

COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE PLANNING BOARD

IN RE: GENERAL HEARING

PLANNING BOARD MEMBERS:

William Tibbs, Chairman
Thomas Anninger, Board Member
Hugh Russell, Board Member
Patricia Singer, Board Member
Steven Winter, Board Member
Charles Studen, Board Member
H. Theodore Cohen, Board Member

ASSOCIATE BOARD MEMBERS:

Beth Rubenstein, Assistant City Manager
Liza Paden
Les Barber, Director of Zoning
Roger Boothe, Director of Urban Design
Susan Glazer, Deputy Director

- held at -

City Hall Annex
Second Floor Meeting Room
344 Broadway, McCusker Building
Cambridge, Massachusetts
Tuesday, January 20, 2009
7:30 p.m.

REPORTERS, INC.
CAPTURING THE OFFICIAL RECORD
23 MERRYMOUNT ROAD, QUINCY, MA 02169
617.786.7783/FACSIMILE 617.786.7723
www.reportersinc.com

INDEX OF AGENDA PROCEEDINGS

<u>Agenda Matters</u>	<u>Page</u>
Update by Beth Rubenstein	3
 PB#12 - Charles Square Hotel , Design Review for the outdoor patio space for the Rialto Restaurant	 5
 PUBLIC HEARING CONTINUED	
Alexandria Petition to amend the zoning map and ordinance in the East Cambridge neighborhood along Binney Street. These changes would permit larger scale development along Binney Street Corridor; create an area of continuous public open space; and allow greater heights in some areas of the revised PUDs	 13
 GENERAL BUSINESS	
Board of Zoning Appeal Cases	175

P R O C E E D I N G S

WILLIAM TIBBS, CHAIRMAN: Welcome to the January 20th meeting of the Cambridge Planning Board.

We have two items on the agenda tonight. One is a continuation of a design review for 12 -- I mean, for Charles Square -- for the Charles Square Hotel, and the continuation of the public hearing for the Alexandria petition.

But before we do any of that, we have our update from Beth Rubenstein.

BETH RUBENSTEIN: Thank you, Bill. I don't have too much to report today.

Our next meeting is going to be February 3rd and that's the Town Gown -- the Annual Town Gown presentations by the City's universities and that will take place at our usual time 7:30, but we will be at the Senior Center in Central Square.

Then we'll meet on February 17th, and right now, we have at least three items on the agenda. I think we postponed from tonight discussion MIT's project at 650 Main Street. I believe we'll also be looking at Lesley's zoning proposal. And, finally, I think we put on the agenda further discussion of the five-year open space plan that the Board has seen but we did not have an opportunity to discuss it in greater detail.

And then in March we'll be meeting on March 3rd and March 17th, and in April, on April 7th and April 21st.

And I believe that is everything that I have to report. No upcoming Ordinance Committee meetings or anything of the like.

WILLIAM TIBBS, CHAIRMAN: Thank you, Beth.

As I said, the first item on the

agenda is a continuation of a design review that we started last week on the Charles Square Hotel.

I do believe that the architect, Maryann Thompson, would like to give us a brief presentation of some of the changes that you have made since our last comments.

MARYANN THOMPSON: Hi. So, did everybody receive the letter of our...

So, we met with Roger and Les and we also had a communication with Gary Dotson, a number of emails back and forth from him, and we took the wood railing that had come up 48 inches above the deck, and we all met on the site as well, and we agreed that it was a good idea to lower it.

And Roger had a nice idea of introducing a bleached wood rather than a mahogany, a clear mahogany, which resonates better with the courtyard. There are wood elements in the architecture of the

courtyard, but they are white.

So I'll -- I have a sample of that material that we are thinking of using.

And for the mesh, the railing, we decided to go with a product that's a woven -- it's almost like a fabric wire that's woven. I actually have a sample of that here. I'll pass that around here.

This is the product. It's a metal weave, and here is the bleached -- the color of the bleached wood, approximately. It actually looks really nice in the space. I'll pass that around.

And we talked with Roger because we happened to have some images of this project, which we did at the Arnold Arboretum, which has the same railing material, and you can see how transparent and see-through it is.

And we found on site that there's a tongue-and-groove wood treatment throughout the inner courtyard in bands, which is

painted white, which is why we went with the bleached material color.

And we also found that there's a white awning treatment, so we decided to go with a white awning.

And you can see the bits of the white awning in the courtyard here.

(Passing sample material around to Board.)

And we also did a rendering from the courtyard space so you can see how much more transparent it is. We all think it's a really good idea to take the wood railing down to grade so that you have more transparency, both for the restaurant -- so people can see the life of the restaurant, but also so that the restaurant can see out and also in the wintertime from inside the restaurant, it will be nicer.

Another thing we did which came in your packet is we took the acute angle out of

this corner of the deck and we made it a curve. And that's so that we had only four feet between the railing and the edge of the deck. And so, Roger had the idea of curving that, which is really nice relative to this curve. So that was a really nice development that we're all happy about.

And we made the decision that the structure of the deck will be above -- an above-grade foundation and so that it will be reversible in case the Charles Hotel or Jody decides the patio is no longer desired.

And Gary Johnson also requested that -- in our working drawings, he noticed that the some of the metal that was holding up the columns was extending beyond the deck, or beyond the front of the wood screen, and he asked that we return -- that we hide all the structure inside of the screen, which we changed the working drawings to reflect that.

(Indicating) These boards you've already seen.

And we also brought a piece of the Trek that we're planning on using, the recycled product. It's a nice color. It looks very much like wood.

(Passing sample material around to Board.)

It's made out of recycled bags. And that's been our progress.

WILLIAM TIBBS, CHAIRMAN: Could you talk about the kind of tilted down or angled treatment of the canopy?

MARYANN THOMPSON: Yes. It's a single plain, so it's not tilted in slope, it's just that the -- where is that perspective?

(Locating photograph and showing Board.)

The deck gets smaller at the entry to the Charles at this opening.

So, the deck is smaller here. And so when it slopes down, it comes to less of a height than when it widens out, but it is a single plain.

WILLIAM TIBBS, CHAIRMAN: So, it's more than a slope, it's just that it's --

MARYANN THOMPSON: One slope.

WILLIAM TIBBS, CHAIRMAN: Okay.

MARYANN THOMPSON: And it goes further out as the deck widens.

WILLIAM TIBBS, CHAIRMAN: Yeah.

Any questions? Comments? Hugh?

HUGH RUSSELL: Well, I think this is an interesting illustration of the difficulty of actually changing modernist buildings, and the amount of thought and fine-tuning that needs to take place, and I think it has taken place, and we now got something that's in tune with the building, it should work for the chef and the hotel.

So I would go forward and do what we

need to do. I'm quite sure it's minor amendments.

ROGER BOOTHE DIRECTOR OF URBAN DESIGN: It's just design review.

BETH RUBINSTEIN: We should take a vote, please.

WILLIAM TIBBS, CHAIRMAN: All right. Can I get a motion?

THOMAS ANNINGER: I would interpret as what Hugh just said as a motion, which I would second.

WILLIAM TIBBS, CHAIRMAN: All those in favor?

(Unanimous vote of the Board.)

MARYANN THOMPSON: Thank you.

BETH RUBENSTEIN: Thank you very much.

THOMAS ANNINGER: Thank you for going through the effort.

MARYANN THOMPSON: You guys have great ideas. It was very helpful. Thank

you.

BETH RUBINSTEIN: I like what you did.

WILLIAM TIBBS, CHAIRMAN: This is a continuation of the public hearing for the Alexandria zoning petition. A lot of changes have happened since it was first presented to us at the first public hearing.

So, first, we will probably ask the proponent to present those changes.

There has been a Steering Committee established, and so we'll ask the Steering Committee members, if they would like to, to comment on that, and then we'll open the hearing to the public comment.

I will review the public comment rules, so to speak, right before we open it.

So why don't we get started with the presentation of the changes.

JAMES RAFFERTY: Good evening,
Mr. Chairman, members of the Board.

For the record, James Rafferty, on behalf of the Applicant.

The Petitioner, Alexandria Real Estate Equities, appreciates the opportunity to be back before the Board this evening to share with you the modifications and proposed amendments to the zoning petition as filed.

I'm sure Board members will recall that this is actually the second filing of this petition.

This is process that began probably in earnest a little over a year ago with discussions with the community by Alexandria and its representatives.

And at that time, the focus was largely centered around opportunities for open space contributions that were largely the results of the acquisition, certain contiguous parcels in this stretch of Binney Street in East Cambridge. That ultimately led to the filing of a petition.

The first petition was refilled this September. A couple of significant things happened at the time of the refiling. There was a desire expressed at that time for a peer review of the petition and many of the issues that were contained therein, particularly as to how these changes were consistent or related to the planning study, the ECaPS planning study and the zoning that resulted from that. And I shall also note at the outset that this petition and this process has benefited in many unique ways.

First, I should note an unprecedented level of involvement by the Ordinance Committee in the early life of this petition, particularly the co-chairs the Ordinance Committee, who have been active participants in our working group sessions.

Secondly, the creation of the working group itself, an agreement and willingness on behalf of the neighborhood

through their governing body, the East Cambridge Planning Team where they selected about four or five representatives that have been meeting regularly with us, and a commitment by Alexandria to fund the work of a planning study or a consultant to conduct a peer review to help this process along both in terms of identifying issues and trying to reach a consensus around those issues.

And it's as a result of that, there has been a period of time during the fall and right through December where the Goody Clancy firm, the planning firm of Goody Clancy, which was involved in ECaPS several years ago participated with their review.

They worked closely with the neighborhood association, with the Steering Committee, and with the proponents.

Tonight we're eager to share with you many of the issues that came out of that process as well as some new issues that were

identified.

Tonight Catherine Donaher will share with you the process that has taken place with regard to the exchanges and the identification of issues. But in addition to that, David Manfredi will share with you kind of what it all means in the context of the plan itself.

We're going to try to do that very briefly and then allow time for William O'Reilly. Mr. O'Reilly is an attorney with the law firm of Wilmer Hale, and he gets the exciting part of taking you through the actual text of the language itself and pointing out where these planning concepts find themselves into the text.

I should note that all of these issues have been issues that have been the subject of ongoing discussion for many months in our working group. They have come to exactness in terms of their language only

recently, but they do represent the product of much exchange around issues, and they could be categorized in four or five general areas.

Picking up on the ECaPS study itself, first and foremost, was a desire to have active street scapes and retail uses in a meaningful way. And we all know that despite best efforts, there has been some notable shortcomings with regard to the ability to create ground level retail in certain districts, and we have tried to learn from that experience, and you will see tonight the language that attempts to raise the bar, if you will, to ensure that what's happening at the ground floor at certain locations is a successful engagement of street life plus building form.

The second issue that was very prominent and became a significant part of discussion was issues around rooftop

mechanicals, the noise, their acoustical impacts, not just one building, but the cumulative effect of these. It has been an issue that I know the Planning Board hears regularly about in projects that involve life science uses.

Through the use of an acoustical consultant and the issues that were identified in the Goody Clancy process, you will see language tonight that's quite specific. Many have suggested it could become the model for future applicability throughout the City, but it does create a new standard for acoustical abatement and noise mitigation issues associated with rooftop mechanicals.

The third issue that became very clear to us was a need to create the appropriate assurances around the timing and delivery of the open space, the size of that space. It is now a significant two-acre

park. It's the largest piece of open space. There's also the Triangle Park at the corner of First Street and Binney.

But we spent a lot of time, and you will see language tonight that refines those commitments and really details what's necessary in order for the special permits to be issued around that space.

I think it's fair to say that we also spent a significant amount of time on an issue that Alexandria did not originally anticipate becoming a significant player in, and that's housing development.

The voices in the community, I think, took awhile, but there seems to be some consensus that the mixed-use nature of the district which the ECaPS zoning held out as a promise was something that neighbors did not wish to see go away entirely.

So what you will see tonight in this language, as well as in the plans, is

commitments that really obligate housing in a way that the current ECaPS does not. The current ECaPS zoning will allow a developer, in this instance, to build out. The commercial build-out here is approximately 760,000 under the existing zoning.

The proposal would allow for about a hundred percent increase in that. But what it also has is requirements associated with it around the provision of housing.

And as recently as today, in response to issues raised last week in a meeting with the working group, Alexandria has committed to housing in additional locations and in additional amounts, and Mr. Manfredi will share with you just briefly what that housing is all about, but suffice it to say that the message we heard is that this housing, its location, and its contribution to engagement on the street life and the residential life in the neighborhood

is very critical to its desire.

So, tonight you will see a plan that reflects that and language that does the same.

Finally, an issue that emerged somewhat late in the process, but in a formal way, but has always been understood, was the desire to see an accommodation for some community space.

And you will see language tonight in the petition that talks about community space and obligates and imposes a requirement upon the property owner to deliver a certain square footage of community space. How that gets used, who ultimately is the user of it is obviously subject for perhaps a nonzoning discussion, but there is a commitment, and a requirement associated, and that is also a change.

So while many of these things might be characterized as certainly our amendments

to the petition, very few of them I would suggest fall in the category of new issues or new ideas.

And what we'll see tonight is really the embodiment of language that reflects a long fruitful discussion around issues that can benefit this project and what it's attempting to achieve.

I just would like to conclude on behalf of Alexandria expressing appreciation for the working group. There's no one on the working group side that's earning a salary, and I don't think we can say the same for the people on our side of table, and for that, their public contribution to their neighborhood and to this process has been invaluable.

And I wouldn't want -- to conclude here, because in the interest of time both Mr. Maguire and Mr. Andrews have agreed not to speak, they're available to answer

questions, but they've asked me to express their sincere appreciation for the members of the working group, the East Cambridge Planning Team, in general, and community development staff. They have worked with us and what you see tonight represents really a great deal of effort on behalf of people that have no other interest at stake than seeing to it that this neighborhood and this City can achieve as much promise as we all believe it has.

With that, I would like to ask Ms. Donaher to just fill you in on some of the steps that we have engaged in.

CATHERINE DONAHER: Good evening.

As Jim mentioned, we've been involved in this process now together for about a year, and I did some accounting of meetings just to give you an idea of how well we're getting to know each other.

I don't know that this is totally

accurate, so please accept them as more impressionistic than perhaps precise, but they give you the right idea.

There's been about 12 meetings between the developer and the neighbors. There have been five meetings of the Steering Committee so far and more scheduled. We've had four Planning Board hearings, five Ordinance Committee meetings and several meetings between the neighbors, the development team, and the peer review consultants.

So just to recap what those meetings consist of and why: We started meeting about a year ago in January of 2008, and between January and May, we met formally and informally as Alexandria was putting together its plan and proposal, and we looked at what was needed and what was possible on these 15 acres.

In May of 2008, a zoning petition

was filed. And the purpose of that was to put the development opportunity that was being discussed into the legal context in which it had standing for official discussion.

In June, the Ordinance Committee and Planning Board held their first hearings to air the substance of the proposal and to hear the comments and interest of the East Cambridge neighbors and of other residents of the City of Cambridge.

While these hearings were going on, Alexandria and East Cambridge neighbors kept meeting and we talked throughout the summer.

