in line. And I made some phone calls because of English, and it sounded like -- their English was poor -- that a check is given to them and then they have to go find a place and there's a statute of limitation

on that check. They give you like 60 days and then you have to go back and it's expired and now you have to go back in the line. So as far as this is concerned, do the applicants actually -- do you give them a list of all of the developers that have that percent and say go talk to A, B, C, D or do you guys call them?

CHRIS COTTER: What we do is we work with a lot of applicants that have Section 8. We have vouchers issued. Households have a limited amount of time, I think it's 100 or 120 days, and they can get an extension or two on that as approved by the Housing Authority. We've seen a large increase in the number of households that are replaced with Section 8 vouchers. We have a centralized pool of applicants that we work with to refer to properties, vacancies, new buildings that are turning over. So we will do that. And

as the Housing Authority, Cambridge Housing Authority has increased the number of vouchers that have been issuing in the last six or eight months --

AHMED NUR: Right.

CHRIS COTTER: -- we see a dramatic increase of folks that we are housing with those vouchers. We are now at about 55 percent of the rental stock is occupied by households with Section 8 vouchers, either through the CHA or another housing authority, and in the recent six-month period, I think it was close to 60 percent of the lease ups that we saw were households with vouchers. So, that's a change from years earlier -- earlier years when there were fewer vouchers being issued by the Housing Authority. But as part of their modern innovation capitals improvement plans in public

housing they've been issuing vouchers to households on the public housing waiting list. So the upward vouchers, but it's admittedly a challenge. And one of the ways that we see it is folks who take the voucher, they're a resident, they're about to lose the voucher as it expires, and they take a place outside of Cambridge. And, again, for our purposes they're no longer a resident. And so it speaks to the placement and other discussions that we're having to ways that we can try to better coordinate and serve those households.

IRAM FAROOQ: And just to your question about how we run the program and whether people have to go to each individual development, they actually have to go through the things like CORI checks. But basically we administer the program, so it's a one stop shop that Chris and Linda and

others in the housing division manage. So people don't have to go -- they go through these guys and then they only have to go, you know, see the units and get the -- what is it?

LINDA PROSNITZ: Well, they get approved for the program.

CHRIS COTTER: Approximately what, 625 units or so rental units that are completed on-line at 40 different locations. So we offer access to all of those units through a single application at CDD. And then as a service to property owners and managers, we'll spring for eligibility. So we'll tend to prioritize the applicants based upon our -- the City's preference policies, and then refer eligible applicants to each owner with vacancies knowing that they're prescreened to be eligible although they need to do typical management screening:

Landlord check, credit check, CORI check.

AHMED NUR: Okay. And my last point -- thank you for answering those. I think several of my colleagues have talked about already the studio being the same price as a one-bedroom apartment. You talked about looking into -- we know the percentage of the square footage and then, you know, we can take the larger units that way, and so I wonder if the same thing can apply to taken the medium of like for example, a two bedroom, and let's say they're asking for a two bedroom for a non-affordable housing for a dollar amount, check -- in other words, the square footage and charge per square footage. If it's two dollars, you know, at 500 it would be a thousand dollars and that way we know some apartments are smaller than others, and so we just charged that way, because, you know, studio,

one bedroom, because otherwise they'll sell you a studio for three bedrooms.

CHRIS COTTER: Yeah, it's -- that would be one way to do it. I think the challenge would be that the -- unlike a lot of inclusionary requirements that have set rents based upon unit size or area, the rents here are determined based upon household income. So every inclusionary tenant has got a rent that's available to them. What you find in a lot of programs if a rent is set for a household that's say 80 percent of median, which is the eligibility unit or you're at 55 percent or your cost burden in that unit. So the way this program was put together was really in a way to try to avoid having any cost revenues so the 30 percent standard is calculated annually for every tenant. And so the disconnect is that if it's based on your income, it doesn't

matter what size unit you're in, it's going to be that 30 percent so the idea of studios is to see if you can look at a lower payment ratio, but I think it's, you know, certainly there are different ways to do it and advantages to do it, a lot of them. We've heard strongly. Actually, we've asked the consultant about this, about looking at other communities that run the program this way and they didn't, and they weren't aware of any that did with the rents based on tenant's income. We've heard pretty strongly from the housing advocates a concern about going to a set rent or a standard rent based upon unit size.

AHMED NUR: And lastly part of that would be the location. I think it's important to me, obviously, you know, it's almost like segregation. All of your low income housing go back to the security office in the back and

you're all going to go there. So it should be obviously treated like an equal human beings and dispersed throughout the floors and that is my opinion.

Thank you.

H. THEODORE COHEN: Mary.

MARY FLYNN: I just have two questions, and one is following up on the point of what Ahmed just made. What is the process now for locating the units within the building? Does the developer submit something to you for approval?

CHRIS COTTER: Yeah, so what we do is Linda works very closely with developers who are looking for a building permit, getting their project together, and coming into comply with the inclusionary requirements. So what typically happens is we'll talk with them and outline what we're looking for. Outline the mirroring

standards that we can expect. And then talk about the locational distribution, floors around the building, the appropriate mix of unit sizes that mirrors the market. So if there are half ones and half twos, that's really our expectation. And certainly in the larger buildings, that's usually very easy to target. And then typically we get a submission from a developer, their proposed compliance, which we will then look at, review to see if we agree that it mirrors the market component. If it doesn't, we very often have a back and forth to try to get the inclusionary component to best mirror the market component. So a little bit of back and forth. And once we're set, we will take the identified units, the agreed upon units, and put them into a deed restriction that will be recorded as the property before the building

permit issues.

MARY FLYNN: Thank you.

Based on that, I guess my take on the premium units and that sort of thing, I think there is reason to consider that disallowing a percentage of those so that we can get even more units or the three-bedroom units, but I do think the distribution of the units throughout the building is very, very important. And I think we can accomplish both. So that would be my recommendation, would be to try to meld those two together. Because I think the process you described of how the units are selected makes a great deal of sense and would allow us to ensure that we get the outcome that we want.

My other question is in regards to scenario No. 2 which had the 15/5, where the 5 was up to 120 percent, and it was the two sort of

moderate and middle income groups that you talked about where we were showing that those two groups were falling away in the city where the other two ends were doing really well. The 100 percent in home ownership certainly helps a great deal, but it still doesn't do anything for the people from 100 to 120. So my question is was the recommendation based on economics or on a policy decision? A policy decision?

CHRIS COTTER: Well, I think the recommendation for the 100 percent for home ownership was following from the analysis that showed that the group in the 100 to 120 range has been pretty stable, but there has been a significant decline in the 80 to 100 of home owners. So I think that's what informed the recommendation. On the set-aside, I will say that we are able to serve some households earning

up to 120 through the home ownership programs that exist today, and also looking at other ways in which we can try to better serve them through other units.

MARY FLYNN: Thank you.

H. THEODORE COHEN: Hugh.

HUGH RUSSELL: If the Affordable Housing Administration community has a pretty good idea of where the demand is, why wouldn't we just say each building has to mirror the demand rather than mirror the actual composition of the building? You know, it's -- let's say it's two-and-a-half percent studios and five percent ones and seven-and-a-half percent twos and five percent threes, just say something like that. And if you want to do a micro building, well, that's fine, but your affordable units have to actually be serving the actual need. Has that

concept been looked at?

CHRIS COTTER: I mean, to see if also -- you're saying if the building is, say, 10 percent studio, 20 percent ones and 30 percent twos and whatever the balance is that the affordable component would be based on those ratios?

HUGH RUSSELL: No. That we would tell them, you know, if you've got 10 affordable units, we want --

CHRIS COTTER: We would tell them what the units are based upon our demand?

LOUIS J. BACCI, JR.: Right.

CHRIS COTTER: Oh, I see. Well, I think it gets to the other point of what we mentioned earlier, could we say let's take the affordable units in all three bedrooms or whatever we say. It could mirror the demand or mirror the component or approximate the component we'd like

to see. I think it gets to the question of how much can we manage and control what the builder or the developer might build. So it's something that we are looking at. It's come up not in that context, but certainly in the three bedroom but certainly the same idea I think. But can we control the design of the affordable component without impacting the design of the larger building and/or -- and if we can, if it's the way we can incentivize something that might better generate a component we think will better serve our needs.

