



CITY OF CAMBRIDGE, MASSACHUSETTS

**P L A N N I N G   B O A R D**

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date: July 9, 2013

Subject: Phillips, et al. Zoning Petition

Recommendation: The Planning Board recommends that the Council **NOT ADOPT** the proposed changes.

To the Honorable, the City Council,

After consideration of the Phillips, et al. Zoning Petition and testimony heard by representatives of the petitioner, affected property owners and other members of the public, the Planning Board recommends that the proposed zoning changes not be adopted.

It is the Board's view that the proposed changes do not serve the City's planning goal of encouraging the transition of outdated commercial and industrial sites at neighborhood edges into housing. Moreover, the zoning for this district has recently been the subject of significant consideration by the City and the public, culminating in the City Council's adoption of the Bishop, et al. Zoning Petition in 2012. Development that conforms to the recently adopted zoning was approved by the Planning Board this year. Making such a substantial change to the zoning at this time risks undermining the integrity of that prior public discussion and outcome.

Background

The Phillips, et al. Petition proposes new requirements for Special District 2 (SD-2). SD-2 was created in 2000 to regulate predominantly commercial areas abutting Linear Park, which runs through the center of the district. Residential neighborhoods abut SD-2 to the north and south.

The intent of SD-2 was to encourage a transition over time from predominantly commercial uses to residential uses "in a form and density compatible with the adjacent residential neighborhood." The regulations allow multifamily housing at a somewhat higher density than allowed in the adjacent Residence B districts. Existing non-residential buildings are allowed to house non-residential uses that are more compatible with residential uses, with the expectation that the entire area would transition to residential use over time.

In March of 2012, the City adopted the Bishop, et al. Petition, which reduced the allowed residential density in SD-2 and set new limitations on height and fencing adjacent to Linear Park. In May of 2013, the Planning Board approved a project to construct new residential buildings on the Fawcett Oil site, the largest property in SD-2, in conformance with the requirements adopted in the Bishop, et al. Petition.

### Proposed Changes

The changes proposed in the Phillips, et al. Petition are summarized below:

- Detached buildings are limited to no more than three units, or four units in the case of townhouse development.
- Setback requirement of 25' adjacent to public open space.
- Allowance of “arts and crafts” uses as-of-right.
- Restriction of vehicular access from Brookford Street or Cottage Park Avenue.
- Allowance of transfer of development rights to create internal streets or to create dedicated public open space.

### Planning Board Comments

Of the proposed changes, the restriction on building size has probably the greatest impact. This type of provision is rare in the zoning ordinance. The only district where it has been applied is Special District 14, which was the result of a very carefully negotiated development agreement between the City and Harvard University related to their campus development in Riverside. The Board does not believe that SD-2 is a comparable scenario.

In the Board’s view, the district objective to allow development “in a form and density compatible with the adjacent residential neighborhood” does not imply that development should adhere to a pattern that is identical to adjacent neighborhoods. The current zoning requirements limit overall density, height and other dimensional characteristics of development to prevent negative impacts on surrounding uses, and large projects undergo review by the Planning Board to address urban design issues specific to the site.

The Board also does not believe that large buildings with many dwelling units, when designed appropriately, are incompatible with residential neighborhoods containing houses with one to four units. In many neighborhoods throughout the city, large multifamily residential buildings exist side-by-side with smaller buildings, and there is no reason to presume that the residents of such larger buildings would have a negative impact on neighborhood character or community cohesion.

Moreover, the development of many small residential buildings as compared to fewer, larger buildings can be impractical. It is less efficient in terms of construction costs, building operations and environmental impact. Current requirements for spacing between buildings, parking, open space and other site considerations would make it difficult or impossible to build as many residential units as could be built in a larger building, even if the same number of units were allowed by zoning. As a result, redevelopment would likely result in fewer, more expensive housing units, or could become infeasible altogether.

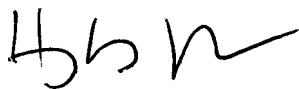
Regarding the other proposed requirements, the Board believes there is some merit in the proposal to include a setback requirement along Linear Park. It was stated that the reason for this proposal was the realization that the lot line of the Fawcett Oil property adjacent to Linear Park was treated as a side lot line and therefore had only a modest side yard requirement. This is an example of how the strict application of zoning requirements to unique sites can have peculiar consequences. On most other lots, the rear yard requirement would impose a setback from Linear Park of 25 feet or more. In the case of the approved Fawcett Oil site redevelopment, adjustments were made through the Planning Board urban design review process that resulted in a more generous setback from Linear Park than required by zoning. Therefore, while specifying a 25-foot setback might be reasonable, it is not clear that it would provide any significant benefit at this point, and it could have unintended consequences on smaller lots.

The allowance of “arts-and-crafts” uses as-of-right appears to be intended to provide for the retention of the existing dance studio on the Fawcett Oil site. However, it was explained to the Board that such a dance studio would not be classified as an “arts-and-crafts” use under zoning regulations.

Access to streets is not typically regulated by zoning except for some limitations on the size and location of curb cuts on a lot. Allowing or prohibiting public access to a lot is usually addressed by the City Council in its consideration of curb cut applications, and is also the subject of established common law with regard to property access rights. Enacting such a restriction through zoning might risk a legal challenge. It could also impact some sites wholly or partially in SD-2 whose only public access is from Brookford Street or Cottage Park Avenue.

Transfer of development rights provisions, where they have been enacted for the purpose of creating public streets or open space, are typically the result of extensive planning studies by the City to consider the balance between public benefits and the impacts of increased development, after having identified the preferred locations for such public spaces and the areas where it would be suitable to allow greater development density as a trade-off. The one specific site identified by the petitioners as a desired public amenity is the community garden on Whittemore Avenue. However, the City’s recent zoning change reducing the allowed density in SD-2 seems to contradict the notion that greater density would be appropriate there in exchange for protecting the community garden. Further study would be required to determine whether transfer of development rights would be an appropriate mechanism to achieve the desired effect.

Respectfully submitted for the Planning Board,

A handwritten signature in black ink, appearing to read 'Hb n' with a stylized flourish at the end.

Hugh Russell, Chair.