In August, the Ordinance Committee and the Planning Board both held another hearing each, at which time you were updated on how we were progressing and how the plan was evolving.

In September, when the original

petition, the one that was filed in May, expired, we all agreed, neighbors and developer, that there was much of merit in the proposal and sufficient that it should be refilled and the discussion should continue.

At that time, neighbors also requested that a competent, respected urban designer/planner be hired to review the proposal and to give guidance from an independent perspective on its merits.

So, David Dickson, who is familiar to most of you, who had worked previously on ECaPS from Goody Clancy was commissioned by the Ordinance Committee and he was funded by Alexandria.

Goody Clancy then proposed adding a retail consultant, Michael Burns, to provide additional professional expertise, and I think you probably have seen the products of those efforts.

In order to guide and to give some -- engage in an ongoing process throughout the peer review, the Ordinance Committee chairs, David Maher and Brian Murphy, named the Steering Committee that Bill referenced a few moments ago to work with the consultants, and it was comprised of East Cambridge residents and of members of the development team.

The Steering Committee met with the consultants in October, November and December and the consultants met with neighbors and the development team in separate sessions as well.

The consultants constructed a framework of issues that remained to be negotiated, a continuation of the discussions that had begun months earlier.

I believe having been involved in them, that our negotiations have been respectful, constructive and instructive.

We have heard each other and we have learned from each other. I think it's fair to say that we're getting pretty close as we appear here tonight.

The point of departure for the Alexandria petition was the ECaPS zoning that had been enacted about eight or nine years ago. ECaPS encoded many goals for East Cambridge both for open space, housing, neighborhood character, and other objectives.

It offered incentives to achieve these goals, but it couldn't guarantee that they would be realized through the incremental project that were envisioned to take place by many individual developers over a few decades.

The petition before you tonight incorporated many changes from the original petition that was filed eight months ago. It reflects the vigorous process that I've outlined and it does make guarantees to the

East Cambridge community and to the City of Cambridge; guarantees which Alexandria is prepared to bind in a letter of commitment incorporated into the zoning and that will stand should ownership change in the future.

Let me elaborate on those guarantees that are tied to the build-out of the commercial space. Zoning guarantees over two acres of open space in two parks. The land for these parks will be deeded to the City very early in the course of the Alexandria build-out, and Alexandria will provide the money to plan, design, and build these parks.

The zoning ensures that the developer must create over 220,000 square feet of housing, included within that are 45 units of affordable and moderate income units.

This housing will occur while the commercial build-out is happening. Full

commercial build-out can't be achieved until the housing is completed.

The zoning results in parking being built underground, so that the streets and sidewalks are lined with active uses and attractive buildings.

This zoning requires that specific amounts of ground floor space be filled with retail and community uses. The zoning sets out new noise standards for buildings, requires a minimum of LEED Silver buildings, preserves several existing buildings and provides less parking per thousand square feet than existing zoning provision.

These are commitments with the force of law, not objectives or targets. They both embrace ECaPS and go beyond ECaPS.

So, in closing, let me say that the process that has transpired over this past year, has been not only a good and fruitful process, it has produced a highly-beneficial

outcome in the form of the petition before you.

This petition addresses every issue that has been raised by East Cambridge neighbors. The developer has responded to every issue positively. While Alexandria has not met every expectation raised by East Cambridge residents, neither have they said "no" to any item.

I think now in order to kind of present to you the actual physical representation of these commitments, David Manfredi will walk you through the revised plan.

Thank you.

DAVID MANFREDI: Good evening. My name is David Manfredi from Elkus|Manfredi Architects. And I'm going to walk you through the plan very quickly.

We have brought with us the previous plans that you've seen, and I can refer to

them, but I'm not going to backwards, I'm only going to go forwards.

When you last saw the plan -- and let me just give you a little bit of sense of orientation of Binney Street, First, Second, Third, Fourth and Fifth, and obviously, the development parcels that we're talking about are the parcels that are in color.

You saw open space between Rogers and Bent, you saw open space on the triangular side. Cathy mentioned all parking was below grade. You also saw six development sites, but on all six development sites were life science buildings proposed.

What you're looking at now is those same six development sites, but there are five building sites that are designated for life science because what we're now showing is this important component of residential.

And there was a lot of discussion with the Steering Committee, a lot of work

internally about where to put residential, not only the quantity, not only the amount, but the quality, the location, the connectivity, the connection to surrounding land use.

There are now proposed two residential building sites. One here (indicating) along Third Street, and one here (indicating) at First Street.

First, let me address this one (indicating). This is as shown and as designated.

WILLIAM TIBBS, CHAIRMAN: Excuse me, I just want for clarity, are we looking at the revised plan?

DAVID MANFREDI: You're looking at the very latest plan, the revised plan.

This is a footprint with retail on the ground floor, seven levels of residential above.

We think its location is absolutely

critical in making connection between the neighborhood and Kendall Square to the south that retail that can wrap around on three sides. The residential, which has connection to the art stone residential across the street, and hopefully the future residential on the parking lot site today on the west side of Third Street, that this will make connectivity that this will, in fact, enhance pedestrian activity along the street, it will have retail space, it will have residents above, meaning people coming and going all the time.

And this is sized. Its height is 85 feet and it's sized to accommodate 70 units of housing, approximately 70,000 square feet.

The second residential site is here on First. And it is a combination of an existing historic building and new construction.

And if you recall from months ago, this was originally thought of as a life science building. This building is being used as a life science building today.

But as we thought about residential sites, we came to believe that this was the best location for several reasons: No. 1, is, again, that sense of connection to surrounding land use patterns. First of all, we're in a block with the new LBS meeting house and we think that's an appropriate adjacency.

Directly to the north on Rogers, are the over 100 units of housing that was recently approved by this Board on the Cohen property. I just -- there it is.

Oops.

I'll go to my backup.

On the Cohen property.

And, of course, we have adequacy to River Court.

The point is, that on -- at this location, we can bring residential down to the ground. We can have stoops and front doors, we can put doorknobs on the street and create that kind of adjacency and connection to the surrounding land uses.

At the same time we can create a density here because what you're looking at is six stories, about 65 feet, is the opportunity to build 150 units of housing, about 150,000 square feet. That's a commercially viable size. That's something that a residential developer would build.

And, finally, the idea that, again, we can enhance the activity of all of these surrounding streets, that we can take advantage of the green space that's being created and those residents can take advantage of that green space that's being created as well.

So, we've looked at a variety of

different schemes and come to believe that the highest quality, the best location and the best configuration of residential is in two building sites on -- one on Third and one on First Street.

The second major change that I want to point out is the development of retail, and, in fact, what you will hear Bill O'Reilly talk about is 30,000 square feet of active uses. That includes 20,000 square feet of what we're calling the highest priority of retail, and that's the retail in six locations that you see in the darker orange color. And I'll walk through them very quickly, but there's real strategy about where we're putting retail.

And I should mention that the zoning language requires that the base of all these buildings can accommodate retail over time, meaning that they will be designed to the metrics of retail in terms of floor-to-floor

height, the amount of transparency, the kind of building modules that can accommodate more retail as this retail environment evolves.

But the two largest sites are the site that I just mentioned on Third, which, again, we think will activate the sidewalk and make good connection going south and a relatively large site, about 5,000 square feet on Building Site 1. We like this because of its visibility, we think it's a great restaurant site, visibility for Land Boulevard as well First and its visibility or visual access to the park.

And I should've mentioned that with regard to this site as well. The visual access to the site, to the park, it is sized at 8,000 square feet, again, to accommodate a restaurant, or even one larger and one smaller restaurant, puts eyes on that park and helps create security for that park.

The other retail is located around the intersection of Second and Binney, and it is shown in parcels that are 2,000 square feet, 2,000 square feet, 1,000 square feet and 2,000 square feet.

Again, we're trying to locate retail where we think it's commercially viable, where it has the highest chance to succeed, where it encourages the right kind of or the favored kind of pedestrian paths meeting at intersections and that it activates sidewalks.

The second part of those active uses -- so that's 20,000 square feet of retail space. The second part is the community use space. And it has been designated 10,000 square feet on the ground floor of the foundry building, and there are a number advantages of its location in the foundry building, but probably the primary one is the building exists and then makes it

available on a much shorter time frame.

So, now you can see, in designation, all of those points I've just talked about: Housing, 70 units on Third, 150 units on First, the retail in those six different locations, and 10,000 square feet of community uses, part of the 30,000 square feet of active uses.

The second part of the zoning that I want to talk about are the setbacks. I just want to mention the setbacks are also part of this zoning language, and very quickly, and I'll just go around the map and you'll see where they are.

There is an eight-foot setback on the north side of Binney Street between Second and Third, that eight feet is significant because it will accommodate parallel parking along Binney Street.

We think that's important for several reasons: One, it will buffer the

sidewalk and enhance pedestrian use of that sidewalk; it will encourage retail development in those -- on the ground floor of this entire block, which we think is the most significant block of retail.

The second setback is the four-foot setback from Rogers Street. Again, this is all about sidewalk dimensions, and I can go through each of the sidewalks with you, but it's approximately 15 feet on the south side of the block, it's 12 feet on the north side of the block, and those setbacks are simply ensured wide sidewalks that will accommodate pedestrian use.

The other important dimensions that I want to mention are Building Sites 3 and 4. There is a stepdown approximately halfway through the block, which it references back to the original zoning. That setback obviously sets back towards the open space, towards the green space, and steps down ten

feet, and then there's a similar setback on Block 5 or Building Site 5, a setback, and again, you will notice there's -- you will probably have an interesting question, Why is that one at 138 feet and why is that one at 130 feet? That 130 feet, you will remember, from many conversations about life science building, is a very important metric for life science. That becomes 138 because the eight-foot setback at street level. So that basically takes you through all of the dimensions.

JAMES RAFFERTY: The Binney Street parking in the context of the setback.

DAVID MANFREDI: On Binney, between Second and Third, that eight-foot setback accommodates parallel parking for the entire length of the block.

And with that, I'll go to Bill O'Reilly.

BILL O'REILLY: Good evening.

My name is Bill O'Reilly from Wilmer Hale. I have been working with Jim on the zoning.

So, what I'm going to do is try to briefly -- the emphasis is on "briefly" -- summarize the zoning petition that's in front of you, it embodies all of the commitments that have been described.

So, to refresh your memory, the basic approach of Alexandria's petition filed last May and September is to authorize the Planning Board to grant a PUD Special Permit with increased density if the Rogers Street Park and Triangle Park are created. And in the substitute petition that we put in front of you we called that an open-space based development plan.

The public process of review, which Catherine described, has resulted in a significant list of additional conditions which the public and the City would like to

see included in an open-space development plan. And so we have prepared amendments embodied in one single substitute petition which continues to reflect the fundamental concept at the Rogers Street Park and the Triangle Park are required but also adds all of the additional commitments and conditions as must-haves in order for the Planning Board to be able to grant the PUD Special Permit.

So, what I'm going to do is walk through the summary here, and there are four places where I'm going to tell you that over the past few days we have committed to additional modifications or to fill in some blanks that are in the substitute petition that you received last week.

Section 13.41, Page 1, and I'm referring again to the substitute petition dated 1/13/09.

This section establishes the

purposes of the PUD 3-A District. You will recall that the Alexandria land south of Binney Street is in the PUD 3-A, the Alexandria land north of Binney Street is in the PUD 4-C, two overlay districts which we're proposing. This is the purpose clause which describes goals of open space, no introduction, and the other goals, which Catherine mentioned, as emanating from the ECaPS source.

Section 13.43.1 on Page 3, contains the basic approach, which I just mentioned. It allows the Planning Board to authorize a PUD plan with increased FAR in height if the Rogers Street Park and the Triangle Park are created.

Section 13.44.4 on Page 5 establishes the height limits in the PUD 3-A sites south of Binney Street.

Section 48, that's a transposition of numbers, on Page 6, requires Special

Permit conditions to ensure compliance with all of the open-space based requirements that are in this zoning.

This is actually a fairly important provision because the later sections contain all of the conditions regarding noise reduction, sustainability, reduced parking, street activation and the like, and this section indicates that a PUD Special Permit must have conditions which ensure compliance with all of those commitments and obligations.

The next two sections are really mirror images of sections that came before, but now for the PUD 4-C land, the Alexandria land north of Binney Street which is the subject of this petition.

51.2 on Page 7 establishes the purposes of the PUD 4-C, mirror images of the purposes of the PUD 3-A.

And 53.1 permits the increased FAR

in the PUD 4-C if the open-space based development plan with its conditions is approved by the Planning Board.

Section 13.54(4) on Page 12 establishes the height limits at PUD 4-C sites north of Binney Street.

Okay, next slide.

13.59, this is the guts of the new language in the substitute petition in front of you, and it contains all the additional conditions which have come out of the public process.

Subsection 1, deals with rooftop mechanical noise, includes the requirements regarding the employment of best available and feasible practices to minimize the noise, has a requirement inspired by the university park zoning regarding noise not perceptible at ground level 100 feet from the source. It takes into the zoning a requirement that the City of Cambridge zoning ordinance be

complied with as a zoning concept, and it requires the acoustical, of course, at various points as conditions to certificates of occupancy and building permits.

Section 59.2 is on sustainability. It requires that all new buildings are built to the LEED Silver standards.

Section 59.3, this is on Pages 15 to 17, is an elaborate discussion of the active uses that David and Catherine have referred to.

Here is the first place where we're filling in a blank, and we do have a document, which I'll pass out at the end of my presentation, which -- and make available to the public as well -- which fills in the blank on the minimum amount of active uses and community active uses.

And what it indicates is that the plan must contain a minimum of 30,000 square feet of active uses, and of that 30,000

square feet, at least 10,000 square feet must be community active uses.

The zoning also describes target locations for the active uses consistent with where David described them. It requires a market and merchandizing plan be adopted and reviewed in order to attract tenants to the space. It requires two-block connector space and it limits the use of cafeterias to get employees on the street.

Section 59.4 is the second place where we're suggesting a modification, and that is, the requirement that 220,000 square feet of residential use be a minimum amount of residential use required in an open-space based development plan.

The section also includes a requirement that there be 45 units of affordable and moderate income housing, and the section includes from the calculation of gross floor area the required residential

use and the required community active use.

Section 59.5 establishes a reduced parking ratio of .9 parking spaces per 1,000 square feet of lab and office use. It also permits the Planning Board to authorize parking for residential use at less than the one space per unit requirement in the zoning code.

It also requires underground parking for all parking with a five percent exception for surface parking.

The next and final slide.

Section 59.6 requires general consistency with the East Cambridge design guidelines as part of the PUD and Article 19 review process.

Section 59.7 requires preservation of five listed buildings in the zoning. Here is the third place where we're proposing a deviation. In order to accommodate the

increased housing, there is a building that's described in the substitute petition as a combination of 213 Binney Street and 126 Rogers Street. And maybe, Andrew, could we go back to the plan David was using? Right there (indicating).

The 213 Binney will continue to be preserved. 126 Rogers Street, which is there, is no longer proposed to be preserved. And that's to accommodate the footprint of that building as we designed it.

And then Andrew, if we could go back to the last slide.