H. THEODORE COHEN: Thacher.

THACHER TIFFANY: Yeah, just a point -- we have a lot on our agenda to get to. In the low income housing tax credit world which is another big affordable production program, there's been a lot of talk of income averaging in

order to ensure that a wider range of residents are served. I'm wondering, so that's the idea that instead of saying, you know, under 80 percent you say you must have an average of residents at 70 percent and you could go up to 100 percent or -- has that been considered at all in order to try to reach some of those more middle income households that, you know, others have been raising?

CHRIS COTTER: We've talked about it because, you know, there is a target in the Ordinance that, you know, a 65 percent target which, you know, we expect will be the average. And given the way that we run the program, I think that the challenge that we have is that the demand that we see is really under the lower end. You know, even in the moderate range it tends to be in the lower, moderate range. I can't, I

think certainly you are aware of the needs of the middle income households that we hear from.

Having seen the numbers turn out in a significant amounts where we've had units available, but want to work with folks and try to figure out what options we can make available, either through, you know, this program for home ownership, other programs that we're able to do with some of the city funding that we have available. So it's -- the other piece of the income averaging, I think, it could potentially complicate the selection that we're looking at to get the best average, trying to approximate something, and then we're further screening the applicants we have based on income in order to get someone in the property. So there may be a complexity that may be challenging for applicants to understand through our process, which I think is pretty smooth but

certainly very well subscribed for applicants.

THACHER TIFFANY: I mean the one other question I had or -- yeah, I think it's a question, is how do we know that this 20 percent isn't too much? Like, is this program going to continue -- it's been very successful. I mean, the study, you know, works through that topic and is recommending that it isn't too much, but it would be great to get your thoughts on it.

CHRIS COTTER: Well, I think it's a good question, and it's something that we talked a lot about and that's obviously why we want to do the study to include some economic analysis and try to understand that. But one of the things that we've recommended and we've heard from the Affordable Housing Trust is that similar to what we've done with the incentive zoning provisions, which are revisited from time to time, that we

look at this more frequently. This is the first time we're talking about this type of change through the inclusionary program since it was adopted in 1998. So we're recommending that we take another look and do a similar analysis, and I think in about five years to understand what the impacts are. Is that the right ratio? What is the impact of that? Does it need to be further adjusted at that point?

LINDA PROSNITZ: And in addition it's looking at projects that, projects that are in the process now about to be expected to come under the other 20 percent. So that's really grandfathering the existing projects so that there's time for people to adjust.

THACHER TIFFANY: Right.

H. THEODORE COHEN: Well, following up on that, I am just wondering whether a five-year

time span is long enough. Because as you showed on your chart, you follow the economic cycles and the cycles may indeed take longer than five years.

CHRIS COTTER: Yeah.

H. THEODORE COHEN: So, you know, just tossing out maybe something more like a seven to ten year scenario.

One other question I had, as I understood what the Affordable Housing Trust is recommending, is they were not recommending lowering the threshold from 10,000 square feet or ten units. What was the rationale for not changing that?

CHRIS COTTER: That's correct. They're recommending the threshold remain at ten units. We took a look at developments over a five- or a six-year period recently to try to understand if

the ratio lowered, what would it yield as far as units? What we found was a very small number of projects that were in the six to ten unit range I think for a total of about 45 units. So, you know, we would be talking about six or eight units change over that time which I think the trust felt was a de minimus change for lowering a requirement and impacting folks who were not currently impacted by the provisions.

H. THEODORE COHEN: Are there any other questions or comments?

STEVEN COHEN: I only have one quick comment as a real estate developer myself in answer to the question is 20 percent too much? In my view a higher requirement only reduces the land value, but as the land value is reduced to adjust, it shouldn't diminish the economics for the developer, the party who is going to purchase

the land to develop the housing. You know, conceivably by reducing the land value, there may be some disincentive to some property owners to sell their existing buildings, and I guess there has to be a high enough land value to warrant selling and demolishing the existing structures on the site. But for the most part my guess is that 15 percent that we're not at risk.

THACHER TIFFANY: And I'm sorry, can I just ask -- I think Steve's absolutely right. The one piece I didn't completely understand and should know already is, what's the relationship between the bonus and inclusionary housing? Can you not do inclusionary housing and not get the bonus? Or you must do it and then you get the bonus as well?

CHRIS COTTER: The bonus is available to you whether you take full advantage of the FAR

bonus as a developer --

THACHER TIFFANY: But inclusionary housing is --

CHRIS COTTER: But we give the benefit of the bonus to any development that is not getting a Variance or other permitting pass to get to a density that would be inaccessible that the bonus would allow. So we give the benefit of the density bonus to projects that are not getting Variance for additional density. That's built in. And so what we're talking about with these recommendations is maintaining that, but looking at crafting an amendment that would be more clear as to what the yield would be. So the yield is currently eleven-and-a-half percent. There's been a fair amount of confusion about that over the years, but we'd like it to be a little clearer in the Ordinance so it's clear for

someone reading it, that the output is expected to be 20 percent. And we figure out how to keep the bonus there, but put it behind the scenes so it's not as prominent.

IRAM FAROOQ: To add to that, no, you cannot not develop the inclusionary --

THACHER TIFFANY: Right, okay. That's what I wanted. You can't just opt out and say I don't want the bonus. Right, right.

H. THEODORE COHEN: Well, thank you very much for giving us this --

CHRIS COTTER: Thank you, all.

H. THEODORE COHEN: -- this presentation.

LINDA PROSNITZ: We have just the recommendations from the Affordable Housing.

JOHN HAWKINSON: Could you stand?

LIZA PADEN: Use the microphone, Linda.

IRAM FAROOQ: It's the recommendations

for the Affordable Housing Trust.

CHRIS COTTER: Recommendations for the Affordable Housing Trust which we will leave with you for your reading pleasure.

H. THEODORE COHEN: Thank you so much. We look forward to having this come back to us sometime in the near future.

Why don't we take just really serious, a five-minute break, and then we will come back and have a hearing with regard to 1001 Massachusetts Avenue, medical marijuana dispensary.

(A short recess was taken.)

H. THEODORE COHEN: All right, thank you. Now, Planning Board No. 312, it's a public hearing on 1001 Massachusetts Avenue, a Special Permit to operate a below grade medical marijuana dispensary pursuant to state regulations, and Sage Cannabis, Inc. is the applicant.

You can make a presentation. We have heard this matter before, so I don't think we need a lot of information about the benefits of medical marijuana. If we could focus on the application.

ATTORNEY SEAN HOPE: Sure. Good evening, Mr. Chair, Members of the Planning Board. For the record, attorney Sean Hope, Hope Legal Offices in Cambridge. I'm here tonight on behalf of Sage Cannabis, Inc. We have Michael Dundis the President and CEO. We also have a representative of the landlord if there are any questions that the Planning Board may have.

This is an application requesting Special Permit relief under the ordinance section which allows for medical marijuana. As the Planning Board is well aware, there was a recent zoning amendment sponsored by the petitioner to add an

additional MMD3 Zoning District. This is a zoning district that's in the Business B district. It's between Ellery and Dana Streets, and the location is at 1001. The location is within that block of Mass. Ave. It's in a below grade space which Mr. Dundis will walk through.

As the Planning Board noted, back in 2013 it adopted criteria for medical marijuana. This proposal satisfies that criteria. We do have the written submission that goes into detail how it walks through that criteria.

Just briefly before we actually get into the programming and operational aspects of the facility, part of the criteria for the medical marijuana district within the City of Cambridge is that the medical marijuana medicine is not readily available. As the Planning Board knows, there is no operating dispensary at this time.

Also there's a requirement as well as under the state regulations, that there is not, that a dispensary is not located within 500 feet of a place where children commonly congregate. This meets that criteria. There is some guidance from the state as well to point some direction on what satisfies -- what the standard is for commonly congregate which we satisfy.

Safe access to transportation. And this is located right on Mass. Ave. in between the Harvard Square and Central Square train stations and directly on the bus lines.

The additional criteria which we, the petitioner set forward, was criteria to minimize the impact of a medical marijuana dispensary that would be in a public thoroughfare. As the Board knows, the two additional -- the two first districts were generally in the outskirts of

town, both in North Point and Alewife. So this was a change in the focus to locate it into a retail corridor. One of the requirements were that the dispensary will be located below grade. This satisfies that criteria. The site is below 5,000 square feet. And one of the additional criteria was that at least 70 percent of the facility was for patient services. So the idea would be that this would be mostly for patients. An important distinction for this MMD3 was that the -- there be no cultivation facilities on-site. Sage Cannabis has a cultivation facility in Milford, Mass. That they have been licensed to grow and they have almost completed construction. They are also licensed to operate a dispensary out in that location.

This is a retail only facility. This is below grade. Mr. Dundis will walk you through

the design. But much of the facade, what advertising, what lettering can be seen from the public way is already controlled by state regulations so to minimize any adverse impacts on the public. There was also outreach, as I said recently, there was this MMD3 that was adopted by the City Council. So there was ample outreach done during that time. Several ordinance and Planning Board hearings. In preparation for this Special Permit there was a meeting that was published on Cambridge Day held at the site. There was some attendance, but frankly there wasn't a large crowd that attended because there was so much public process during the zoning amendment process that many people understood what the petition was about and the location. Because this was such a discrete location in the Business B, although there could be other

opportunities for other locations, a lot of the conversation did focus on what we're going to talk about tonight, which is how the facility might operate, what would the exterior look like, security measures. So I think I'll now turn it over to Mr. Dundis to ask any questions, and I'll be able to answer any procedural questions and about the criteria.

Thank you.

MICHAEL DUNDIS: Good evening, Members of the Board. Mike Dundis, President and CEO of Sage Cannabis. To your point, yes, we have been here before. And so I've tried to put together a very short presentation that focuses specifically on the issues at hand tonight to help the Board in its determination of whether or not we meet the criteria. And of course as you know, there are three levels of criteria: We've got the

generally applicable Special Permit criteria, we've got the Medical Marijuana Ordinance criteria, and then we also have the additional overlay of the MMD3 criteria which fall in addition to the standard Medical Marijuana Ordinance criteria.

So very quickly about our use here. The use that we propose is a retail only medical dispensary. No cultivation on-site, no products manufacturing. All of our products will be cultivated and manufactured and prepackaged at our Milford facility.

It's not open to the general public. You must have a card from the Department of Public Health in order to access the facility. We don't take walk-ins. We don't take guests. So if you come, you must have a DPH issued ID card even to get into the waiting room.

We have no on-site physician, no medical marijuana certifications are given on-site. That is a decision made between a doctor and a patient.

No on-site usage, of course. Once you obtain your medicine from us, you are required to leave the facility immediately, no loitering.

The actual usable space is less than 5,000 square feet. It's a below grade retail space, and of course it is ADA accessible.

The broad map looks like this. The red dots are already licensed medical marijuana facilities. There is one in Cambridge, one in Brookline, and one in Boston. The only one that's actually open for business today on this map is the one in Brookline. The one in Newton is slated to be open in the next several months. The one in Boston at 21 Milk Street is slated to

be open in the next several weeks.

And then we have applications pending before the Department of Public Health represented by the blue dots. So we see three applications in Somerville, one in Arlington, one in Medford, one in Revere, and one currently in Needham.

The yellow dot, of course, is our proposed location in mid-Cambridge.

Getting a little closer, this the MMD3 zone. As attorney Hope just alluded to, it is an overlay in the Business B2 Zone on Mass. Ave. between Dana and Ellery Street. Getting even closer these concentric circles first show the 500-foot distance from the proposed location and the thousand-foot map. All of these maps are included in our application.

And so you can see here we are located on

a retail commercial corridor surrounded on the back side -- on both sides of Mass. Ave. by residential.

This is a picture of Massachusetts Avenue and Dana looking towards Harvard Square. And now we bounce to the other end of the block, Mass. Ave. and Ellery looking up towards Central Square. Our proposed location is right in the middle of that grey building.

So this is the proposed location here. And our front door is not visible on this map. It's actually below grade down right below the sidewalk here. So this is the front entrance to the plaza. Folks can walk in and then they have a choice of walking down a set of stairs here or walking down a set of stairs here. In order to access our facility, they would walk through the front of the plaza, down the stairs to the right,

and then in through the front door here into our waiting room. This white block somewhat clumsily represents the footprint below grade directly underneath the Bo Concept Furniture Store.

ADA access is provided by this elevator which is installed at the far left side of the plaza.

So you've got this in a handout but essentially this is a representation of the plaza here. This is the front entrance of the plaza. Patients will walk down the stairs, enter in through the front door, follow the process through the footprint of the building, and then exit by coming up a set of stairs here and out this door directly on Mass. Ave. That door is right here to the right of the Bo Concept Furniture store. Obviously ADA compliant. Folks would be coming down through the elevator, in,

across, do whatever business they did inside the dispensary, and then they would exit actually back out through the entrance vestibule. Come back across the plaza at the lower level and then exit up using the elevator as well. So we have a separate sort of egress path for ADA compliant folks.

So this is the footprint of the facility. This is the front door at the bottom of those stairs. This is Mass. Ave. here. This is that exit door. So if you can imagine, this is the front facade of Bo Concept Furniture, and this whole area here is below grade. So patients would come down here, and at this door here they'll be faced with a camera that they would have to put their DPH issued ID card in front of. A security agent in a security room back here would positively ID that identification card and

then buzz this door and let that person in. That person would then come to the security desk here and actually give the security card their DPH issued ID and another state issued ID, and the security agent would run those IDs through the DPH interoperable database to be sure that this was in fact an eligible patient.

If they were, they would then be buzzed through this secured door here on to the dispensary sales floor which is where sales would be conducted. Once they had finished choosing which items they would like to purchase, the order would be placed by a sales agent in -- on the sales floor with a handheld device, the patient would then walk through this secure door here which would not allow them access back on to the sales floor once they come through this door, and they would go to a cashier here. Their

specific order would be fulfilled from a package products room that patients do not have access to. Patients would not have access to the cashier obviously. The transaction would happen through a pass-through window here. So the prepackaged medicine would be passed to the cashier and then passed to the patients, and then the patients would exit up the stairs and out onto Massachusetts Ave. Again, ADA compliant patients would cycle back this way, down this corridor, and then back into the waiting and exit -- waiting area and then back out through the entrance.

These are mockups that we did for our Milford location and we expect that the Cambridge location would look very similar. We intend to put the same look and feel into all of our dispensaries. This is the waiting area and

entrance, entrance trap. So this is the secure door back to the dispensary sales floor. The dispensary sales floor would look something like this. Each patient -- I'm sorry, each sales agent would be stationed at a sales kiosk with an essentially a glass jeweller's case at the top. The glass jeweller's case each contains 100 percent of the products that we offer. So patients don't jump from one case to the next to the next. They simply go to the one case and have the sales experience one-on-one with a sales dispensary agent here where they see all of our products at the kiosk.

As is represented here, the sales agent would enter the order in on a handheld device and then the patient would go out to the exit room where they would interact with the cashier to consummate the transaction.

Separate consultation room if patients are interested in getting more information on the product that we sell.

Security is obviously a big deal. We spoke a little bit about security the last time I was here. Essentially we have security in a number of different layers, all of which is required by the Massachusetts Department of Public Health. So 100 percent of the facility is under video camera surveillance at all times on the interior. We do plan to have a limited amount of exterior video surveillance, and that we can discuss with you if you have questions about it.

Zone access control. All of the doors in the facility are going to be locked. Of course we would have crash bars for egress purposes in an emergency situation to let folks get out, but

people who do not have responsibilities in certain areas of the building, even our employees, would not be allowed into those areas of the building. So you only have access to areas of the space where your job responsibilities require you to be.

And then of course we also have security guards, live security personnel on-site at all times while we're operating.

And so this is just a representation here of the first line of security, if you will. As I said, you've got to show your ID to get into that entrance waiting area, and then once you're in there you can't even get into the dispensary without checking in with the security office. So this area here, that's sort of the front end of the building is extra secure.

Just a couple of quick bullet points on

security operations. Again, we have security personnel. Training and education of our personnel, our sales agents as well as our managers, fulfillment agents, cashiers, everyone who works at the facility is required to undergo training in security and emergency preparedness. We think that training and education is often an underutilized aspect of security.