Section 59.8 incorporates into the zoning a letter of commitment, a draft of which we have provided, and the commitments, there are four now, the first three are in the draft that has been provided: A commitment to a one million dollar payment to the City to be used for park design; a commitment of an 8.5 million dollar payment

to the City for the park construction; an acknowledgment the 45 units of affordable and moderate income housing will be made available pursuant to procedures adopted by the City, and an agreement on Alexandria's part to recognize those including procedures which give preference to East Cambridge residents and City employees.

Then, finally, our fourth proposed change relates to the aspect of leasing the community space. The zoning requires that a plan have 10,000 square feet of community space or community active use.

The letter is a commitment regarding the way that Alexandria would lease the space, and it would be pursuant to an RFP process which calls for a lease of a minimum of at least ten years in term with rent at 50 percent of the market rents, and with a commitment on Alexandria's part to provide a tenant allowance of \$100 per square foot for

the community active space.

And the letter also confirms that these obligations will bind the land despite any ownership change that might occur.

And, finally, Section 59.9 has a definition of permit exercise. It specifies a maximum build-out period and, again, confirms in the zoning that all of the conditions would continue to apply to the entire development parcel despite any ownership change in the parcel.

And that is the summary of the substitute petition. And Beth, if we could -- could we have copies of the document?

BETH RUBENSTEIN: Those have gone around.

BILL O'REILLY: Thank you.

WILLIAM TIBBS, CHAIRMAN: Before we ask for your comments, I think I will ask the Board if they have any questions at this

point in time.

Yes, Charles?

CHARLES STUDEN: Yes, I do actually.

In the earlier proposal, the foundry was going to be 50 units of housing and now we're talking about, if I understand this correctly, 10,000 of square feet of community space on the ground. But what's on the upper floors in the new proposal?

JOSEPH MAGUIRE: My name is Joseph Maguire and I'm from Alexandria Real Estate Equities.

We would propose to keep the uses as they have been above, which is basically an office-type of environment that would be above the community as specified.

CHARLES STUDEN: And the two -- now two of the historic buildings that flank the proposed building at Building Site 5, they were earlier going to be housing.

What would those two historic

buildings be now?

JOSEPH MAGUIRE: We're not sure what those will be at this point. They can fulfill any number of roles.

CHARLES STUDEN: Thank you.

WILLIAM TIBBS, CHAIRMAN: Tom?

THOMAS ANNINGER: Just on the zoning, if I could -- if you could explain the implications of excluding residential from GFA, just what does that do for you or against you? I'm not quite sure I see how that works.

JAMES RAFFERTY: What that means is that the 220,000 square feet of proposed residential is not limited by the 3.0 FAR for the site. So the building -- the application of 3.0 FAR to the entire parcel yields around 1.6 million. I think the proposal here is about 1.5, 85.

So, the housing, since it's required, would represent an additional

220,000 square feet over the 1.6 million.

THOMAS ANNINGER: Are there any limits on the size of the residential?

JAMES RAFFERTY: What we said is that the residential -- we're required to deliver 220,000 square feet, so we said for that housing that's required, it would not be included within the GAF cap. If there was an election because of market conditions, or other reasons, for more than that, it would not carry the exemption.

HUGH RUSSELL: It's sort've analogous to the affordable housing bonus that's in the ordinance except here it's applied to all the housing.

JAMES RAFFERTY: I can tell you a little of the history of it. When you people -- "you people" ...

(Laughter.)

A term of endearment, I assure you.

(More Laughter.)

JAMES RAFFERTY: When there was a discussion during the citywide process around how do we get housing in Kendall Square, there were all types of punitive measures being suggested to compel the developer, and one of the more enlightened members of the Board said, "Well, the other thing we could do is just simply allow for another 200,000 square feet in Kendall Square, but it had to be housing."

So we thought, well, that seemed to create the necessary incentive. So, the notion was that you have a particular district, and if you put another 200,000 square feet on, you do it as housing.

So, in this case, it's the proposal that was unveiled, but it now has an additional 220,000 square feet for housing.

WILLIAM TIBBS, CHAIRMAN: Any other questions?

Yes, Charles?

CHARLES STUDEN: It's just a point of clarification. In the earlier proposal, Building Sites 1 and 2 both have different height limits. Building Site 1 was going to be 120 feet and Site 2, 140. They're now proposed to both be 140 feet; is that right?

JAMES RAFFERTY: Correct. That, again, is a reflection of the conversion of the change from Building Site 5 to housing.

CHARLES STUDEN: I understand.

JAMES RAFFERTY: 6; I'm sorry.

WILLIAM TIBBS, CHAIRMAN: Any other questions?

Patricia?

PATRICIA SINGER: Yes. I apologize I'm confused as to which historic building we are not preserving?

JAMES RAFFERTY: Could you repeat that?

PATRICIA SINGER: Yes. I'm confused

as to which historic site we're no longer preserving.

JAMES RAFFERTY: What the language is saying is that we're trying to create some flexibility at Building Site 5, so rather than create an overcommitment at the outset with regard to those structures, we're saying that the language would be silent. That those structures still carry the protections that the City's demolition delay ordinance and other protections that exist, but we're just envisioning in some cases there was going to be four or eight units, and the more we got into a housing discussion about what it means to concentrate housing and have it really contribute to residential vibrancy, the feeling was that some of these one off locations that were netting four and eight spaces probably weren't going to create the type of concentration.

So at that site, we haven't said

that they wouldn't be preserved, we've just said that there's nothing in the zoning that would obligate that that be the case.

PATRICIA SINGER: Thank you.

WILLIAM TIBBS, CHAIRMAN: Anyone else?

All right. For any Steering Committee members who would like to comment, this is now your opportunity to do so.

Could you go to the podium and also just give your name and address, not only for the reporter, but for the public because they don't know you and haven't met you.

MARK JAQUITH: Hi. Mark Jaquith, 213 Hurl ey Street. Good evening.

I heard some things here, particularly from Mr. Manfredi, that I never heard before that I like quite a bit. And progress is being made here.

I'll just put on my glasses and read what I wrote. You have my six-page review of

the zoning petition which is under consideration here tonight. The version reviewed was released less than a week ago and apparently another draft was released this morning, although I was not able to attend the meeting where it happened and I have not gotten a review copy.

Without casting aspersions as to the timing of the release, let me say that the petitioner has been hearing pretty much the same list of residents' concerns for months, and to offer such a long list of revisions within a week of the Planning Board's review and just a few weeks before the scheduled City Council vote allows insufficient time for public review.

The recent draft seems to address some of the residents' concerns positively, but raises more questions than it answers. Such basic questions as how much building is permitted under the petition is left

unclear.

Traffic and open space issues still need to be worked on and clarified. And an entire new section has been added, which nobody has had particular time to review.

In conclusion, when a developer is allowed to write the zoning that will double its profit on its own land, all of the possible public review time should be allowed and required. Thanks.

WILLIAM TIBBS, CHAIRMAN: Thank you.

PAUL COTE: Hi. Paul Cote, 85 Sixth Street.

BETH RUBENSTEIN: Could you spell your last name?

PAUL COTE: C-O-T-E.

I would like to concur with a lot of what was said. I've been part of the group that's been meeting with the Ordinance Committee chairs and the developers, Alexandria, and I made a lot of good friends

and I hope I don't aggravate them too much by saying this, but I think that there's been a lot of material generated in this process, and I'm sure that you haven't had time to look through it all.

The review has been good, but, as you know, the devil's in the details.

This new amendment is so substantially different from the original that was refilled, the substitute amendment, that I really think that it deserves status that as a first reading at this point and further consideration in a new cycle of review.

Part of my concern is that even though I think this process has been going well, I have a responsibility to my neighbors and the East Cambridge planning team to share with them or to see that they're informed and have an opportunity to study this and all of its details.

There's a lot of complexity that I haven't had time to figure out in terms of what these dimensions mean, about the procedures for guaranteeing the vibrant street life.

I think there's a lot of good stuff there, but, frankly, we just haven't had enough time to look at it, and the idea that this might come to a final vote of the City Council in just over two weeks, is alarming, I think, considering the amount of property and the substantial impact on the future that this has.

So, as a member of East Cambridge community, I feel it's my responsibility to ask you, as representatives of Cambridge as a whole, to hold this back, to not vote on this, and to ask for another month or two weeks, whatever you can do, so that we have time to really study this and make sure that it fits and not just us, but the community as

a whole.

Thank you very much.

WILLIAM TIBBS, CHAIRMAN: Thank you.

CAROLE BELLEW: Carole Bellew, 257 Charles Street.

To be honest, we -- I actually only got this by email. Now I'm not a zoning specialist. Thursday night last week is when some of us received this. This is a long weekend that we just went through. We have had no chance to review it. We have no zoning specialist in the neighborhood.

We've asked for Les Barber to be at our table. We haven't been able to get that done yet. And to be honest with you, we see things tonight we never even heard about.

Numbers were never put into this zoning for us. We have no idea what kind of housing numbers we're going to have. We have no idea what kind of retail we're going to have. We have no idea what community numbers

are going to be.

I was at a meeting with Jim Rafferty just last Thursday, we talked about Community Center having 20,000 square feet. All of a sudden tonight, it's 10,000 square feet.

So we're a little bit suspicious of this whole process because we have spent a year of our hard-earned time, never got paid for anything, and we have been at meetings at least twice a week for many months, morning meetings, evenings meetings, you name it, weekends meetings. We have tried to deliver to our neighborhood information on a timely basis where people can breathe it and live it.

We have not (sic) been participating at the table. I think we have been fair and equitable with the developer. We have tried to work with them and we will continue to work with them, but to be dead-ended at this point is actually alarming to me also

because I had no idea what the numbers were.

And certainly our neighborhood hasn't heard a word. We're part of the major group here at the table. They had a meeting yesterday morning when two people couldn't even show up, they had three people from the neighborhood.

We asked for the meeting not to be held, and they went ahead and the Ordinance Committee said, "Well, we want the meeting."

Well, we're really concerned that we're just getting slammed with this and we don't have any space.

And one of the things that I read is LEED Silver. LEED Silver really is the minimum. And that's my big issue is noise and I don't want LEED Silver, I want a higher level. But that's stuff that we haven't even had time to talk to them about.

And we got this new zoning

specialist out of Boston who has rewritten the whole thing, and we have no idea, most of us, what it says.

And Paul Cote has been terrific, but even he is stumped at this one. And we haven't even seen each other until tonight. So we're asking for a delay here because we need a little processing here. We're not saying "no" to this, but we need to understand it, and certainly we deserve that after a full year of putting all of our hard earned time into this and their time. You know, we really want to participate fairly and squarely, but we need to be a little bit more educated even if it means a quick two weeks, I mean, but we need to have that time. We cannot -- we just don't feel it's fair to be dead-ended like this. That's my opinion.

WILLIAM TIBBS, CHAIRMAN: Thank you.

JOHN PAUL: My name is John Paul.

I'm also from the neighborhood from 90 Spring Street. I've also worked with this planning team. A lot of people have spent a lot of hard earned hours and put a lot of effort on this. There's not a single person on this team who is against development, but what they want is a significant development which offers significant benefits both to this immediate neighborhood, to the City at large, and to those who work there, and we feel that the issues, which we've always put on the table, whether they have to do with noise, amount of retail, Community Center which can also serve the needs of people who are working here and the needs of the neighborhood and housing, which will potentially house people who are going to be working here, reduce the level of traffic into the neighborhood, all these kinds of things are extremely important.

One would never make an important

decision, whether it's buying a house, committing to marriage, whatever it may be in their life, without some significant forethought.

We've put an awful lot of thought in this, yet, we're getting this numbers immediately. It's completely unfair to ask the community to just rubber stamp and allow this to go on. We're not against development, but we want to make sure that this is the best development possible because this is the last chance to do anything significant and wonderful for this City, which it can be. We believe it can be. We are not against development, we want what is best for the City of Cambridge.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

JAY WASSERMAN: Good evening. I'm Jay Wasserman of 34 Second Street.

I just want to start off on one of

Catherine's points is, we didn't say "no" and again, iterate what's being said is, we haven't said "yes" either, because, again, it has been given so recently, the final numbers, and we're representatives, and we really haven't been able to meet back to our community at all.

A lot of what they finally presented looks interesting, but I have a lot of questions. And one of the biggest ones that's really sticking out for me right now is there seems to be a lot of gain on their side.

They bought this property knowing what they could build and what it was valued. And they came before you with a classic transfer development right, swap for the land for building more, and the community said, "That's a lot above what you're getting, let's go negotiate."

In the end they're still getting

exactly the same amount of lab space. They got more value that suddenly they can build even more housing and, you know, we've imposed on them good design practices, which, I think, in the end will make the land valuable.

These things usually are about compromise and give and take. And we're getting good design, but it seems like we're giving up a lot, and I'm not a hundred percent sure what they've given up.

I really think they mostly -- a lot of things that they're probably going to be pushed into doing for the area is good design, but they gained a lot of development in this land.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

MICHAEL HEGARTY: Hi. Michael Hegarty, 143 Otis Street. I'm a member of East Cambridge Planning Team Subcommittee and

the Steering Committee and have been working on this with the developer.

I want to thank the Planning Board, I want to thank the folks from Alexandria and their various counsel, professionals, paraprofessionals that have been working with them. I would like to congratulate them as well for their willingness to work with us; however, I'm not quite sure I congratulate them as much as they've been congratulating themselves in the process, so I will defer on that.

I also want to -- I want to thank Mr. Rafferty for incorporating our basic outline for what we're looking for on this project and into this presentation. I'm flattered that you basically incorporated our outline in there.

I'm a little confused as to why it took us six to nine months in negotiation to get that through. But I am, and I mean this

sincerely, I am impressed that those talking points have been incorporated into what the developer is presenting here tonight. And I think it shows that we made a lot of progress. It has been a very positive -- it has been a very positive process, I think, on both sides here.

That being said, I don't think it's enough on a number of fronts. I think they have been willing to work with the neighborhood and willing to work with the City, but, I think, in proportion to the benefit that's going to be gained by the developer, it is still not sufficient. I think we're close, but we're not there yet.

I also think that in terms of the time frame, and I'm, you know, glad that we're getting here -- getting to a point where we're getting some progress done and coming close to an agreement and conclusion on this, but I don't see we're rushing the

time frame on this process can do anything but undermine and destroy the credibility of what we've done so far.

I think there's a lot of smart people here, but I challenge anyone to understand that zoning petition not only at the speed that Mr. O'Reilly went through it, but after quite a bit of reading after that, it's just not possible to intelligently to digest and analyze what has been presented here in the last five days and have a logical conclusion on that that's positive for the neighborhood, for the community, and for the City in the term of two weeks. It's not just conceivable.

And, again, as I said, I not only don't think it's -- I not only think it's wise at this point in the game, but I think it threatens to undermine the entire process at this point in the game.

I think as a community we're very,

very close to coming up with a solution for what we're looking for in the scope of this development.

I mean, this is the end game for Kendall Square and for East Cambridge. This is the last large development project that's going to be going on there.

If we don't humanize the district, if we don't drive some foot traffic, some multi-use traffic, if we don't do this right, we're not going to get a second chance to do that, and we're going to be living -- you know, we've been working on this for a year, and we're going to be living with this for another 25, 50 or 75 years.