Communication with Cambridge Police

Department. To the extent that the Cambridge Police Department is interested in learning about what we do and how we do it, whether that be giving them our floor plan, our process plan, our schedules, hours of operation, anything that we can do to help them, to help make their job easier, we're more than happy to do. We've done this in the town of Milford where we've built this cultivation facility. We have an excellent

relationship with the police department there.

In fact, they're doing -- they're taking advantage of our facility to help train their officers in certain issues regarding medical marijuana. They have also offered to do what are called directed patrols in which they would come in randomly and just check the place out. And so if Cambridge Police were interested in doing any of that type of activity, we'd be more than welcome -- they would be more than welcome to do so at our facility.

We're looking at probably somewhere around 20 external cameras. We'd like to put out five -- I'm sorry, 20 internal cameras. Five external cameras. We would employ duress or panic alarms similar to a bank underneath a teller or underneath a countertop. Or you can wear these things now on your belt, have them on

a lanyard. Access control of course. And then security monitoring programs simply means the cameras are monitored 24 hours a day, and the videos are recorded and the recordings are kept for 90 days which is an exceptionally long period of time for your typical security camera operation. And that's required by the Department of Public Health.

This is the rear of the facility. And so you can see here we've got a driveway. The opening is right here, the driveway goes back, and there is a rear door that leads downstairs to the facility in the back. We would propose after doing some investigation here, and we haven't done this yet, but we would propose to add additional lighting to the back here to facilitate safety and security. And we are more than happy to work with anyone who wants to give

us input on that. We certainly would not want to cause any spillage of undesirable light to the residential units behind the space. So we could either accommodate this by using certain types of downward facing lights, there are certain LED lights that could accommodate extra spillage. So we're certainly willing to talk about that.

Hours of operation. We propose nine a.m. to nine p.m. We assume that we will have approximately ten people on duty in the facility at any given time.

Average patient count per day based on what we've seen in other dispensaries would be somewhere between 40 and 100 patients per day. We're looking at about 5 to 15 minutes per patient transaction. That's probably going to be a little bit longer in the very first months because folks are gonna not have, not having done

this before, they may want to spend a little bit more time getting used to what we do. But we anticipate on average 5 to 15 minutes of patient's time per transaction. And we expect a total of eight to eleven deliveries per week.

You've seen this in the application, VHB did a transportation assessment. Just wanted to call out some of the highlights of that assessment. They took the upper end of the predicted range of our patients and staff to estimate the frequency of patient employee trips to the site. Overall says VHB, the estimated total trip generation for this use is expected to be quite modest once the dispensary is up and running following its initial period. Again, they said the expected impacts on transportation are expected to be relatively small and limited.

This is a representation of parking and

loading within the 500-foot and the quarter mile concentric circles there. We've got obviously the Red Line, Central Square T stop on the lower right of the screen, and then the Harvard Square T stop in the upper left, and all of the yellow represents parking spaces. There are nine handicap parking spaces within the quarter mile range, and seven loading zones within the quarter mile. There is a loading zone directly in front of the facility as well.

Last piece of information here from VHB, the project site is well served by public transit. In addition to the Red Line which is accessible in both directions along Mass. Ave., there are eight different public bus routes serving the area as well as several private shuttles that are open to the public. And we have been in contact with the Traffic, Parking

and Transportation here in Cambridge, as well as CCD, and we do fully intend to encourage patients and dispensary staff to utilize alternate modes of transportation thereby reducing traffic and parking impacts.

Very quickly, related to loading and deliveries, Sage will provide a loading and service delivery management plan prior to the issuance of the building permit. The two access areas for loading are we have one in the front essentially and one in the back. No. 1 here, a loading zone with capacity for multiple vehicles at any time, is on Massachusetts Avenue right in front of the site. And we also have the driveway and rear entrance to the facility which will be used for our deliveries. And deliveries will be scheduled in a manner that facilitates safe and secure access while minimizing congestion.

I think just a couple slides left. After consulting with the Traffic, Parking and Transportation, we have agreed to provide a comprehensive traffic demand management program aimed at reducing automobile use by patients and staff to the maximum extent possible. So we will be encouraging carpooling. We will be providing transit subsidies for MBTA passes. We will be providing transportation options as a part of our new hire and on boarding process, as well as posting information around the facility for patients and staff members alike. We'll be working with neighbors to schedule managed deliveries to minimize any conflicts and any congestion, as well as promoting the Hubway shared bike accessibility. Provisions of lockers on-site for staff who want to use bicycles and promote transit accessibility for patients as

well.

So that's it in a nutshell. We welcome your questions. Sean and I are here to answer any additional information you may want.

Thank you very much.

H. THEODORE COHEN: Thank you.

Do any board members have questions or comments right now?

AHMED NUR: I have a quick one. Just for clarification. The picture that you showed us, specifically this, following this exit for your regular patient flow --

MICHAEL DUNDIS: Yep.

AHMED NUR: -- exit to Mass. Avenue --

MICHAEL DUNDIS: Yes.

AHMED NUR: The Mass. Avenue, lower left.

MICHAEL DUNDIS: Yep.

AHMED NUR: It looks like you have a door

there that's going to be opening to the sidewalk?

MICHAEL DUNDIS: That's correct.

AHMED NUR: I don't think that's going to work out. That's something you have to have straightened out. That you have to bring that door in. These guys can correct me. So that way the pedestrians walking do not get hit that much access.

MICHAEL DUNDIS: Let me -- it's hard to see on this picture. But in fact this is that exit, that's the door right here. So the door itself is actually on the inside of this space.

AHMED NUR: Okay.

MICHAEL DUNDIS: So this is the door here. It opens in. So the door itself doesn't actually open out onto the sidewalk. It opens into the vestibule space and patients would then walk out onto the sidewalk.

AHMED NUR: That door we're talking about?

MICHAEL DUNDIS: That's correct.

AHMED NUR: Okay.

MICHAEL DUNDIS: That's correct. So I apologize that was not well represented on that schematic.

AHMED NUR: Okay.

MICHAEL DUNDIS: There was something else that we noticed that was brought to our attention on this, on the schematic as well, which is to say that if someone were to be in that staff room back here, it looks like the only way for them to access any other part of the building other than these three offices is to go outside and around. We neglected to put a door here. There will be a door here. Thank you for pointing that out.

AHMED NUR: No problem.

And then I realized that the ADA compliance bathrooms, that that five-foot turnaround you don't have the grab bars and all that stuff. If you can put the accessories --

MICHAEL DUNDIS: So let me -- if I can just point out, this is not our finished drawing. So this is a schematic floor plan that was drawn up. It's sort of a conceptual floor plan. We expect to be very closely to this, but obviously all compliance will be --

AHMED NUR: Right. So you understand when you bring it here and we look at it, we want 100 percent drawings here.

MICHAEL DUNDIS: Yes.

H. THEODORE COHEN: Any other comments right now? Questions?

(No Response.)

H. THEODORE COHEN: Fine, why don't we go

to the public.

Is there a sign-up sheet?

LIZA PADEN: There is but nobody signed up.

H. THEODORE COHEN: Nobody signed up.

So is there anyone who wishes to speak?

UNIDENTIFIED MEMBER FROM THE AUDIENCE: I just wanted to --

H. THEODORE COHEN: Well, please come forward and use the microphone and we ask that you speak for no more than three minutes, state your name and address and --

NICOLE SNOW: My name is Nicole Snow. I'm the Executive Director for Massachusetts Patient Advocacy Alliance. I'm from Salem, Massachusetts, at 190 Bridge Street. I'm actually here tonight to talk about a patient resident of Cambridge and she asked me to read

for her testimony. This is just to speak to the necessity of having a dispensary for the community members of Cambridge.

Sunny Rose Roberts lives at 20 Ware Street, No. 25 in Cambridge. She says: Thank you. First of all, I would like to state my reason for supporting Sage Cannabis Dispensary in Cambridge. As a patient of MGH pain clinic, I have been prescribed a medication for managing my acute nerve damage pain in my face. I have a titanium plate which is enabling me to use my jaw. The medicine I would have access to in the form of Cannabis would help my prescription medications to work in a synergistic manner. This would offset any further increase in the high dose prescribed for me to tolerate and manage my chronic nerve pain.

As a member of the Cambridge community, I

see many folks contribute to helping Sage and Cambridge City Council cooperate and welcome Sage to our city. Feeling Cambridge is known as a place for education for medicine and food, I feel Sage would benefit our community in ways which would develop our community in a healthy way.