I don't just don't see where it's a positive move for anyone to rush this through in a period of two weeks, and I would ask that we come up with some method to just slow this process down at this point.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Is there anyone else on the Steering Committee that would like to speak?

(No response.)

Then we'll have public comment.

Just a reminder there is a sign-up sheet. I have one. I think there's another one still out there.

If you haven't had an opportunity to sign up on the sign-up sheet, it's okay because we'll always ask if people still want to speak at the end.

We would like folks to keep their comments to around three minutes. It is not necessary to repeat things that you -- or spend a lot of time repeating. You can emphasize the fact that you agree with what somebody says before you, but just do that quickly, and if at all possible, make a new point.

We would like you to come up to the

podium and speak, if you can, and we would like you to give your name and address.

Charles Studen will be our timekeeper, so he'll give you a warning if you're getting close to your three-minute limit.

And, again, give your name and address and spell your name when you talk.

Also, several of the members of the Steering Committee signed the sign-up sheet, too. I am assuming that you don't want to speak again, so I will skip you as I see you.

What I will do is because there are a lot of people in the room, I will give the name of the person who has asked to speak and then I'll give the name of the next person, so they can kind of get ready while that person is speaking.

So the first person on this sheet is Shannon Larkin, and then the next person after that who's asked to speak is Stash

Horwitz.

SHANNON LARKIN: My name Shannon Larkin. I live at 106 Spring Street in East Cambridge. It's kinda interesting to me to hear the Steering Committee saying how many hours that they've worked on this with the developer and they have been doing this for a year and how much of their own unpaid time they put into this because that's the same thing that I did on the ECaPS group. None of us were paid, we put in countless hours, countless time. A lot of those people are here working on a zoning proposal that I personally still think is very good.

I do not support this. And I'm sorry, guys, my neighbors, I really don't, no matter what comes out, because back in 2001 when the ECaPS zoning went through, we thought, okay, it's good. We're done. We've got zoning for 20 years into the future. We can relax. I won't have to come to any more

meetings. And here I am, eight years later at another meeting, looking at someone wanting to that zoning.

So let's say this goes through, let's say we get great zoning, we got stuff written into letters and all kinds of requirements made, then what's to stop the developer from selling the site and somebody else coming in and putting in a zoning petition and doing the same darn thing eight years from now?

When is it going to stop? Why don't we give ECaPS a chance to work and see how it does.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you. The next -- I see you're not Stash, but I'm sure you will have an explanation.

(Laughter.)

WILLIAM TIBBS, CHAIRMAN: Before you start, also there's a name here that didn't

indicate whether they want to speak or not, it's hard to read it but it's Musu. And then the next person who's asked to speak after that is Heather Hoffman.

STEPHEN KAISER (SPEAKING FOR STASH HOROWITZ): Mr. Chairman, as you know, I don't look like Stash Horowitz, but he's unfortunately in Youville Hospital, and even if we could kidnap him and get him here tonight, he would not be able to speak, so he's asked me to speak and read a letter to you, if that would be all right?

WILLIAM TIBBS, CHAIRMAN: Sure.

STEPHEN KAISER (SPEAKING FOR STASH HOROWITZ): He had a similar letter that he submitted to the City Council. He said he wanted to make eight points, very quickly:

(Reading letter) This proposal violates the spirit, intent, goals and actual zoning language of the 2001 ECaPS housing zone, which gradually stepped up heights and

density from Charles Street to Binney Street.

No. 2, it amounts to bribery. One block of park is to be exchanged for an additional .9 to 1.5 million square feet of development with greatly increased heights and density as well as parking and traffic. It makes the North Point developers look generous by comparison. We've got five acres Central Park with the retention pond and 22 percent overall open space. For Alexandria, the detriments far outweigh the benefits.

No. 3, this zoning is being proposed by the developer himself rather than the result of a city study like the two-year ECaPS and one-and-a-half year Concord Alewife studies. Why should the City accommodate a financially-troubled real estate investment trust attempt to increase the value of its assets before resale?

4, if we're honest with ourselves, there will be no labs there for a decade or more. Please consider the evidence of a 30 percent lab vacancy rate in the City in a declining office market. North Point remains a vast empty space.

No. 5, rents for startup biotechs have become too expensive in Cambridge due to high-tech high acquisition costs. Many start-ups, if still viable, are fleeing to lower rental suburbs and exurbs around Route 128 and beyond.

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

7, a parking ratio of about one space per 1,000 is much too high because of the transit attributes of the area, the ratio should be .25 spaces for every 1,000 feet per labs .33 for commercial and .7 for housing.

No. 8, and again, finally, I wish to remind the Planning Board that pollution from auto exhaust is a significant health hazard in Cambridge.

Thank you. I have copies of the letter.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Heather Hoffman, and the person after this -- forgive me if I mispronounce the name -- is A. Lecwtsoker.

HEATHER HOFFMAN (SPEAKING FOR TOM JOYCE): Hi. My name is Heather Hoffman, I live at 213 Hurlley Street in East Cambridge.

And, first of all, I have something to report, another fallen member of our community, Tom Joyce, who lives at 183 Third Street. It's very short.

(Reading letter) I am sorry that I will be unable to attend tonight's meeting, an automobile accident resulting in cracked ribs prevents me from doing so.

I am one of the members of the East Cambridge Planning Team Subcommittee that has been working with Alexandria Real Estate Equities and City officials on the rezoning petition for the Binney Street properties.

As you know, major portions of the original petition have been withdrawn and replaced with a substitute petition. Unfortunately, this means that it will be extremely difficult for the neighbors and City officials, yourselves included, to properly consider this proposal before preset deadlines occur.

This development is projected to be one of the largest developments that will ever come before your Board and one of the largest developments that will ever affect the East Cambridge and Kendall Square neighborhoods.

It should be considered carefully by everyone involved. Since Alexandria has

always indicated a build-out of eight to ten years at a minimum, there does not seem to be a compelling reason to rush this petition to a quick resolution.

I would like to ask you to let this proposal expire and to allow Alexandria to refile the petition. This will allow everyone to give this petition the consideration it deserves.

And what I would add personally to this and to everyone's call for letting this go through another cycle is something that at a prior meeting the Chairman said right before I was going to say it, and that is, this is a zoning petition. This is not a project. They can show us all the pretty pictures they want, but this is still a zoning petition.

It doesn't obligate anybody to build anything in particular no matter what they show you.

The only things we're being promised for sure are these parks, but, all of a sudden, the timeline on the parks has gotten later because now it's going to be given to the City to do.

Before our understanding was that the -- that the big park was going to be ready when the first certificate of occupancy was given. That's no longer the case. The City is going to be given money and the land.

And as I recall, the money is to be given to the City by the time that first certificate of occupancy is issued.

The other huge change from my perspective is that, all of a sudden, this has gotten so much bigger. We were already overwhelmed by the size of this.

CHARLES STUDEN: Heather, could you please conclude your remarks?

HEATHER HOFFMAN: Yes, I will.

We were already overwhelmed by the size of this, and now it has gotten even bigger because all of the things that the community wants are on top of the stuff that the developer wants.

Please do not vote on this tonight.
Let it die.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Hugh?

HUGH RUSSELL: I think maybe there's a misunderstanding about what the Planning Board's role is, particularly around the schedule. And let me tell you what my understanding is: The petition gets filed and the City Council has hearings, we have hearings, we are required to make a report to the City Council. If we fail to make that report in a certain number of days, which has already expired, the City Council is free to act.

So if we decide not to act, that won't change the legal status of what the Council can do or not. We're not in control of the schedule at this point.

We certainly can make recommendations on this point if we think that is part of our recommendation. But, you know, I feel like we're kinda not -- with everybody speaking about us delaying making a decision, we're not hearing actual comments on the proposal.

I realize that most of the -- many of the thoughts are people saying, There's a lot of new language, we haven't seen the language long enough to have an opinion on it.

That's the thrust of what I'm hearing. But I just wanted to say that so that we can sort of put that in context.

WILLIAM TIBBS, CHAIRMAN: I do have as my first question to ask, after the public

comment period is over, is: What is the timing and what options we have relative to either refiling or extensions or anything like that. So I think that's obviously something we need to clarify up front as we go.

But good point, Hugh.

Let me see who is next before you get started. It looks like -- it looks like, I think, is it a Michael Weland. But he didn't indicate whether or not he wants to speak or not.

(No response from audience.)

WILLIAM TIBBS, CHAIRMAN: I don't see anybody talking to that one.

So, the next person who has asked to speak who hasn't, it looks like -- it's a hard one -- MaryEllen Soccocio. So, you're next.

ALEC WYSOKER: Hi. I'm Alec Wysoker, 131 Spring Street.

I apologize, Mr. Russell, but I'm going to say it the same way. The least you can do -- well, I'm extremely disappointed. Not only has this zoning petition not been endorsed by the working group, it's hardly been reviewed by the working group.

And so, I understand that the Planning Board may have little power in this situation, but I would encourage you to urge the developer to withdraw this petition until such time as the working group has an opportunity to review and endorse it.

And I'm glad to see that Counselor Kelly is here as well, and I would encourage him to also urge the developer to withdraw this petition until such time as the working group has had a chance to discuss it with the developer.

In particular, I would like to express my disappointment at the incredible shrinking Community Center, that hurts a

lot.

Thank you very much.

WILLIAM TIBBS, CHAIRMAN: Thank you.

I also have a John -- it looks like Ruggieri, I'm not sure.

JOHN RUGGIERI: I'm right here.

WILLIAM TIBBS, CHAIRMAN: Did you want to speak?

MARIE SOCCOCCHIO: Good evening.

Marie Soccoccio, 55 Otis Street in Cambridge.

Just for your education, there were two groups formed out of ECPT, one was the group that wanted to work with Alexandria, one was the group that was interested in preservation of the safety of the community vis-a-vis Bio Safety Labs. And I headed up that other group.

Now, we were never contacted. I was the only one who addressed City Council formally at session twice -- excuse me -- the Ordinance Committee, and I'm specifically for

financial assistance and getting an outside expert.

Alexandria has evaded environmental impact study because they're not accessing Federal or State funding. So, as a result, our neighborhood is essentially exposed to whatever.

At the end of the last Planning Board meeting, one of the Planning Board members asked directly, Mr. Rafferty and Mr. Maguire, "Well, you're not intending to build a Level 3 or Level 4 lab, and they both said, "No, no, no," but the truth is, that's never been off the table. Level 4 obviously in Cambridge is a no-go, but Level 3 is a definitely a live issue, and it's the only reason to this day that I'm involved with this.

If they took it off the table, I would be satisfied. I'm not interested in the aesthetics, to be honest with you. I'm

fourth generation East Cambridge, my family has paid property taxes to this City for over a century. I'm here to say I want a safe neighborhood.

The other issue that I want to see addressed is -- and this is a criticism of this whole procedure. Alexandria is in dire straits financially, I have been following, and they have left one, two, three, four, five, six, seven developments cold in the last two months: First Street FNA on building -- I can verify each one -- Longwood Center in Boston; Mission Bay, San Francisco; University of North Carolina Innovation Center; Toronto Mars Phase 2, which is a huge hole left in that city. In fact, if you read comments from the residents, they want to know if they're going to get the five million dollar seed money that the City gave to Alexandria back. New York, East River project, cold. January 16, George Mason,

could. No financing. They're own CEO in a webcast to institutional investors essentially said explicitly, "All Development has stopped. We are pulling out of everything. We intend to pay our dividends." They don't want to lose their shareholders. They were able to --

CHARLES STUDEN: Marie, could you please conclude your remarks?

MARIE ELENA SOCCOCCI O: And just back to the Bio Level 3, there was a new executive order signed by President Bush January 14. He set up a study of Bio Safety Labs, mostly security issues surrounding because they already did Level 4. They found most of them were essentially exposed, anybody could walk in and out. This is a major problem. So now there's an executive order controlling the study and that will take about six months, so...

Thank you very much.

WILLIAM TIBBS, CHAIRMAN: Thank you.

The next person who's asked to speak is -- again, forgive me if I get your name wrong -- Branka Whismant.

BRANKA WHISMANT: Good evening. My name is Branka Whismant, I'm at 61 Otis Street and --

WILLIAM TIBBS, CHAIRMAN: Could you spell that?

BRANKA WHISMANT: W-H-I-S-M-A-N-T.

I'm an architect and I have been opposed to this project all along on grounds of either -- on safety issues and density, height.

One question I have is looking at this map here, all the shadows appear to be about the same. I think some buildings are taller than others. I think it's not very fairly represented, but I'm not going to go into that now.

But I would like to second what

Marie Soccoccio said that there's huge and widespread opposition to this project in East Cambridge and in Cambridge. So, in fact, the East Cambridge Planning Team is the only group that is really remotely even wanting to work with the developer. And every person I've talked to about this project in East Cambridge really is very opposed to it.

I'd just like you to be aware of that, and I urge you to just deny this petition or recommend against it this evening.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

The next person is Betty Lee Soccoccio, and after that is Ilan Levy.

BETTY LEE SOCCOCCIO: Good evening. My name is Betty Lee Soccoccio, I live at 55 Otis Street in Cambridge.

And one thing I would like to say that some people have already stated before

me is that I am in real opposition of this project mostly because of the safety impact it would have on a neighborhood and the existing ECaPS that we already have and people have worked very diligently on in the past.

We, in the neighborhood, really believe that ECaPS was part of our answer to our environment, to our future, but lo and behold, I guess we were wrong because here we are tonight.

The safety issues: I, myself, have a very elderly frail parent, who might need to evacuate and does, you know, occasionally we do call 911 and have her -- you know, have emergency services for her and other services provided by Cambridge Somerville Elderly, et cetera. She's 91 years old. We have many, many other residents in the neighborhood, Putnam School right up the street on Otis Street, Truman Apartments, Rose River, then

we have schools in the neighborhood.

I mean, if, for some reason -- and people have not really addressed this either -- the pathogens that are going in and out of our neighborhood are being proposed because of the level of labs that are being built, I wonder about our safety. I wonder how much thought has been really given to this whole plan. Safety of residents? Don't we mean anything? We've been here, but, I guess, you know, labs are more important or the City finds, or you people, you know, decide what to do next.

ECaPS was our answer, people did work in the neighborhood very hard on that project, and I hope that people would consider that in their votes tonight.

The size of the building, the size of the project, this is enormous. I don't know where people will park in the neighborhood, in all honesty, under these

present proposals. People think people will take the subway and bicycles. That's fine. Good luck.

That's really not the case. Most people do have cars. They leave them in the neighborhood all day. You know, certainly snowstorms, for instance, this past week, we saw many cars that were in our and are still in the neighborhood that are not shoveled out. People leave their cars there forever. So, you know, there's no guarantee that people will not leave cars in the neighborhood.

And the impact on the community. I think our whole quality of life would change.

CHARLES STUDEN: Betty, could you please conclude your comments?

BETTY LEE SOCCOCCIO: I will. Thank you.

Our quality of life will change regarding, you know, the traffic, the

environment and everything else that's being proposed here tonight.

Thank you very much.

WILLIAM TIBBS, CHAIRMAN: Thank you.

The person after Ilan is Robert Simha.