First, we would learn about the use and dose of medications and it would help decrease the opiate drug use and alcohol use. Second, we could introduce seniors that have to use Cannabis rather than widespread multiple medications that they are prescribed.

Third, we could harness research and development and jobs and grant to help research and development, especially children.

My personal reason is that -- oh. My personal reason is that I have to use Cannabis for relief of anxiety and pain management. It

works in conjunction with my pain prescription and helps me function and have a quality of life which is great. Thank you for your time. I hope soon Sage will be an important member of our community and be integrated with the professional and respect. Cannabis is a game changing --

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

Game changer.

NICOLE SNOW: -- game changer and Cambridge is a humanitarian city. Although many do not agree, Cambridge would overall tolerates the opinions of the citizens.

Thank you.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

Thank you.

H. THEODORE COHEN: Thank you.

JAMES WILLIAMSON: My name is James Williamson, 1000 Jackson Place. I'm broadly

sympathetic to medical marijuana dispensaries. I have two sets of comments:

The first has to do with the presentation and a couple of questions for your consideration. Where is the nearest Hubway station?

The Vanasse Hangen, if I'm pronouncing it correctly, studied the piece -- a piece cited talks about a multiple private transportation opportunities that are public, which I'd like to understand better, would ask you to try to understand better, if it's private how, is it public? And is one of those private that's public the Longwood Medical area busses for which you have to go to almost a secret location. Now there's a new one in City Hall, if you even know about it, and pay three dollars for one trip. So I mean I just think in fairness, we should have a more careful description about what those other

transportation opportunities are. Are there going to be armed guards or metal detectors in the security zone? And in terms of the exit door, are people gonna be going -- if there's -- there's a lot of security at the entrance, but in terms of the exit, can people come in in -- go in the exit door and what precautions might be prudent as far as that's concerned?

But I want to end with another set of comments which is I have a friend who's in a clinical trial for a very serious form of cancer who is lucky enough to have the treatment that's working for him and it hasn't worked for a huge percentage of the people who are now dead, who had three marijuana plants in his backyard which were known to his police neighbors who didn't bother to do anything about it until some other neighbor complained, and a year's supply of

marijuana was removed from his yard. He's someone who performs in Harvard Square. And what he said to me is he can't afford this. And I just want to, for the record, mention that. The expense of all of this apparatus, all of this security, all of this business renders it unaffordable to people who really need it. And I just want to state that for the record.

Thank you.

H. THEODORE COHEN: Thank you.

Is there anyone else who wishes to speak?

(No Response.)

H. THEODORE COHEN: If not, then we will go to our deliberation.

Just a comment that my father was a pharmacist and I grew up in a drugstore from -- working in a drugstore from the time I was about ten-years-old and I think he would have gone

broke quickly if he only had ten customers an hour, and he certainly never had that many employees in his facility at any one given time. And I'd also note that if I had a prescription for opioids, I could just walk into a CVS and have my prescription filled and be in and out in five minutes without facing security guards and this amount of security.

Anyway, we -- the Special Permit criteria in Section 20.705, if I could run through them.

Is that the registered medical marijuana dispensary is located to serve an area that currently does not have reasonable access to medical marijuana.

We saw the map that showed there is none in Cambridge.

2B, the site is located at least 500 feet distance from a school, day care center,

preschool, or after school facility or any facility in which children commonly congregate. Or if not, than the Planning Board could indicate that it was sufficiently buffered. I believe we've been shown that it is more than 500 feet from any of the -- those places.

C, the site is designed so that it provides convenient, safe, and secure access and egress to clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists, and public transportation users. That certainly seems that it's convenient, safe, and secure access.

LOUIS J. BACCI, JR.: Yes.

H. THEODORE COHEN: Traffic generated -- the traffic generated by clients, employee trips, and deliveries to and from the dispensary should

not create a substantial adverse impact by nearby residential uses.

So we have received a memo from Traffic and Parking and I see that Joe is here. If anyone has any questions about that?

Mary?

MARY FLYNN: Yeah. The question I have it wasn't addressed in the memo, but I'm just curious in terms of the handicap parking spaces in the area. Where the closest one is to this facility? I don't know if you would know that, Joe?

JOSEPH BARR: Not offhand.

MARY FLYNN: No? All right.

So the reason that I'm asking is just my concern is that I, too, like many of us, know someone who could take advantage of a facility like this, but that person is limited in their

mobility. So having a handicap spot very close to this facility, I think, is important. And so I would just ask that you take a look at where the spaces are now. And I don't know what kind of assessment you have to go through to determine where spaces should be located, but it seems to me that having a medical facility would justify having a handicap spot nearby.

JOSEPH BARR: Yeah, I'll just quickly say that, that, you know, given the testimony we've heard and given the use, it seems like a perfectly reasonable thing for us to look at, you know, either creating or moving one or more handicap spaces to this location. And in commercial districts they tend to be sprinkled around, but if there's a specific use that kind of would create a need, I don't see any problem in making that happen. So that's something we

can work with the applicant on, you know, the details when their facility is close to opening.

MARY FLYNN: Great, thank you very much.

H. THEODORE COHEN: And, Joe, you had indicated in your memo requirements for transportation demand management matters and transportation monitoring or reporting. Has the applicant agreed to all of these measures?

JOSEPH BARR: Yes.

H. THEODORE COHEN: And, Mr. Hope, you're shaking your head yes.

ATTORNEY SEAN HOPE: Yes, yes.

H. THEODORE COHEN: Thank you.

Okay, so going back. Loading reference -- E, loading reference areas are designed to be secured and shielded from abutting uses.

Does anybody have any questions about that?

(No Response.)

H. THEODORE COHEN: And building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from applied security measures and restrictions on visibility into the building's interior.

AHMED NUR: I have a question about that. You said basement. So on the rear of the building are you levelled on grade or are you below grade? And I'm asking that due to floods.

MICHAEL DUNDIS: Below grade.

ATTORNEY SEAN HOPE: Below grade.

AHMED NUR: Below grade even from the rear?

MICHAEL DUNDIS: Correct.

AHMED NUR: How far down?

MICHAEL DUNDIS: One level down, right?

ATTORNEY SEAN HOPE: It's similar elevation to the front.

MICHAEL DUNDIS: Yeah.

AHMED NUR: I'm just curious because do you have a history of flooding here?

MICHAEL JAFFE: Yeah, I'm the building manager. My name is Mike Jaffe. There's no history of flooding there.

AHMED NUR: Okay. Good enough.

JAMES WILLIAMSON: And actually that image will tell you where the handicap parking is, one of those, because there's a parking handicap sign.

MARY FLYNN: Good, thank you.

JAMES WILLIAMSON: Not that one, but the next one is clear.

H. THEODORE COHEN: There it is, a handicap spot.

MARY FLYNN: Perfect. We're ready to go. You've already taken care of it, Joe. Nice work.

H. THEODORE COHEN: Okay, do any Board Members have any questions about any of the Special Permit criteria in Section 2700?

(No Response.)

H. THEODORE COHEN: And then we also have to comply with the General Special Permit criteria in 10.43.

Sorry I have -- the general criteria is the requirements will not be met and with the requested Special Permit the project will meet all of the requirements of the Ordinance.

Traffic generated or patterns of access or egress will cause congestion, hazard, or substantial change in established neighborhood character.

We've received the memorandum from

Traffic and Parking.

Continued operation of or development of adjacent uses is permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use.

I mean, the City Council has adopted this location.

And nuisance or hazard will be created to the detriment of the health, safety, and/or welfare of the occupant of the proposed use or of the citizens of the city.

Given possibility of ten patrons an hour, it doesn't seem like there's likely to be much nuisance or hazard.

And for other reasons, the proposed use would not impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Ordinance.

Well, the City Council in its wisdom has designated this location for a registered medical marijuana dispensary.

Any other questions or comments?

(No Response.)

H. THEODORE COHEN: I guess as part of the Special Permit, we have to agree to waiver of the parking requirements and waiver of the bicycle requirements, the long and short-term requirements in the Ordinance. And, again, we've received part of the memorandum from Traffic and Parking referenced that the relationship for long-term and short-term bicycle parking have been addressed, and also that there's the fact that there is no parking fully in compliance with the Ordinance as been addressed by the fact that it's, there are parking meters and there are transportation management program that put into

place.