ILAN LEVY: My name is Ilan Levy, I-L-A-N L-E-V-Y, I live at 148 Spring Street.

And my position on this is, I'm not for this project, but what attracted me to talk with the developer was the proposition for a park which could enhance our neighborhood and which we had been seeking for the last few years at ECPT. So that was an idea to play with the developer and see what they would come up with. And I have to say I haven't heard much tonight that convinced me that this project brought enough to the community to give them what they want. That's basically my conclusion.

We were talking we need a much

bigger Community Center, we need more housing. We don't need to pile things on, you know, when you give 500,000 square feet, that's another 200,000 square feet. That's not a deal. We need to figure out the middle ground if a project like that -- like this would go through where we really get what we deserve for our neighborhood.

And I would recommend -- I would ask that the Planning Board recommend against this project until further improvements have been brought forward by the developer.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Let's see. I have Nancy Steining with a question mark.

Nancy, do you want to speak?

NANCY STEINING: I will say something.

WILLIAM TIBBS, CHAIRMAN: All right. Then you'll be next.

ROBERT SIMHA: Good evening. I'm

Robert Simha. I represent the community at 303 Third Street. I've been privileged to be involved with some of the work of the ECPT and the Steering Committee. They have consulted with me on a number of occasions about this project representing a new community on Third Street that will -- when completed, will represent over 500 new residents of the City. I just want to say that I hope that the Planning Board will recognize that many of the aspects of this project could either contribute to the enhancement of this neighborhood or put it in the tank as so many projects in this area have.

I guess I'm probably the person in this room who has the longest history involving the development or redevelopment of Kendall Square. This is now the third or fourth time the opportunity for the Planning Board and the City has come along to create a

humane area in this part of the City. We failed at least three times. And I hope this time that you will vote to ensure that whatever is proposed here helps to contribute to the improvement of this area.

Specifically, let me comment on three things: Those of us who are making a major personal commitment to adding new ownership housing in this neighborhood hope that you will encourage more ownership housing in this neighborhood. Most of the housing has been built in this area and, particularly, in the immediate vicinity of this project is transit housing. And what we desperately need is to have you encourage more ownership housing.

Many of us are making very substantial and personal commitments to enhancing this part of the city and we really need more help to do that.

Secondly, the possibility of retail

services of all kinds is so substantial in this area, the failure in Kendall Square, the failure in surrounding areas to develop the kinds of services that will support not only the existing community, but the future community proposed by these developers. To do that with any degree of quality will represent a need to provide many more and more substantial services, not the minimum which has been proposed by the developer.

I spent a considerable amount of time reviewing the retail study prepared by a New York consultant, and I will have to tell you, and I would recommend to you, that you look at it very carefully because it is very marginal and very limited in terms of its scope. It did not even include the 18,000 people that live and work and play three blocks from this area on the MIT campus.

CHARLES STUDEN: Robert, could you please conclude your remarks?

ROBERT SIMHA: And finally, I hope that you will recognize that for those of us who are living in 85-foot high buildings, we really would like to be able to believe that you will moderate building heights in this area and come up with a recommendation that allows the community to moderate this plan, to study it, and come up with a better solution.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Nancy?

NANCY STEINING: My name is Nancy Steining and I live at 75 Cambridge Parkway.

You said no one was speaking to the project itself. I will comment on two things: First, I have two pictures taken out of my kitchen window which will show you -- it's a different view than you normally would see.

The buildings that one sees if one

Looks directly down Binney Street, on the one side the very high buildings in Kendall Square, and then it starts stepping down, and then, all of a sudden, on that Athaenum parking lot, I see they want in Building Site 1 to put a 140-foot building with then what would probably be 20-foot mechanicals on top of it. That is going to create a wall right there, which I think will be really unattractive. And also, the way the sun moves across the sky, those 120-foot buildings will shade everything across the street in the afternoon.

For the last nine years I have lived on Cambridge Parkway, and it's a rather isolated part of the East Cambridge community. The residents of the Esplanade and 195 Binney Street and River Court are really all abutters to this property, and, yet, none of us have been officially notified of any meetings or hearings on these issues,

and I think that's really not appropriate.

But we have always been told by realtors, by the City, and by the developers that the only way to have people nearby or to support any retail, such as a convenience store where you could buy a quart of milk, is to increase the amount of housing, and to limit it, I think, is a real mistake.

I actually would like to see a corner, maybe an end of Building Site 1, as housing. However, I will also say that the carbon monoxide fumes around that triangle are horrendous at certain times of the day because of the traffic, so maybe that wouldn't be a good idea.

But in case you didn't see it, there was an article on housing in the Boston Globe and it's report of a study that "Boston Lags Others in Adding Homes which keeps Workers in the City" and it talks about the kind of housing that it has to have in order to

attract young professionals to keep. And I think it's worthy your consideration.

Thank you very much. And I hope you will either vote this down for now and let us keep working on it or delay it somehow.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Nancy was the last person on our list of people who have asked to speak.

Is there anyone else who would like to speak?

Go ahead. I assume you will speak for yourself this time?

STEPHEN KAISER: I am speaking for myself. My name is Stephen Kaiser, K-A-I-S-E-R, 191 Hamilton Street.

Even though I live in Cambridgeport, I have been following this project and the ECaPS -- the East Cambridge zoning review process fairly closely, not as closely as I should, but as best I can.

One thing I would like to note about ECaPS is the official name of the petition was the Shannon Larkin petition. It was named after a citizen.

This zoning petition is the Alexandria petition, it's named after a developer. I think that's a measure of how things have changed in the years.

Step backwards a little here. It's also a substitute petition, and we need to understand how that's going to work. It's going to go before the City Council probably at the very last moment, and there will be a vote, "Oh, let's substitute this one for the old one." Squish, just like that, very quickly, we substitute it. The old one goes, the new one goes there. They talk about it for a little while and they voted it through.

That's exactly what happened at Riverside and it's happened other times.

That's what a substitute petition is. That's why it's so dangerous.

Now, on the element of time, zoning is a tough thing. I equate it with learning ancient Greek. A few people can get good at it, like Les Barber, okay? I struggle with it. I can do a little bit. But the citizens group needed to have a training section in ancient Greek and they haven't quite had it yet to understand how their ideas can be translated into zoning so that they're really comfortable with it, because what you're hearing tonight is "Gee whiz, some of this looks good, but I'm still uncomfortable," and they need that comfort zone.

Instead, what's happening is, the size of the project is increasing. It started off at 1.5 million and 1.6 million square feet, and now it's up to -- I'm doing the math -- 1.8 million square feet because the housing's been added in. So it keeps

growing. We have to keep an eye on that.

Now, the writer of the new zoning, Bill O'Reilly -- I don't know him that well -- but he's an unknown to most of us. Does he write good zoning? I don't know. Does anybody know? Probably not.

We know Les Barber is good, but we have an unknown here. If you were going to go into the East Cambridge community and say "Who is Bill O'Reilly," they would probably say, "He's the guy on TV." Well, we need really to test him out, find out whether his stuff is that good. It might be.

I was just sitting in back, but let me give you one example of a problem with this zoning. I want to respond to Hugh Russell's comment, we're not talking about zoning, because we've only got three minutes and that's one reason.

CHARLES STUDEN: Stephen, could you please conclude your remarks?

STEPHEN KAISER: Okay. Let me go to Section 13.59.1, it has to do with rooftop mechanicals and noise. You get down to Section A. It says "Prior to and as a condition for the issuance of the first certificate of occupancy of a new building, an acoustical report will be done."

Stop and think about that for awhile. Okay, you've got an empty building, nobody's in it and you go down and do an acoustical report, measure the noise, and say, "Gee whiz, there's nobody there, there's no noise." Isn't that interesting? Okay. What a loophole. Anybody can make that, you know.

I could maybe do something like that. We need to have the time to review this and catch those loopholes.

Another problem: 13.59.5 on parking. The Planning Board would have the option of reducing the parking below one

parking space per unit. Everything right down to zero, between zero and one. That, I think, would be frightening to the neighborhood. I'm generally in support of less parking but that is such a radical change.

CHARLES STUDEN: Stephen, could you please conclude your remarks?

STEPHEN KAISER: All right. I tried to stay within the three-minute limit, which I hate.

I have a letter here which I will submit to the Board having to do with Article 7 of the Constitution of the Commonwealth, and it has to do with limits on the functions on government, any public government in terms of profit-making by particular groups, that is a legal analysis that needs to be done before we allow for private developers to become advocates and beneficiaries of zoning.

So -- and there will be significant benefits. We haven't even quantified those yet. And so that is included in my letter.

And I think the answer to our time -- the answer to our question of what can we do? It comes from an initiative from the developer, which is refile - a simple word, refile - and that takes everybody off the hook. It takes you off the hook and it takes the citizens off the hook. Gives us enough time to learn our ancient Greek.

Thank you.

WILLIAM TIBBS, CHAIRMAN: Thank you.

Is there anyone else who would like to speak?

Before we -- one, I think we need to take a break, but before we talk about what to do with the public hearing at this point, I think it would be a good idea, Beth, if you could answer the question I asked about what our options are, what the exact timing is,

what our options are, so that while we're on the break, we can have the information in our heads.

BETH RUBENSTEIN: I'm happy to do that, Bill.

As Hugh said correctly what is before is the Planning Board is a zoning petition and when any petition to change zoning, whether it comes from citizens, or developers, or any party, they're referred back to the City's Ordinance Committee for hearing, and simultaneously, referred to the Planning Board for a public hearing. And tonight's a continued version of a hearing that the Planning Board began on November 18th.

What is before the Board is an option to give an advisory opinion to the City Council, and I think the Planning Board's options are to give an opinion, sometimes you give a mixed opinion, sometimes

you give an opinion more in unison. You also have the option not to give an opinion.

As Hugh mentioned, by the rules of the zoning game, the City Council is free to act on the zoning petition after 21 days have passed since the opening of the hearing here.

That happened on November 18th, so it was on December 9th that the City Council became enabled to act on this.

So I'm sure the Council's interested in your opinion, they always are, but should you decide not to pass on an opinion, this still can pass to the City Council for action.

The deadline for action by the City Council on this petition is February 17th.

I would note something that others have probably already noted, which is that February 16th is a holiday, that's Presidents Day, so City Council has meetings on

February 2nd and 9th at which this could be discussed, but on the 16th, they won't have that opportunity. On the 17th, the petition would expire.

WILLIAM TIBBS, CHAIRMAN: So could you talk about refiling?

BETH RUBENSTEIN: The issue of refiling is really a decision that would have to be made by the proponent. That's really up to them.

WILLIAM TIBBS, CHAIRMAN: Okay. And just for clarity, there's no extension options at this point in time?

BETH RUBENSTEIN: No.

WILLIAM TIBBS, CHAIRMAN: Well, I think we'll just take a break and think about all that, and we'll talk about the disposition when we come back.

(Short Recess Taken.)

WILLIAM TIBBS, CHAIRMAN: We're ready to resume the hearing if folks are

ready to get back to their seats.

I think we're at a point where we can consider closing the public hearing for verbal comment, even though we always leave it open for written comment if people want to have -- we've had two public hearings now and I am wondering what the Board's feeling about that is?

HUGH RUSSELL: Well, I'm of two minds: One mind says we heard testimony that says we're not ready to comment and that I would say leave it open, but we're not having a meeting to receive comments before the petition expires, therefore, it seems to me, that it does no particular harm to close the -- formally close it and have our process be complete.

So, I would say we should close it just so that our process is complete, and we'll deal with what we've heard and respond to that.

WILLIAM TIBBS, CHAIRMAN: Any other people feel comfortable with that?

STEVEN WINTER: I concur.

WILLIAM TIBBS, CHAIRMAN: Then we will close the public hearing for verbal comment. Again, you can still submit written comments, if you would like.

I think it's probably a good idea to just start and get your reaction to what you've heard, what the other Steering Committee members, as well as the public, just give us some comments on what you think.

JAMES RAFFERTY: Me?

(Laughter.)

This is one of those times when my optimistic nature really pays off. We've heard a lot of positive things, and it will probably come as no surprise to the Planning Board members that much of what you heard today we have heard as recently as this

morning, and so, if I may be permitted to respond to what appears to be the elephant in the room and that is this question around timing.

The view we have is really informed by a process that we've undertaken for many months now, particularly, when we set some benchmarks and parameters around the involvement of the consultant, to hiring of the consultant, the identification of certain issues, the creation the matrices.

What we were hearing from the Ordinance Committee chairs about this process was they wanted to avoid a scenario that is not uncommon in the legislative process, and that is 11th-hour amendments where people are huddling and things are changing without adequate opportunity. They said, We want to have a full vetting. We want to get everything onto the table. We want to have a discussion about it. And we is see this

coming in as a macro amendment, if you will, that dealt with things in this Ordinance Committee process.

And we have worked effectively, I think. And I say "we," I think the working group, the Ordinance co-chairs and the petitioners.

From where we stand, there's nearly a month left in the life of this petition. There are opportunities for additional meetings.

Just so you know, we are meeting on Friday with our working group, and that's the a date that was arrived at with some mutual understanding of a committee meeting that's happening -- a community meeting that's happening tomorrow night.

We fully anticipate that there will be need to and there, indeed, will be a further full airing at the Ordinance Committee which is a committee as a whole of

City Councilors before this matter even goes before the full City Council.

We had provided at the request of the Ordinance co-chairs text of all this language to the Law department last week and to Community Development, and I know that they are working together with the Ordinance co-chairs vetting this language.

No one is suggesting that just because Mr. O'Reilly works in a big downtown law firm, he would get it right. That analysis is going on through the Law department through Community Development with the involvement of Mr. Barber and others at the direction of the Ordinance co-chairs, and I don't mean to speak for them, but I really have to emphasize that this process that they have embarked upon, at some, frankly, political risk to themselves because if one steps out and decides to try to make something happen here, you run the risk of

not living up to everyone's expectation.

Are there places where further changes need to happen in this petition? I suspect we will hear that, but I'm not convinced, and I know the petitioner at this point is not convinced, that time doesn't remain for that to happen.

A classic example is if someone thinks or if there's a consensus that the proposed amount of community space at 10,000 square feet is not adequate, then what we're really not talking about is more time, we're talking about more community space. And there's a way to get there a lot quicker than the four weeks that nearly remain in the life of this petition.

I only cite that as an example to say that we remain committed, we envision continued meetings.

Certainly, if we get to a point in the life of the petition where there isn't a

clear opportunity for this to achieve the type of consensus that is necessary, this issue will have to be reexamined, but as we stand here tonight, we really do think there is a unique opportunity that Alexandria has really committed themselves to remain fully engaged for the life of this petition. And to suggest tonight that the Planning Board should defer commentary, I think would be a mistake because, I think, whatever the Planning Board's view on the petition is, it will only assist the City Council in its ultimate conclusion and the Ordinance Committee as to what issues need continued attention and to areas that you feel that can be affirmed that should be part of their consideration.

So we would ask that you choose to remain in this process during the life of this petition given the role that you have. And in no way am I suggesting that the role

isn't as prominent in this petition, but, again, the level of involvement for the Ordinance Committee to date suggests that there is a working knowledge at the Ordinance Committee level, at the staff level, at the law department with the details of this petition that is not common -- that is not always the case.

So, that would be our position this evening that we would urge the Planning Board to exercise its authority and provide its judgment to the Council as this petition remains alive for nearly another month.

WILLIAM TIBBS, CHAIRMAN: Usually, as chair I tend to save my remarks until after the other Planning Board members have made theirs, but I think as chair in this case, I feel I need to make my remarks, and that is, I want to commend this whole process you've been going through relative to the Ordinance Committee and the neighborhood and

yourselves in doing this stuff, but, practically, we only have tonight to act on this, and I just don't feel that we have enough time to really give any kind of adequate response to the complexity of the kinds of things that you have.

I'm sure some of my other members might attempt to do that or may have different feelings on that, but, unfortunately, I commend the process and it seems to be -- you seem to be close to some stuff, but we just don't have time to do what we, I think, are charged to do, which is to, you know, assess what you're doing, think about it and make a reasoned recommendation to the City.

That's my -- that's concerns that I have. We don't have another meeting that -- unless we did some major reshuffling of our next meeting, we don't have another meeting that we can even act on this, and typically,

we would need at least another meeting to just ask questions and get some feedback, but I would be more than happy to ask my fellow board members what they feel and how they would -- how they would approach this.

But at least as chair, we find ourselves in a bind where I don't think we can put the time that we typically would put on a petition of this type, and the fact that it has this other process is great, and, again, we're advising the City Council and Ordinance Committee, and the City Council in a sense is acting -- you know, they're acting as they legally can do, but I just feel that -- I mean, with the presentation of the new stuff we have tonight, we just don't have a lot of time to think about this.

And I, for one, would need a lot more time just to get into it so I could better understand it.

So, with that, I'll ask my fellow

board members how they feel .

Go ahead, Steve.

STEVEN WINTER: Well , I'm addressi ng my col league because I need your help and I think we need to be really careful how we move forward here.

There are so many good things happeni ng here, and there are so many people that have been i nvolved, the active street scrapes, the -- we're looking at the impact of noise from the rooftop mechanical s. We're getting assurances on mi ti gati on. We're getting the mixed use i n the housi ng. We're getting accomodati on for communi ty space, whether i t's 10,000 -- whether i t's 30,000 square feet dedi cated to active uses of which 10,000 i s communi ty uses, i t's between 10 and 35,000 square feet i s what I see i n there.

There's more meeti ngs to go. I think we have to step back and recognize that

this process has happened through the graces of a lot of people who have worked very, very hard, and we can't do something tonight that would impede that forward motion and stand in the way of that process. We have to be very, very careful how we do that.

I think that the process brought us to a good place, but there's something -- there's something about the last-minute nature of the zoning text or something about a last-minute nature that has surprised people, and I don't think we should -- I think we might have to figure out a way to get beyond that and around that to be able to say something about this project and I need to hear from my colleagues.

WILLIAM TIBBS, CHAIRMAN: Charles?

CHARLES STUDEN: Well, actually, while I'm sympathetic to the concerns we heard tonight from the Steering Committee about needing some more time, I think that

what is before us tonight is very different from what we've seen in the past, and I think it represents a significant improvement actually.

And I would like to share that with the City Council because I think it's important for them to understand that from -- I think from a planning perspective this is a better project than the way it started out, and I know an awful lot of time and energy has gone into it.

I understand there are more meetings that will take place before it goes to the City Council and perhaps some of the concerns of the community can be resolved by then.

But what I am very, very impressed by is the fact that we have a developer who is committed to create a very significant piece of open space in a community that needs open space very badly, it's a two-acre

parcel, and not only are they going to provide the land, they're willing to give a million dollars for the planning and design of that park and open space as well as another eight-and-a-half million dollars to construct the park.

Furthermore, I, too, would've liked to have seen more housing as part of this development, but I think I see a willingness on the part of the developer to step forward and we're now at 220 units, 45 of which will be affordable to residents of Cambridge and, in particular, the City employees. I see this as a very distinct advantage.

And, of course, the retail, I would like to see more retail, but I don't know what to see retail space provided that winds up sitting empty. I think that does no one any good.

The fact that these ground floors of these buildings are going to be designed so

that retail can be accommodated should the demand be there at some point in time in the future, I think, is the right approach, but the initial commitment of 30,000 square feet, 10,000 which would be devoted to some community purpose as well as the developer's willingness, and if I heard this correctly, \$100 a square foot for tenant build-out on that community space, these are all very significant gains, I think, to the community, and while perhaps, we would all like to see more, and perhaps, we can get a little more, I think we're certainly at a much better place than we were at least the last time I was a part of these discussions.

Let me see. I'm not sure. I think that's basically it.

(Pause.)

Yeah, I think that's basically it.

WILLIAM TIBBS, CHAIRMAN: Tom?

THOMAS ANNINGER: Did I raise my

hand?

WILLIAM TIBBS, CHAIRMAN: Oh, I thought you did.

THOMAS ANNINGER: Not really. But it's time.

I'm really following up on both what Charles just said and what Steve just said because I think I agree with them, but the way I would put it is this: I did receive the materials and it was actually at the end of last week, it was a thick packet, but we're used to that, and we did have help from the Ordinance Committee chairs in going through it. And so, I feel actually well prepared for this, and feel like I do have a good understanding of what's happened, and I think the way Steve and Charles have put it, there's a lot here that represents both an improvement and a lot of benefits to the community.

I think the process has been so good

and so strong, both on the Steering Committee side and on the Ordinance Committee side, that it's a kind of process that we, as a Planning Board, cannot really improve on and cannot enter into. We don't the time for it, nor the ability to do something like that.

When we get that kind of help, I think I'm inclined to let that process play itself out and let it take its course.

In any negotiation that's as complicated as this, there's balancing going on, and I think for us to intrude into it, would be a mistake. I see nothing that really, in having gone through it, that I would comment on, so I'm inclined to think that -- well, one more point about tonight: A lot of the comments seemed -- surprised me in their negative tone because if I understand it right, just about everything that has been so-called last minute, although

I think I knew many of these things more than in the last minute, have been concessions and improvements on exactly what it is that the Steering Committee wanted. I wasn't in the room, but I think I understand the direction they're going.

Perhaps the one area for discussion is the 10,000 feet for the community space. 10,000 feet is a lot of room for a community space, but if that's not enough, I understand that there's room for discussion still on that. That shouldn't be a reason for us to start the cycle all over again just because the community space.

So, I'm a little bit puzzled why the tone is as strong on delay when most of it has been a positive step towards what I think the community wanted, and I think I agree with what has been said that there is further time for the process to take its place.

I think we've seen this now five

times, is what I think he said? At what point is enough is enough? And I'm inclined to say what I would like to see is for the Ordinance Committee process, that's what I think it's starting to be called, to continue, and I would like to support it, and I would like to give a positive recommendation to the Council to not only continue the process, but to do something along the lines of what's presented to us with whatever changes might still be negotiated. But I can't imagine them to be a very far from what we've seen tonight. And so, I'm prepared to give a positive recommendation, unpopular as that is, based on what we've heard tonight.

WILLIAM TIBBS, CHAIRMAN: Thank you.
Hugh?

HUGH RUSSELL: I think what my colleagues have said, we have enumerated some of the positive planning features of this

proposal. I think we have perhaps not enumerated, nor has anyone tonight raised a couple of the perhaps the most significant features.

We have a biotech industry in the City. We are arguably the US center or the world center for such work, and although there is a current vacancy rate in the buildings available for that work, if those vacancies were filled up, then there would be very few options.

Alexandria, which is a company that has specialized in the -- looking at this subsector of human endeavor and said, "There's an opportunity here," I think we should say that we think that, "Yes, it's good to have expanded biotech space in the City, and to have to provide for the next 20 years of growth tied into the East Cambridge neighborhood -- East Cambridge area.

The other thing about this that I

heard very little talk about from anybody is Binney Street.

I think Binney Street started, and I'm not -- this redevelopment zone in the City was set in 1959, and I was applying to college here in Cambridge in 1959. I've now lived in the City for -- since 1960, more or less. That's a long time. It's nearly an entire lifetime for me.

And I think that the purpose of Binney Street was as a -- sort' ve a boundary, a traffic way to get access to the Tobin Bridge, to 93, to the east and west -- eastern spokes and through the connections to the south. It didn't involve Third Street, it didn't involve as much travel through the neighborhood.

I think there was -- no one ever thought that Binney Street could be what this proposal is actually going to become, which is really -- it's a generous urban

boulevard street that is now going to have a real character, and it's going to be a center for the biotech industry, the latest things, but it's found itself in this proposal and it connects, but I think it's also become a boundary.

When we do this, you say, "This is it." Yeah, there's some soft space or space we might wish to be soft between Binney Street and Rogers, but this proposal includes taking one of the significant blocks and forever making it a park.

Artstone is in that block -- I'm sorry, Artstone is not. But we've got two very frightful buildings, the AT&T and the Verizon building, which are providing essentially services for our community, but are really awful and very noisy, and what happens to those buildings when communications go away? Well, I don't think communications are going to go away. I don't

know what is going to happen on those blocks. The City has, you know, developed -- taken a building that was built and converted it to a police station. We talked about the block between First and Second Streets with the new housing units.

So, it's a different vision than ECaPS, but I think it's a valid vision and it's not out to whack with the general goals of what ECaPS was seeking to do, and it's -- and it's specifically responding to some of the very specific things.

So what shall we do tonight?

We can't comment in detail on the language, and we ordinarily never had the opportunity to comment in 11th-hour language. I think Mr. Rafferty's point is well taken that the deadline to move up that last-minute negotiation so that everything is on the table three weeks before the votes is -- it represents a positive change in the public

process, and I think the City Council vote will be 20 days from tonight.

There is time to look at that language, and I think we have to -- we can comment on what we think is good in this proposal, and we can comment on what we think is bad in this proposal, and we can comment on what we think needs to be done in the next three weeks. And if it doesn't get done, then it's the Council's job to make that determination and say that it's not ready for a vote, you know, six members are unwilling to vote -- or is it just a seven vote?

JAMES RAFFERTY: Six.

HUGH RUSSELL: Six members of the Council have to be convinced in three weeks, and I think there's a bunch of people sitting in the front row who are going to have to be convinced in that same period of time or the Council is going to find it very difficult to act.

So there's even more work for you guys.

I don't think we should go in and say, "By God, it's there. It's it. It's the best deal. It's the right deal."

But I think we can say what our impressions of this are, and I think we can (inaudible), there's work to be done in the next few weeks if the Council is going to vote.

WILLIAM TIBBS, CHAIRMAN: Any comments?

H. THEODORE COHEN: Hugh, thank you for your comments, I think they were very good and crystalized a lot of my thoughts.

Since this whole procedure started there's been a question in my mind about ECaPS and the zoning that was adopted and whether it should be allowed to have more time to see what develops, but it was, indeed, before my time, and I think zoning is

a living entity that changes as time changes and needs change and areas change, and I feel I have to live with this area as it exists now, and I keep driving through it and walking by it and going around and around and around, and what I see is an area that is in desperate need of development, and maybe ECaPS was a good idea eight or ten years ago, but what hasn't resulted from it is the development that I think that is needed, and I think this is a very valid proposal and makes a lot of sense for a lot of things.

I like your comment that it's a different concept than what ECaPS had proposed. And I do think it is a very valid proposal and I do like a lot of it. I like the idea that Cambridge will continue to be in the forefront of the biotechnology field, I like the idea that there will be additional open space for the neighborhood in the City as a whole, I like the idea that there will

be additional residential development and retail development because certainly that's what this area needs more than anything is more retail to get people out on the streets and walking around.

So, I do agree with you that it is a valid proposal and there's a lot about it that is good and that I like.

I think the public ought to be clear in their minds that because something -- that zoning comes about in many ways: Sometimes it comes about because the City -- that the town proposes it, but most frequently it comes about because an owner says, "I can't do what I want to do right now, and I think if we change zoning, then I might be able to do this," and convinces City Council or town meeting, the legislative body, that this was a good idea.

Because it comes from a developer, because it comes from an owner, it's not bad

per se.

Whoever drafted it is not bad per se or trying to get a leg up, or whatever, that's what we do. That's what City Council does, that's what the law department and staff does, to make sure that it says what it means to say.

Certainly everyone knows that we all make mistakes sometimes and legislation ends up saying not exactly what we intended it to say, and so, we come back and correct it.

So, there's a lot in this proposal, and I would certainly suggest to the community when they go before the City Council that they be very explicit about things they like and that they don't like, make clear to the Council what is good and what they think needs to be changed. If you don't like a height of, you know, 185 feet, or you think something should be bigger in

one area, smaller in another area, then tell the City Council that, because, you know, we, as a Planning Board, and they, as a City Council, can only deal with what is before them. And we have to hear from other people as to what changes should be made or they think should be made so that we can consider whether we would like this and whether we like that.

So, I think it's difficult for us to go through all the language that's right here. We don't know all the negotiations that have been going forward and whether there's basic agreement among most the parties or whether there's vast disagreement, and, you know, it would be nice for us to know that and it would be certainly important for City Council to know it.

But I agree that I think that this is a valid development proposal for the area, for the City and I think, you know, in

concept, I like it.

And I would vote to recommend it in concept, and I think there's still time for all the parties to talk about additional language, and if they come to loggerheads to put it before the City Council; this is what one side thinks, this is what the other side thinks, and, you know, City Council, if you're going to vote something, then, you know, you make a decision, or you vote it up or you voted it down, one way or the other.

Patricia?

PATRICIA SINGER: I find that I have to repeat a lot of what has been said already tonight, and the first thing I need to repeat is that this is a zoning proposal and not a project proposal.

And I always, as a relatively new member to Board, I always have a problem keeping those two things distinct. So, when I step back and think about the very narrow

thing that we're being asked to opine on tonight is a few pages of very precise language, and that language is asking basically for changes in dimension. It's not asking for changes in use, the use was already permitted here.

And for those changes in dimension, we have heard a lot of very positive things being offered. So that, to some extent, I think it's fair to call this a win-win. But to steal a phrase, an often-heard phrase that I've already heard once in the room tonight, "the devil is in the details," and although I've had three or four days to look through this and think about it, I don't find that I have the experience necessarily to envision what all of these things mean. And I'm going to trust that, No. 1, the Steering Committee and the developer and all of the experts do have that because they've had more time with it.

I'm going to also trust that it is a continuing process and that nobody is voting tonight, so that the areas that might not be in full agreement, can still be worked upon.

But the one thing that I would want to say is that it's in the very nature of negotiation, and to some extent, that is exactly what this has been, a negotiation between different parties, and that settlement comes at the ninth hour.

And so, when I'm listening to this, I regret people haven't had a full chance to absorb what all -- what the outcome so far of the negotiation has been, but none of this is really a surprise to me.

Most of what we talked about tonight, we talked about over the last few months. So I'm going to go kinda back to where I was at the very beginning and say that, when I first heard this proposal, I

thought that I really liked it, I liked the vision that it has for the area, and although, every detail isn't worked out, every "i" isn't dotted, every "t" isn't crossed, I haven't heard anything tonight really that would stop me from making a general positive recommendation to the City Council, but I do hope that people continue in good faith, as they have been, to work through the details so that a specific, very clear and very specific proposal can be made to the Council.