So, any other questions or comments?

(No Response.)

H. THEODORE COHEN: Could we have a --
Jeff do you have things to address?

JEFF ROBERTS: I don't want to prolong this, but I wanted to put a few things out there on the record. Just on that last point, it is the -- as part of this particular Special Permit provision, it's in the Planning Board's discretion to set the parking and bicycle requirements. I think that while the memo from Traffic and Parking and the report from the applicant indicates that the parking could be managed, there are provisions in the recommendations in the TPT memo to require contributions to the City's Bicycle Parking Fund and to attempt to at least provide, and, you

know, there may be constraints in doing this, to provide either along some long-term parking on-site for staff or to -- or, again, to make, to try to make that -- to provide that through a contribution to the city. So that's just to clarify that point.

Also just to kind of dialing back a little bit to note that this is the first of this type of Special Permit that's been before the Planning Board, not only as a medical marijuana dispensary but also it's a little unusual in that it's a conditional use permit. Most of what the Planning Board looks at are Special Permits that are based on development, buildings, and, you know, and tenants could go in and out, different particular uses can go in and out. In the case of this Special Permit, it's a particular use Special Permit for this particular dispensary.

So, it's important to have that on the record that when the Special Permit is granted, it's only for this dispensary. It wouldn't be for another dispensary to come in and take their place in the building.

Also, the zoning in the Special Permit provisions within the zoning are part of kind of a larger constellation of regulations. It was noted that there's a lot of regulations at the state level. There are also at the local level the Cambridge Public Health Department has been working to develop a set of regulations that would kind of work along with those state regulations and provide for an annual kind of permitting and approval process dealing with issues like the, you know, the products themselves and making sure things are meeting the applicable health and safety regulations and

making sure that the police department is comfortable with whatever security plans would need to be in place. So I think that it would be important for, as the Special Permit is issued, important to make sure that the conditions tie into all the applicable state and local regulations for RMDs.

And then the final point I guess, you know, this is an existing building, so there's not really a lot to look at in terms of design issues, but as the applicant noted, lighting is something -- that signage and lighting are the particular things that they're proposing to add. Those are things that we, you may want to look at as through some kind of continuing review process before the dispensary's actually open to make sure that the lighting is doing what the applicant said they would want us to do. And

also they'll need to make sure that their signage conforms with our sign ordinance as well as with any other regulations at the state level and potentially may be regulations on the local level on signage as well. So I just wanted to make sure those things were covered before the Board takes action.

H. THEODORE COHEN: Okay, well, thank you.

So I would entertain a motion to grant a conditional use Special Permit to Sage Cannabis for the use at 1001 Massachusetts Avenue based upon the findings that the Board has made under 10.43 and under 20.700, that would be subject to all state and city regulations and jurisdiction, would be subject to continuing review by the CDD staff and the Building Department and the police and health departments as necessary.

That would be subject to all of the conditions set forth and the memorandum from Traffic and Parking regarding, but not limited to, but including the transportation management and the long-term monitoring.

That we find that the arrangements with regard to long-term bicycle -- long-term and short-term bicycle parking are satisfactory to the Board as is the arrangements with regard to the automobile parking. And I don't know if there was anything else that you mentioned.

So would --

AHMED NUR: Lighting? Did you mention that?

H. THEODORE COHEN: The lighting.

And the other issues is signage would be subject to review by CDD who will of course could bring it back to this Board if they felt that

there was some issue that was unresolved.

So could I have such a motion?

STEVEN COHEN: So moved.

LOUIS J. BACCI, JR.: Second.

H. THEODORE COHEN: Second.

All those in favor?

(Show of hands.)

H. THEODORE COHEN: It's unanimous.

Good luck to you.

Thank you very much. We have a couple of other matters of general business to address.

You're all welcome to stay if you like.

UNIDENTIFIED MEMBER FROM THE AUDIENCE:

No, thank you. Have a good night.

LIZA PADEN: The first Board of Zoning Appeal case I'd like to bring your attention to is the one that there's a representative actually here. Mr. Murray who represents the

CambridgePark Drive application for an address sign on the building. This is a Planning Board Special Permit, and the applicant is proposing to put signage on the architectural feature of the building which is the red fin. This makes this a projecting sign in the definition of the Zoning Ordinance. And projecting signs are limited to 13 square feet. They are limited to no taller than 20 feet or the second floor sill line. And they're not allowed to be internally illuminated or they have to be externally illuminated.

The proposal that you see before you actually has been reviewed by a number of Cambridge residents who have a strong interest in signage in Cambridge, and there were modifications to this particular proposal, one of which was lowering the sign from the very top of this red fin feature, down so that it's more in

the center of the feature.

So they're currently proposing to apply to the Board of Zoning Appeal for a Variance to install the sign on the building.

HUGH RUSSELL: Is it illuminated?

LIZA PADEN: Yes. Pardon?

HUGH RUSSELL: How is it illuminated?

LIZA PADEN: The letters are internally illuminated.

KEVIN MURRAY AUDIENCE: That's correct.

H. THEODORE COHEN: And dimensionally it's not conforming because it's --

LIZA PADEN: Well, projecting signs are allowed to be 13 square feet and I believe this one is 26. No.

KEVIN MURRAY: In terms of square foot just under 60 square feet.

LIZA PADEN: Yes. This is Kevin Murray.

AHMED NUR: 16 or 60?

LIZA PADEN: 6-0.

KEVIN MURRAY: 60.

It might be important to note that the location of the building is driving the position of the signage. The building is actually located behind another building off of the public right-of-way. What you're seeing now is the only visible portion of the building from CambridgePark Drive.

LIZA PADEN: So if you remember this building, it's located between the railroad tracks and the buildings that front on CambridgePark Drive. So it's behind the office buildings.

H. THEODORE COHEN: Is there another building currently with the address of 130 CambridgePark Drive?

LIZA PADEN: No.

H. THEODORE COHEN: So the other Hanover apartment building --

LIZA PADEN: So the Hanover apartment building addresses are 160.

H. THEODORE COHEN: Okay.

LIZA PADEN: This will be 130. And the other one will be 88. The office buildings in the front are 150 and 100.

LOUIS J. BACCI, JR.: I guess. I guess I have a question of where the sign ends and begins?

KEVIN MURRAY: So the sign will be mounted just below the sixth floor level starting at the top of the fifth floor level and going down to the second floor level and mounted on that projection.

LIZA PADEN: Lou, there's actually three

pages of internal of illustrations.

LOUIS J. BACCI, JR.: Is there a definite break between the sign and the facade of this building that's painted in a very similar color?

KEVIN MURRAY: I'm not sure I understand the question.

LOUIS J. BACCI, JR.: Is your sign standalone from the rest of the red facade?

KEVIN MURRAY: It does.

It's going to be mounted to the facade, it's going to project about four to five inches, and it's going to be in black aluminum mounted on a red aluminum finish. And the face of the signage will be an opaque plastic which will be illuminated so you can see it from the street.

HUGH RUSSELL: So opaque means light doesn't shine through something?

KEVIN MURRAY: Not brightly. It will

glow.

HUGH RUSSELL: Have you considered halo illumination?

KEVIN MURRAY: Lighting from behind?

HUGH RUSSELL: Letters from that building have illumination which means the light is behind so that the surface behind is illuminated and the letters stand out at night for the contrast. It's a somewhat classier way to do things.

KEVIN MURRAY: We did consider that, but we were trying to contain the lighting very specifically just to the lettering since it is located adjacent to windows that are apartments or dwelling units. So we were trying to minimize light completely by just making the letters glow.

H. THEODORE COHEN: Liza, if this complied in terms of square footage, how high up could this sign be?

LIZA PADEN: It would have to be below the second floor sill line or 20 feet, whichever is lower.

H. THEODORE COHEN: So it is that 20 feet or second floor?

LIZA PADEN: Yes.

KEVIN MURRAY: And it would have to be 13 square feet.

H. THEODORE COHEN: Right, I understand that.

KEVIN MURRAY: Sorry.

HUGH RUSSELL: So the purpose of the 13 square feet for which I was the author of that particular number had to do with the size of a projecting sign that would be reasonable as you were walking down the sidewalk and had a sign, a blade sign sticking out. So this application, while it is technically a projecting sign, is not

as relative -- no relevance to the design thought being which is why the regulation was instituted. Is there illumination -- a limitation of the size of sign in this district?