WILLIAM TIBBS, CHAIRMAN: I don't want to sound like I'm beating a dead horse or anything, but I will at least go into my thought process here, and that is, that a zoning proposal is a new proposal, and I agree that this proposal is better than the one we saw before, but, in my mind, I think that my duty is to compare this proposal to the ECaPS proposal and make -- and just

decide in terms of its scale, in terms of its -- the kind of community it's creating, the heights of the buildings.

And a lot of the concern I always have about any zoning proposal is whether or not the language that -- I mean, zoning is a blunt instrument, and obviously, the reason why we have so many other arrangements and agreements here is to try to sharpen that blunt instrument, but I want to make sure that the language, indeed, will give us the outcome that we -- that we want regardless of whether or not we think this is a grand idea or not.

I'm always interested in -- in my time on the Planning Board, I'm always interested in what comes before us and then looking at the reality of what is there and always thinking about, "Well, if we had to do it again, how would we do it and what would we do?"

I think the reality here is that our role here is an advisory role to the City Council, and as Beth, I think, so clearly stated, the timing is such that we are beyond that point where the City Council has to wait for our opinion, so, obviously, we can give that. But in a sense, I think, also in thinking it was a positive thing to do to embark on this process where the City and the developers and the neighborhood were all working together to come up with something, I think that we, in a sense, are limiting our role in that when you get the timing piece where we're kinda beyond the point where we are.

And so, I'm not as comfortable with that process, even though I think, as I said earlier, I do commend it and I think it seems to be -- the groups seem to be close to something that makes sense to everybody, but I think that the groups still need to work at

it and do it, but as for me, I think, I just feel limited in my ability to assess and really be that positive about it.

I mean, I'd agree that the language that's in there is that the language that I typically would -- we always struggle with planning language, that's why we have people like Les to help us with it and go through that, but we just don't have time for that now.

And so, I'm perfectly -- I feel my only choice at this point is to let the process that has started and have these processes of City Council itself is engaged in continue on its way and let that happen.

I do want to say, though, that I think as tremulous as it was, as tough as it was, the Riverside process was a better way to do this, which is, if they did a planning study and did come to us, we really had a positive input and we did good analysis, it

went to the City and the City then did its negotiations.

It would be interesting as we go through this -- well, the Council did its negotiations. The Council -- I mean, I remember even at that hearing talking about, I think our role is to talk about what is good planning and the Council deals with the things where they may have had the element of politics into it and, you know, what the constituency wants and don't want and stuff like that, and it's a slightly different process.

So, I personally feel a little unfortunate because I can't do what I typically would do, which was compare the revised scheme to the ECaPS scheme and really ask questions as to what the limits are in terms of ECaPS and why you can't do some things. I clearly see benefits to this one. The open space is a clear benefit. There is

difference. And I was close enough to the ECaPS process that even though I do think, by all means, zoning is ongoing thing, I think that was a good process and I think it establishes some -- it established some good points there, and so I wouldn't necessarily just automatically rule it out.

But all that to say, I think the process just needs to go on in the way it's going to go and it's really in the City Council's hands now.

And I think we just need to -- I think I just feel we're limited and I'm interested in what motion, whoever wants to make would make and see how we feel about in terms of what we say to them.

STEVEN WINTER: I don't think we can sit on the fence. I think we have to, as a group, we have to pick out the things about this piece that we think are good for Cambridge and good for the next 50 years and

reflect a good process and we have to send it forward.

WILLIAM TIBBS, CHAIRMAN: I just want to say I don't think we have to do that, to be honest.

STEVEN WINTER: I think I have to do that.

WILLIAM TIBBS, CHAIRMAN: Yeah, yeah. No; I was going to say I don't think we have to do that. If you wanted me to do that, then I'd back up and say, "Hey, I need more time to do that."

But I think there's -- again, I'll let you all decide what you want to do.

CHARLES STUDEN: Perhaps I wasn't as clear when I made my remarks earlier, but I think what I meant to suggest was that the comments that I made about what I thought were the benefits, significant public benefits to this project that that message gets delivered to the City Council, that I

feel that the project is worthy at least from that perspective.

There's one other area that I wanted to mention, and I don't think whether this is something that can be dealt with in the ongoing negotiations before the Council does take action and that has to do with the issue of sustainability. As everybody knows, this afternoon a new president was inaugurated, and in his remarks, he talked about reducing our dependency on oil, on foreign oil in particular, and while I'm delighted to see that there's a commitment to have at least a LEEDS Silver standard on these buildings, I was wondering if it was possible to even shoot somewhat higher.

And, Beth, maybe you can help me because what is the building we're sitting in? What's the standard of this building?

BETH RUBENSTEIN: LEEDS Gold.

CHARLES STUDEN: It's a Gold, that's

what I thought. And does the City have a policy on LEEDS buildings at all?

BETH RUBENSTEIN: Well, the City is adopting the LEEDS standard, but I don't believe we've set a minimum, have we?

Every building project the City is undertaking is adopting LEEDS standards, but we haven't set a floor.

HUGH RUSSELL: There's a public study committee trying to look at what that standard ought to be in the private sector.

CHARLES STUDEN: And I know laboratory buildings present unique situations in terms of sustainability, there are some issues associated with that.

But I would just like to ask if a commitment can be made, a higher commitment, to LEEDS standards if that would be another distinct benefit.

So I don't know, I guess what I'm saying is I do feel that we've heard this

petition -- we've been hearing this proposal now for some time, and this is a distinctly, I think, better proposal than what was before us before, and at least that message, I think, needs to get conveyed to the City Council.

WILLIAM TIBBS, CHAIRMAN: Do we have a motion to of some sort? Or somebody make an attempt at it?

THOMAS ANNINGER: I thought that Hugh was on the track to outlining something that was pretty useful, which was to talk about the conceptual terms of something we like, which, I think, is the consensus to, perhaps, list what it is that we like about it. I'm not sure we need to repeat what has been said.

Hugh mentioned that we might want to look if there were any things that we didn't like. I haven't heard anything like that yet, but, perhaps, there is something out

there that somebody wants to say, and if so, now is the time.

HUGH RUSSELL: Charles just brought up one --

THOMAS ANNINGER: One possibility, one thing I might mention something which is not something that I don't like, but it builds a little bit on what you're talking about, and I feel strongly about the improvement to and the change in nature to Binney Street and I like the idea of parking on the street to slow things down and give it a different boulevard feel.

I've never been sure just how much that median strip helps Binney Street. I always feel that it detracts. I know that it's a sanctuary for people of safe harbor when they're crossing a dangerous street, but if we make it less dangerous, I'm not sure we need that safe harbor anymore, I do think it creates a bit of a barrier and a frontier I

would like to see eliminated inasmuch of Binney Street as possible.

I've heard talk that we're only improving in that respect something to the east of -- what is it, First Street? Second Street? Third Street? I'm not sure. But I would like to put in a recommendation for rethinking that whole median strip all the way around because I don't like it.

But going back to where I was going, which is I think we've got the list of positives. I think you've made your comment, you've heard others, I've just made mine.

And then I think we've talked about supporting the Ordinance Committee process where it stands today subject to further negotiation and sending it back to the Council with a conceptual endorsement of what has been presented to us, and so that would be the elements of a motion.

CHARLES STUDEN: There's one other

area that I know some concerns have been expressed around, and I am not sure how we handle it from a zoning perspective, and that has to do with the traffic impacts of this proposed development.

Beth, could you comment on that?

BETH RUBENSTEIN: Thank you. I'm glad to have the opportunity to do that.

In the conversations that we've been having, I think it has been pretty well understood that the Special Permit process, which would ensue when individual buildings are ready to be built, would entail another level of traffic review.

So, what you see, for example, in the parking is the establishment of a new lower parking maximum, but there's nothing in that that would prevent the Board from bringing that parking down even further. I think that's a discussion -- that's my understanding and that's a discussion that

we would have going forward.

So, for example, this new maximum of .9 per 1,000 doesn't mean we're going to end up at .9 per 1,000 and. And in fact, Mrs. Clippenger (phonetic), for example, has seen the zoning just very briefly and I know that that's something she would want to look at, but, again, we're not committing to what it's going to be. Likewise, is the one per unit, that becomes, you know, a maximum, but we could still go lower.

PTDM is not mentioned because I think it's understood that the PTDM plan would be required, that the usual transportation demand management analysis would be part of the traffic impacts analysis and further mitigation that would be likely to come.

I think we're really just at kind of the beginning of the traffic analysis story.

WILLIAM TIBBS, CHAIRMAN: I guess I have a question of how we're going to get whatever the language of whatever comments we make. Obviously, people have made comments and you have been taking notes.

BETH RUBENSTEIN: If you would like me to try and flip through my notes and mention some of the things, I can do that, or one of you can do it, or you can trust us from working from our notes.

So, those are the options, I guess.

THOMAS ANNINGER: We trusted you for years to do that, why is tonight different?

STEVEN WINTER: Mr. Chairman, the thing I would like to add is that I would like the City Council to understand, and I hope the Board concurs with me, we feel respectful of the process that has gone on here, I don't want to get too hung up on

talking about process and looking at process.

But I feel in this case we feel respectful of the process and we need to be able to say that. Say that it brought us to a good point. We feel it's a good place and we have some confidence in that content.

HUGH RUSSELL: Yet, I would be happier with the process if the folks in the front row had said, "We've seen this, we've been working on it and we're generally done," and they have not said that, and they haven't also said they're opposed to it. They're saying, "We got hit with a bunch of stuff we have to think about."

So I think it would be good for our report to somehow cover that territory saying that this is a process, but we feel that the Council needs to pay attention to the report of the committee and their

recommendations as we ordinarily rely upon.

But when you talk about process, sometimes we do that work here, sometimes there's a subsidiary committee appointed. More recently there have been subsidiary committees, special committees appointed, we then tend to rely upon for bringing in those inputs.

One other tiny comment on the median strip and Binney Street, one of the functions of a median strip between Broadway and Third Street is to limit the turns that you can make into Fifth Street, into Fulkerson Street, and Sixth Street was made again, and so that's one of the functions. It's different when you get beyond Third Street.

THOMAS ANNINGER: That's right.

HUGH RUSSELL: So, yeah...

THOMAS ANNINGER: Well, this is getting late and we're starting to repeat

ourselves here a little bit.

I'm not sure I quite would frame it the way Hugh just did, which sort've makes an assumption that they're going to be at the Council with two somewhat competing proposals that the Council will have to decide on. Maybe that's the way it will play itself out, but that's not the way it's been going so far.

As I understand it, on the contrary. I understand that it has been a process where things have been agreed upon, and in the better world, you will come up over the next couple of weeks with an agreed-upon solution that the Steering Committee can support and that you can support rather than having a dissenting Steering Committee in which case it's a much more problematic process.

So, I'm not sure we need to get into telling the Council what they already know, which is if things are not agreed upon, then

they have a different case than if they get something presented to them upon which everybody has more or less agreed, and I would not tell them something they already know.

CHARLES STUDEN: Well, could I make a suggestion? I would like Beth, if you would -- first, thank you for taking notes while we were talking and perhaps as the basis for some kind of a motion actually that you could summarize the points that were made by the various board members.

HUGH RUSSELL: Maybe our motion is a motion of general support with comments.

I could make that motion that we would support the proposal in its general planning purposes and have the following comments and we can proceed to Beth reciting the comments she's got.

BETH RUBENSTEIN: I'll try and be brief.

I'm sort've circling what I heard from the Board, and you can go at this either way, what you sort've don't like and what you do like.

But let me start with the number of positive things that I heard from various board members, although not unanimously: I heard a general sense that there's been significant improvement in the proposal, that the open space is something that is needed badly in this part of the city, some -- some -- I can't find the right word -- approval of seeing that the housing numbers are up, that some understanding that the retail needs to be the right size, no joy in finding retail that isn't going to work, but right sizing the retail makes some sense.

I hear positive comments about adding biotech in a part of the world that has become a center for biotech.

I heard a comment that Binney Street

is really coming along, that there's a valid vision, although it's different from ECaPS, there's validity to the vision that's here.

Like the biotech, the open space, the additional housing retail, the (inaudible) proposal again by a different person, like it generally in concept.

Now, when it gets to the process, there's a general endorsement of the Ordinance Committee process an encouragement that continuing work be done on the details and here is -- I think the subtext, that additional work be done with the neighborhood so there's a better understanding of what's in the details and what's needed.

I heard an interest in pushing up the LEEDS standard to a higher level, that that minimum perhaps come up.

I heard some discussion, if I could say it, in looking at the median on Binney Street, particularly between Third to the

east, which I would echo is something the City felt the same way, that we understood that Third Street to the west was an important barrier for the neighborhood and for making turns, but that Third Street to the east that there was perhaps more potential. We had the same conversation and concurred with you. So some interest in looking at the median and then along with all of those changes, again, a general support of the Ordinance Committee process and expression of respect for it and an encouragement that that process continue.

HUGH RUSSELL: You missed the rooftop mechanical.

BETH RUBENSTEIN: Thank you. On the positive side?

HUGH RUSSELL: On the positive side.

CHARLES STUDEN: And then there was one other which, I think, is not insignificant, and I think that's the

financial commitment that the developer is willing to make in terms of the planning design and construction of the park, which, frankly, I wonder how we would ever get constructed if we didn't have that commitment.

PATRICIA SINGER: And I think we heard two other statements which were the preservation of some important buildings and contribution of some amount of community space.

WILLIAM TIBBS, CHAIRMAN: So, Hugh has a motion and Beth kinda reviewed the comments.

Do we have a second?

THOMAS ANNINGER: Second.

WILLIAM TIBBS, CHAIRMAN: All those in favor?

(Unanimous.)

All those opposed?

(No showing of hands.)

WILLIAM TIBBS, CHAIRMAN: And I
abstained.

BETH BERNSTEIN: Okay. Okay. Thank
you.

WILLIAM TIBBS, CHAIRMAN: We still
have further business to do, so if you could
clear the room quietly, we'd appreciate it,
but we have a couple of other things to do.

(Short Recess Taken.)

GENERAL BUSINESS

LIZA PADEN: I would like to introduce one of the ZBA cases. The applicant for one of the sign variances on Sidney Street is here, and after discussion with the CDD staff, they have come in with changes to their presentation to clarify their request for the sign variance.

Do you want to come forward?

STEVEN WINTER: Is this a number that's on our sheet or is this a number that's not on our sheet?

LIZA PADEN: This is a case that you saw and had a comment on at the last meeting and this is the case on Sidney Street.

WILLIAM TIBBS, CHAIRMAN: Is this the Millennium?

LIZA PADEN: No.

JONATHAN YU: Jonathan,
J-O-N-A-T-H-A-N, and my last name is Yu, Y-U.

WILLIAM TIBBS, CHAIRMAN: How many

copies was there?

LIZA PADEN: Three copies on the table.

JONATHAN YU: Thank you very much for the time to represent our case. I'll be very brief.

I believe that the last time that this case came before the Planning Board, the issue was that we had made a case for the need for a larger sign, which is effectively what we're asking for.

I think it really boils down -- in terms of need, it boils down to a couple points: One, and I've shown you the figures here, that the sign does conform to the maximum dimensions of the zoning ordinance, but it's too small to be seen to adequately identify our building.

We have had this conforming sign for a couple of years now, but as we have grown and our business traffic has grown and our

needs have grown, it has become more of an impediment to our business operation.

We have lots of vendors, lots of shipping and receiving operations of sensitive materials, lots of partners who regularly and frequently miss our -- miss the correct turn.

It's further compounded by the fact that because it is a mixed residential and industrial area, there's some confusing one-way streets for people who are aren't familiar with the area. So that makes it an added burden to our business.

Part of the reason why it's not easily seen is not just because it's too small, but because there's some surrounding features, power lines, landscaping, which obstructs the view, so it's very easy to drive past it and miss it.

So, hopefully this has helped to clarify the situation. If I can refresh your

memory, what we're pretty much asking for is a larger sign that is larger than what is allowed. The intended design has internal illumination. I realize that's outside of the code as well. And we're hoping to have it elevated a little bit to get it above the landscaping tree line.

The other thing I would note is that our building is right at the edge of the SD 10 District and it abuts the SD 8 District and is completely surrounded about other lab space and an other office building.

So any residential areas in the SD 10 District the sign would be good for it all. This would be the only sign on the building. We're the only tenant at 149 Sidney.

THOMAS ANNINGER: Can you show us a picture of what you want to do?

JONATHAN YU: Yes. It's the last image.

WILLIAM TIBBS, CHAIRMAN: So the picture on the building? You're showing the non-conforming sign where we don't see the -- you're showing the conforming sign?

JONATHAN YU: Right. Unfortunately I don't have a picture, but I can point it out to you.

Here's the sign right here. We want to move it farther up and it will be about twice the size of that.

HUGH RUSSELL: When you say "farther up" --

JONATHAN YU: As opposed to being underneath the second-story window, it would be right beneath the roof line.

CHARLES STUDEN: You don't have a drawing for that?

JONATHAN YU: No.

WILLIAM TIBBS, CHAIRMAN: Has it gone before the ZBA? What is the status of this?

LIZ A PADEN: This case has gone to the Board of Zoning Appeal. The applicant requested after seeing the recommendation and the comments from the Planning Board that they postpone their hearing until they could come back to the Planning Board and present their case to you in the hopes that you would amend your comments to the ZBA.

THOMAS ANNINGER: What did we say?

LIZ A PADEN: Your comments to the ZBA were --

JONATHAN YU: I have them.

LIZ A PADEN: (Reading) "The Planning Board reviewed the sign variance request for Acceleron Pharma and recommends that the applicant show how a conforming sign is not adequate for their needs. There does not appear to be a case made for the larger and internally illuminated sign located above the height limit in the zoning district that is intended to shift over time to greater

residential use."

CHARLES STUDEN: Excuse me, could you please show me on this elevation where the sign is going to go?

JONATHAN YU: It would be right beneath that top roof line here.

CHARLES STUDEN: On that gray band?

JONATHAN YU: Just beneath the gray band.

CHARLES STUDEN: And right up against the corner of the building, the street evaluation?

JONATHAN YU: One more time?

CHARLES STUDEN: The sign is going to go right there against the elevation right in that area?

JONATHAN YU: That's right.

WILLIAM TIBBS, CHAIRMAN: It's hard -- you have to show us -- I'm sorry -- you don't have to show it to us. But you will have to show the ZBA what you're going

to do and where it's going to go.

LIZA PADEN: That's in the original application.

WILLIAM TIBBS, CHAIRMAN: I know, but I just need to -- well, yeah, but...

JONATHAN YU: So we'll keep that in mind when we go to the ZBA. Would that be something that you would need to see now in order to make a determination or --

STEVEN WINTER: Did Hugh comment on this?

HUGH RUSSELL: I don't remember this case.

WILLIAM TIBBS, CHAIRMAN: That's why...

THOMAS ANNINGER: I don't remember this case either.

WILLIAM TIBBS, CHAIRMAN: It's clear in your mind, but we go through a lot of stuff, so it's good to remind us.

HUGH RUSSELL: I missed one meeting.

Possibly it was discussed at the meeting I wasn't here for.

JONATHAN YU: I have old files with me. I may have a copy of it.

STEVEN WINTER: I feel like I understand what is going on with the sign.

But the only thing I don't have is a pictorial representation of precisely what -- a visualization of what it precisely would look like. That's all I don't have.

LIZA PADEN: All right.

STEVEN WINTER: I'm not seeing any problems.

What about the rest of the Board?

THOMAS ANNINGER: I found the case you made persuasive.

JONATHAN YU: I actually have a copy of the old application here and it has a proposed location if that's -- these are both mockups.

THOMAS ANNINGER: I can see why this

which is -- fools you into thinking that it's -- you're just showing the top. And I think if you showed the whole building, it wouldn't quite look so big. You've taken just...

JONATHAN YU: That sign doesn't exist right now.

LESTER BARBER: As you may recall, this is on one side of the street, it's a business district and the other side, this side, is a residential district, which has a very small sign, so this is not inconsistent with a commercial district sign size, it's actually quite modest in that regard.

It's up higher than normally would be allowed in the business district, and I think the Board's discussion on the internal illumination was perhaps the most central concern because this is -- it is a district where there is continuing expansion of residential units, and the Board thought

internal illumination was probably most inconsistent with that trend.

JONATHAN YU: That's also an issue we're willing to compromise on because in the evening, we have less need for it to.

LESTER BARBER: I think the sign size is probably fine.

You know, you do tend to grant at least one sign at the top of buildings, and I think the internal illumination probably is not appropriate in that location.

CHARLES STUDEN: I would agree. I don't think the internal illumination is appropriate.

HUGH RUSSELL: My view is a sign in that mockup is slightly too big. It extends slightly under the gray banding. It's real close to the windows. I'm wondering if a different approach might actually -- take the same letters, make them out of a material that is of a contrasting color to the brick

and put actually illumination behind the letters to illuminate the brick. That's a kind of a sign that is used a lot. It appears to be an illuminated sign, but, in fact, it's not shining out. And that type of a sign, I think, would be more consistent and could -- it's a high-quality sign. I think it also might send a good message for the owner.

LESTER BARBER: That kind of illumination is not considered internal in our ordinance, so it would be conforming in that regard.

HUGH RUSSELL: And the size of the letters is perfectly consistent in -- the size and spacings of the letter is fine, it's really the background.

THOMAS ANNINGER: The white background, that's the shocking part. What do you think of that?

JONATHAN YU: It's not actually a

white background, it will be a brushed steel background, so perhaps a little less grading, I guess.

WILLIAM TIBBS, CHAIRMAN: What do you think of his idea?

JONATHAN YU: Just so I understand it, instead of having a back sign part, it would just be individual letters posted against the wall?

HUGH RUSSELL: Right.

JONATHAN YU: I think it's an interesting suggestion. I think that because there was a lot of deliberation that went into this signal already, it would be my preference not to have that be the case.

There are other aspects that we're willing to compromise on as well. I mean, it doesn't need to be as high. I think if it's the size that we propose, but if we have it sort've in the middle where the -- instead of having it along the roof line and by

replacing this sign and just larger in the same location.

HUGH RUSSELL: I think that would be equally --

WILLIAM TIBBS, CHAIRMAN: That would work.

HUGH RUSSELL: That would be acceptable to me. Once you put it up at the top, you need to respect the building fabric more.

THOMAS ANNINGER: The illumination doesn't bother me much, but maybe it would bother others. But I like the idea of lowering it a little bit.

HUGH RUSSELL: It could be external. They could have lights that shine on the sign from the outside.

JONATHAN YU: And we're very comfortable not having it illuminated at all either.

CHARLES STUDEN: That would be

better.

THOMAS ANNINGER: Well, I think we should change our recommendation to a more positive one. Where do we come out?

CHARLES STUDEN: In the current location and not illuminated.

JONATHAN YU: Not illuminated, but it would be larger.

BETH RUBENSTEIN: Do you want to vote on that? Could we get a quick vote on that?

WILLIAM TIBBS, CHAIRMAN: Could we get a motion?

CHARLES STUDEN: So moved.

WILLIAM TIBBS, CHAIRMAN: It will be kinda good to know what we just moved.

CHARLES STUDEN: That the proposed sign be mounted in the same location as the existing sign, but not be illuminated either internally or externally.

WILLIAM TIBBS, CHAIRMAN: It could

be --

CHARLES STUDEN: We said --

WILLIAM TIBBS, CHAIRMAN:

Externally?

CHARLES STUDEN: Yeah, externally, but not internally.

WILLIAM TIBBS, CHAIRMAN: Unless you have an objection, I would also comment what Les said, which is that the smaller sign, which conforms to the residential neighbors nearby, that the sign -- I guess that this sign is -- would be more in keeping with commercial -- we think it's okay to use a commercially-sized sign because you made a comment on the fact that this is continually residential neighborhood so we have to get that one out of there. Does that make sense?

THOMAS ANNINGER: No.

WILLIAM TIBBS, CHAIRMAN: Could you read what you said before?

LIZA PADEN: You mean the previous comment?

WILLIAM TIBBS, CHAIRMAN: Yes.

LIZA PADEN: The comment was (Reading) "There does not appear to be a case made for the larger internally illuminated sign located above the height limit in a zoning district that is intended to shift over time to greater residential use."

WILLIAM TIBBS, CHAIRMAN: What Les said was that that is not necessarily a concern, and that the sign that they have sized is one that is relatively -- which would be modest if it were just a commercial use. So, I mean, given what we said there, I think we have to -- if we're going to change it, we have to have some rationality as to why we changed it and so, I think that just commenting on that -- the fact that it's over time it's going to be residential use is not a concern --

LIZA PADEN: Okay.

WILLIAM TIBBS, CHAIRMAN: -- for us.

LIZA PADEN: Okay.

LESTER BARBER: I'm still not clear what you're agreeing to. You're agreeing to the shift in the size, but, otherwise, it would conform --

LIZA PADEN: Yes.

WILLIAM TIBBS, CHAIRMAN: Yes.

LIZA PADEN: A larger sign at what height?

LESTER BARBER: At the lower location.

HUGH RUSSELL: There's a -- and that the present sign is in under the second floor windowsills, and so it has to be located in that band, defined apparently by different colored bricks in the building.

JONATHAN YU: I'm sorry?

HUGH RUSSELL: What appears to be courses of darker bricks.

JONATHAN YU: The buildings had a story. Read the history, so...

THOMAS ANNINGER: I'm glad you handled it the way you did versus to say to the Board, "Wait a second, let me see if we can persuade somebody to rethink that." I think that was the right thing to do.

JONATHAN YU: Thank you.

WILLIAM TIBBS, CHAIRMAN: We have a motion. Do we have a second?

STEVEN WINTER: Seconded.

WILLIAM TIBBS, CHAIRMAN: All those in favor?

(Unanimous vote.)

JONATHAN YU: Thank you very much.

LIZA PADEN: On the rest of the Board of Zoning Board Appeals cases, there's actually another sign on the agenda for the cases to be heard on the 29th of January, and this is for Shire, they're located at 185 Alewife Brook Parkway, which is across the

street from Fresh Pond Shopping Center, and their proposal is to put an exterior sign on the building, which is greater than 30 feet off the ground, and so the location is not going to be conforming.

I contacted them to show us what a conforming sign would look like. And so, the second set of materials are what they proposed -- what they sent to illustrate what would conform.

H. THEODORE COHEN: What building is it?

LIZA PADEN: This building is when you're coming from the LST station and you come over the bridge, it's the building on the right-hand side where Training Force has been in there.

The problem with this building is that when you come down off of the bridge, the sign that they want to put up is here (indicating), this is the bridge coming

down. There's quite a substantial amount of grade change here. If they put the sign between the first and second floor, you can't see it.

CHARLES STUDEN: It's too low.

LIZA PADEN: Right.

Their proposal is to put it up at the top of the building so when you're on the bridge, you can see the sign and you will see it from the pictures.

HUGH RUSSELL: Actually, it's below the top.

LIZA PADEN: Right. Oh, I'm sorry.

It's not at the top of the building, but they'll want to put it between the first and second floor. I think it's going between the third and fourth.

WILLIAM TIBBS, CHAIRMAN: Same size?

LIZA PADEN: Yes.

PATRICIA SINGER: And, Liza, on the north face or east face?

L I Z A P A D E N: I t w o u l d b e r i g h t h e r e
(i n d i c a t i n g).

W I L L I A M T I B B S, C H A I R M A N: T h a t m e a n s
y o u g e t t o s t a r e a t i t w h e n y o u ' r e s t u c k i n
t r a f f i c.

P A T R I C I A S I N G E R: W h a t d o e s S h i r e
d o?

L I Z A P A D E N: P h a r m a c e u t i c a l . M o r e
d r u g s.

S o m e b o d y s a i d t h e y d o n ' t k n o w w h e r e
t h i s b u i l d i n g i s?

T H O M A S A N N I N G E R: Y e a h.

L I Z A P A D E N: O k a y. W h a t d o y o u k n o w
o v e r b y -- t h i s i s o v e r h e r e.

T H O M A S A N N I N G E R: I k n o w t h e w h o l e
a r e a w e l l.

L I Z A P A D E N: O v e r h e r e t h i s C i r c l e
F u r n i t u r e, t h e n y o u c o m e o f f t h e b r i d g e a n d
y o u w a n t t o g o t o t h e m a l l, y o u c o m e o f f t h e
b r i d g e, y o u t a k e a r i g h t a t t h e r e d l i g h t a n d
g o a r o u n d T e r m i n a l R o w. T h i s i s t h e e l e c t r i c

substation, you come around here. Here are the railroad tracks. You go under the parkway and now you're in the mall shopping center.

THOMAS ANNINGER: I see. Okay.

LESTER BARBER: You've just never focused on it.

PATRICIA SINGER: The bridge side has a funny clad on it. Like, they could put a sign on the front...

LIZA PADEN: Does anybody have any other comments for any of the other ZBA cases? I do not.

STEVEN WINTER: Ted needs to complete his --

H. THEODORE COHEN: No, I do not.

WILLIAM TIBBS, CHAIRMAN: Am I hearing the meeting is adjourned?

CHARLES STUDEN: Indeed.

WILLIAM TIBBS, CHAIRMAN: Then the meeting is the adjourned.

(Meeting adjourned at 11:10 p.m.)

CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS
NORFOLK, ss.

I, Jill Kourafas, a Certified Shorthand Reporter, the undersigned Notary Public, certify that:

I am not related to any of the parties in this matter by blood or marriage and that I am in no way interested in the outcome of these matters.

I further certify that the proceedings hereinbefore set forth is a true and accurate transcription of my stenographic notes to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of January 2009.

Jill Kourafas
Certified Shorthand Reporter No. 149308
Notary Public

My Commission Expires:
February 26, 2010

THE FOREGOING CERTIFICATION OF THIS
TRANSCRIPT DOES NOT APPLY TO ANY
REPRODUCTION OF THE SAME IN ANY RESPECT
UNLESS UNDER THE DIRECT CONTROL AND/OR
DIRECTION OF THE CERTIFYING REPORTER.