LIZA PADEN: No, it's all of the sign regulations pertain. So it would be whatever's in Article 7.

HUGH RUSSELL: Right. And I was wondering, so is there like a 60 square foot limit to the --

LIZA PADEN: If this was a wall sign, the limit is 60 square feet.

AHMED NUR: You're right on it, yeah.

HUGH RUSSELL: So, and that's, I think relevant here.

LOUIS J. BACCI, JR.: Right. It's a wall.

HUGH RUSSELL: That it's -- that I don't

question the determination by the staff as to what kind of sign it is, but it is kind of mounted on something that is more associated with a wall of the building than --

LOUIS J. BACCI, JR.: It looks like the facade.

HUGH RUSSELL: So from a sort of intent point of view, it is really just a mounting height.

H. THEODORE COHEN: Right.

HUGH RUSSELL: And that seems to me to be, again, given the function that the sign's not going to be visible except as you look down that driveway.

H. THEODORE COHEN: The sign is not -- I mean I was there today. The sign will not be visible now because there's a row of trees on that side of whatever the road is. So from

CambridgePark Drive, you're not going to be able to see the sign until the leaves fall off the trees. I mean, I don't have strong feelings.

HUGH RUSSELL: Do you think it's pointless?

H. THEODORE COHEN: Well, I mean the argument it's for wayfaring is that you're not going to see it from the street. And my concern is that if this gets granted a Variance, there is no other building there that has any signs on the buildings other than at the second floor or below. And that if the ZBA grants this, I don't know how they cannot grant it for every other building in CambridgePark Drive. Now, whether that is something that is okay, you know, is up to them I guess. But this is dramatically different from everything else in that area which basically just have -- what do you call the

little row signs on the corner?

LIZA PADEN: Freestanding?

HUGH RUSSELL: Monument.

H. THEODORE COHEN: The monument signs.

Which in fact would be better for wayfaring,
because it would tell somebody who was on
CambridgePark Drive that 130 is down this route.
Now, that may be somebody else's property and
they can't put it there.

LIZA PADEN: That is actually the
complication for this case.

H. THEODORE COHEN: Yes.

AHMED NUR: Well, so it's fair to say as
Hugh was pointing out, this is a wall sign and
that it's required up to 60 and this is a 60 and
therefore, you know, we take these case by case
and we all seem to be in agreement that we
recommend.

HUGH RUSSELL: Well, it doesn't sound like that is.

H. THEODORE COHEN: I don't have strong feelings. I'm just pointing out. --

HUGH RUSSELL: Yes, I think if it's not a functional sign and it establishes a precedent that we don't particularly like, those are serious matters.

AHMED NUR: Okay.

STEVEN COHEN: Well, you know, this whole business of setting a precedent, and I understand the concern, and as a lawyer I especially understand the concern, but that concern does not, you know, deprive us of the ability and the responsibility to make judgments on the particular cases and applications that come before us. So I think if we as a Board feel that this sign is appropriate under the circumstances,

we should feel free to support it and that we should not feel constrained, therefore, to recommend approval of every other Variance which may come before us. I mean you can still make judgments. That's our job.

H. THEODORE COHEN: Do Board Members think that if the sign were lowered, so it ran from the ground up to the second floor, it would be -- it would diminish the wayfaring concept?

HUGH RUSSELL: I don't know, it seems like there's a different, a different concept for the sign --

MARY FLYNN: Yes.

HUGH RUSSELL: -- is needed if you really want to make it wayfaring in the months when there's leaves on the trees. And I don't know enough about the site or the building to know what that concept would be other than observation

that the logical place is on CambridgePark Drive as a modestly monument sign.

H. THEODORE COHEN: I mean, I'll confess that much like Carol O'Hare it took me a while driving around to figure out exactly where this building is because there's another building that says Hanover Apartments on it.

LOUIS J. BACCI, JR.: I don't know, maybe this doesn't make any difference. Was this a building with a Special Permit?

HUGH RUSSELL: Oh, yeah.

LIZA PADEN: Yes.

LOUIS J. BACCI, JR.: And was this facade shown to us with this red color and that material?

HUGH RUSSELL: Yes.

LIZA PADEN: Yes.

LOUIS J. BACCI, JR.: It was? Okay,

that's what I'm curious.

HUGH RUSSELL: I think we even liked it.

TOM SIENIEWICZ: You loved it.

H. THEODORE COHEN: But I don't think we saw it with a sign on it.

HUGH RUSSELL: No.

KEVIN MURRAY: It did have a signage on the rendering.

H. THEODORE COHEN: It did?

KEVIN MURRAY: Yes.

LIZA PADEN: It did.

H. THEODORE COHEN: Like this?

KEVIN MURRAY: It was higher than this.

LIZA PADEN: It was on the top of the fin.

KEVIN MURRAY: After meeting with Carol and other residents --

AHMED NUR: Oh, yes. Was it starting

thickening and comes down?

KEVIN MURRAY: No, I think it was consistently one. But it started at the top of the building, and after a meeting with Carol and she wanted us to lower it and at the 130 which I'm -- she didn't want us, she recommended and we agreed to do that.

Just to speak on visibility of the sign, and I work there on that site everyday, and as you come down that 100 drive lane, I agree with you, the trees do begin to obscure the signage. But as you're coming down CambridgePark Drive and you pass 36 and CambridgePark Drive which is Veckner (phonetic), they have -- there's a large open expanse which is seen over the fence sign and over the drive lane which you can see the fin very clearly. I mean, it's probably maybe about 60 feet as you're passing down that street that

you have clear access to the sign. So, just on the point of wayfaring, as you're coming down CambridgePark Drive, it is mounting it that high and you will definitely and clearly see it. And I think it's -- the only place on the building that you will be able to place signage that will give you wayfaring other than a monument sign which we already discussed, I don't have any rights to.

TOM SIENIEWICZ: Yes. So two points I want to make:

It's an apartment building, right? It's not a hotel. It's not a retail. So it's not like there's going to be a lot of people arriving here necessarily that wouldn't know where it was or wouldn't have a cellphone that could show them on a map where the address was. So, the wayfaring argument doesn't hold a whole lot of

weight for me because of the use. But that notwithstanding the gentleman in good faith has come before the Planning Board before for a Special Permit and he wasn't hiding the sign. In fact, it was dimension, more exaggerated than what he's showing tonight. I get self-conscious about profits here, perhaps we weren't focused on this sign, probably weren't. But he did in good faith share general public, had a public hearing and through great scrutiny by this Board, and I worry about a process here where we're putting it into a double, a double review unnecessarily.

H. THEODORE COHEN: Well, I don't necessarily agree that it's a double review, because we always take the position that they have to comply with the sign, and I think we had a similar situation with the micro lofts.

LIZA PADEN: Maple Leaf?

H. THEODORE COHEN: Maple Leaf, which showed us the branding, which we actually liked, you know, in the drawings and architecturally but then I think when it came back on a similar hearing about going for a Variance, we didn't recommend it because it was just branding.

But, you know, I don't have strong feelings one way or the other, but I'm just raising issues that I see that I am more concerned about that I would think with every other building that's there would have a good argument before the ZBA, with the exception of the fact that most of them do have monument signs on CambridgePark Drive and this one does not. So that could be the distinguishing factor.

JEFF ROBERTS: Mr. Chair.

STEVEN COHEN: But, Ted, going back to the question of the precedent in doing these

things on a case-by-case basis --

THE STENOGRAPHER: Sorry, I can't hear you.

LIZA PADEN: Turn on your microphone, please.

STEVEN COHEN: Oh, I'm sorry.

Just going back to the question to the extent to which we're creating precedent or would be creating a precedent, again, I think you can look at these on a case-by-case basis. And if this very application, this building and sign were on the main drive, then I think we would look at this differently. And the fact that it's on the rear access and visibility of it is somewhat challenging, you know, I think under those circumstances it's at least not unreasonable for an owner to, you know, seek a more prominent, more visible sign that would be

more readily seen from the main road. So, you know, I still think that every situation is unique. And I don't feel strongly about this either. So I feel the same as you, but I think there's at least a reasonable argument for approving this one and I don't feel constrained and I don't think that the ZBA should feel constrained thereby to approve any sign application.

H. THEODORE COHEN: Well, then I guess the question is do we recommend it? Do we recommend against it? Do we take no position?

JEFF ROBERTS: I may regret butting in on this but since I actually haven't even seen the proposal and I can't really see it from here, I don't -- I won't be in danger of trying to render any opinions. But just from my, just from my recollection of the site and the project, I

believe it's just this site and the 88 CambridgePark Drive site are the two residential sites that have been reviewed by the Planning Board that are set back behind other buildings on CambridgePark Drive. So from the point of view of precedent, I think it wouldn't -- the conditions of this site aren't necessarily the same for all the sites on CambridgePark Drive, but I imagine this issue that you're talking about now is one that probably have to be looked at in a similar way at 88 CambridgePark Drive. So just to kind of circumscribe what the precedent might be I think that's probably what you would be looking at.

MARY FLYNN: Well, I think based on what we've heard from Jeff and also, again, the location and the fact that we can't do a monument or the applicant can't do a monument sign there,

it seems to me that we can recommend it with enough of these qualifiers that will certainly minimize the precedent.

THACHER TIFFANY: I'll just chime in. I feel comfortable -- would feel comfortable recommending it mainly because I look at the pictures and I think it looks pretty good. I'm going with -- I'm going with that. I think all the other comments are very relevant, but ultimately I think we have to be aesthetically okay with it. That's how I feel.

H. THEODORE COHEN: All right, would somebody like to make a motion?

TOM SIENIEWICZ: Based on the fact that it looks pretty good?

H. THEODORE COHEN: You're the architect.

TOM SIENIEWICZ: Based on the finding of this Board, it looks pretty good? No, I think

you've detailed it very well. You know, if a precedent for the particular site conditions here, and so I think the Planning Board after careful and very deliberate review of this proposal would recommend to the Zoning Board that they allow it. And further I would emphasize on the motion, Hugh's historic description of how the 13 feet came about and this is not considered to be that type of sign.

H. THEODORE COHEN: Is there a second?

AHMED NUR: Second.

MARY FLYNN: Second.

H. THEODORE COHEN: All those in favor?

(Show of hands.)

H. THEODORE COHEN: Opposed?

(H.T. Cohen and Russell.)

H. THEODORE COHEN: So the majority has voted to make a recommendation.

LIZA PADEN: So the next sign. So unfortunately I thought I only have one of these printed out. But there are two, two pictures. And maybe if you can pass that around. So this is on the other side of the city at One Kendall Square. Well, One Kendall Square at Cardinal Medeiros and Hampshire Street.

LOUIS J. BACCI, JR.: That's the one.

LIZA PADEN: So it used to be Tommy Doyle's restaurant and they had a projecting banner from -- on the Hampshire Street side of the building which was probably 40 feet from the top of the banner to the ground. It was a fabric banner on fixed posts and it was not illuminated. The Smoke Shop Barbecue has taken over the space and they have received permission and installed a wall sign on the courtyard elevation of the building. They would also like to have a

projecting sign that is similar to the photograph that you have in front of you.

Mary and Tom have it. If maybe they can pass the application around. So they would like to have a projecting sign that is on Hampshire Street replacing the fabric banner.

H. THEODORE COHEN: It's there?

MARY FLYNN: The banner?

LIZA PADEN: Well, the banner is there. And they would like to replace it with internal illumination. It's neon sign on Hampshire Street.

THACHER TIFFANY: Like mimicking the style of the --

LIZA PADEN: Of the wall sign that exists.

THACHER TIFFANY: Okay.

LIZA PADEN: So the wall sign is there.

That was certified as meeting the criteria.

H. THEODORE COHEN: There's a banner there now.

LIZA PADEN: I will say I have received communication from people that they think it's too much.

THACHER TIFFANY: Would it be the same size as the banner?

LIZA PADEN: So it would be 38 square feet. It would be 26 -- 27 feet from the top of the banner to the ground. Yes. So -- well, not quite, because this is a very tall floor to ceiling in this building, Thacher. So it's a little, it's not like an office.

MARY FLYNN: So does the banner meet ordinance requirements?

LIZA PADEN: No.

MARY FLYNN: No, okay.

LIZA PADEN: But it's pre-existing. And I could not determine whether or not the banner was installed with a permit or not. I mean, it could have been. It could have been installed before the regulation. There's been a -- the poles in the section of the building have been there for a very long time, and I think Tommy Doyle's put the banner up in existing poles, but I can't find any permits for that.

H. THEODORE COHEN: So if it had been permitted or pre-grandfathered under the Ordinance, could they simply replace the banner with a smoke shop banner?

THACHER TIFFANY: I think they did that.

LIZA PADEN: Right.

H. THEODORE COHEN: They did replace it?

LIZA PADEN: With a temporary banner.

So the way it works is, using the same

hardware, they could do what's called a face replacement as long as the value of the replacement does not exceed 50 percent of a whole new installation. So, they would have to certify that it was less than 50 percent. But that's not what they want. What they want is the internally illuminated neon sign.

AHMED NUR: 100 percent. Yeah.

HUGH RUSSELL: Absolutely not.

LIZA PADEN: Well, that's definitive.

AHMED NUR: I second that motion.

MARY FLYNN: I agree.

AHMED NUR: It's too much. We're not going to entertain this one.

LIZA PADEN: Okay.

H. THEODORE COHEN: Do we object to the banner?

MARY FLYNN: I don't.

HUGH RUSSELL: I think the banner seems to blend in with the building. It's, you know, under the First Amendment you can change the message on the sign without municipal review. I think they should count themselves lucky that they have the banner.

STEVEN COHEN: Especially a building with so many retail uses. This is one retailer be permitted to have such a prominent sign on the main road. It seems almost arbitrary and capricious on our part when they want the next one to have the same.

MARY FLYNN: Today on the way here, and I --

H. THEODORE COHEN: So are we in agreement for or against?

LIZA PADEN: Mary was speaking.

MARY FLYNN: I was going to say I drove

by today on my way here, and I thought the banner looked fine. And so. I do think, you know, coming -- if you're coming towards, you know, towards Boston, is really nothing to sort of indicate what's in there. There is no other signage. So I think it would be nice if they kept the banner, but I agree totally that the illuminated sign is just way too much.

LIZA PADEN: Okay.

H. THEODORE COHEN: Okay?

STEVEN COHEN: Are we recommending against?

H. THEODORE COHEN: Recommending against that, yes.

LIZA PADEN: Yes.

The last item is the Board of Zoning Appeal case for 95 Fawcett Street. So if you remember this is the Planning Board Special

Permit for the residential building, and the Planning Board granted that Special Permit. And one of the features of that building is that they were asking for setback relief. And this was relief that the Planning Board couldn't grant. It could only be granted by the Board of Zoning Appeal. So Jeff drafted comments that were sent out to you, and I just wanted to know whether or not the Board wanted to adopt those comments to send to the BZA?

HUGH RUSSELL: They looked very thoughtful to me.

H. THEODORE COHEN: I thought they were fine. They represented our conversation.

LIZA PADEN: Okay.

TOM SIENIEWICZ: Yes.

LIZA PADEN: So is that a motion?

H. THEODORE COHEN: Yes.

STEVEN COHEN: It's a second and it's a
vote.

LIZA PADEN: Thank you. That's all I
have.

H. THEODORE COHEN: And it's ten o'clock.
So if there is no other business, we are
adjourned.

(Whereupon, at 10:00 p.m., the
Planning Board Adjourned.)

ERRATA SHEET AND SIGNATURE INSTRUCTIONS

The original transcript and Errata Sheet has been delivered to Community Development Department electronically.

INSTRUCTIONS

After reading this volume of the Planning Board transcript, note any change or correction and the reason therefor on this sheet. Sign and date this Errata Sheet.

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I have read the foregoing transcript of the Planning Board, and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statement(s) made by me.

C E R T I F I C A T E**COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.**

I, Catherine Lawson Zelinski, a Certified Shorthand Reporter, the undersigned Notary Public, certify:

That the hearing herein before set forth is a true and accurate record of the proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of August, 2016.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
License No. 147703

My Commission Expires:
April 29, 2022

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DIRECTION OF THE CERTIFYING REPORTER.**

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