

Date: December 14, 2017
To: Harvard Square Conservation District Study Group
From: Proponents of Harvard Square Zoning Petition
Re: Harvard Square Zoning Petition

We have come to believe that, despite much that is good today, Harvard Square is facing some serious problems and missing out on some important opportunities.

We support the work of the Harvard Square Conservation District Study Group ("HSCD-SG"), but note that the health of the retail ecosystem is not your focus.

We support the zoning recommendations of the Retail Strategy Final Report (RS-FR), but note that the implementation process is not clear.

We support the 10/2/17 policy order that Mayor Simmons' filed on behalf of the HSBA (three more policemen, additional trash barrels, designated drop off points for Lyft and Uber), but it does not address the concerns we have.

We are watching the Envision Cambridge process with interest. It is looking at the City as a whole, including the main squares, but not Harvard Square (or any square) per se. It too does not address the concerns we have.

We are alarmed by the national trend toward retail domination by formula businesses. Locally, this will be exacerbated by wholesale re-development of the heart of the Square that we expect given the sale of so much real estate in such a short time to non-local developers that don't yet understand this unique micro-market.

Soaring property values have caused real estate taxes paid by tenants in Harvard Square to jump 23% between 2014 and 2016, and they will go up more. Many people don't understand that while it is the landlord that receives the real estate tax bill, and writes the check to pay it, the tenants are the real tax payers, and increases typically pass right through to them. So, landlords are seeing giant leaps in property values (assessed values up 63% in two years) but the tenants are feeling pain. This has caused some to leave already, and others may not renew their leases when they expire. We are troubled that retailers and other small business tenants are inhibited from speaking up about this for fear of landlord reprisal. They need a greater voice.

We are troubled that there will now be eleven banks in Harvard Square, because they tend to create dead zones that undermine streetscape vitality, because they tend to take more space than they really need, and because they tend to crowd out other tenants that are the basis of the long-term health of Harvard Square as a destination.

We want better transparency around, and clarity about the authorized uses of, the Harvard Square Improvement Fund as we enter a period of redevelopment that will likely result in significant funds flowing through it.

Given the desire to keep Harvard Square “human scale” (as stated in the Conservation District development guidelines), we want to codify a rationale for the Planning Board to use in considering developer applications to exceed building height of 60’.

We are troubled by the long-term vacancies as landlords hold-out for reasons that may make sense to them but not to the residential and retail community. As suggested in the RS-FR, these locations should be activated while in transition.

We are concerned 8M to 10M visitors a year are served by just one free but filthy indoor public restroom inside the T station, and a second one that is unheated, unlit, does not have a sink or mirror, dribbles water to wash your hands and requires users to cross a busy street to an exposed island to use it.

We believe that many concerned constituencies would love to see a modern Tourist Information Center, and/or a history education center equal to the significance of all that has happened here and in Cambridge generally.

Despite many efforts by the HSBA, Y2Y and others, we note that the homeless people in the Square seem to be growing in number and in some cases camping out, accosting passersby, etc. This hurts our retail ecosystem and needs re-thinking.

We note and respect that there are divergent concepts of what makes Harvard Square valuable. It is critical that we gain a consensus on this central topic.

HARVARD SQUARE ZONING PETITION

Over many months, more than 100 substantive conversations with a very wide range of stakeholders, we came up with a zoning petition that consists of eight planks that are explained below.

We urge our fellow residents, the Planning Board and City staff, and the building owners and developers to help improve these proposals.

SUMMARY OF PROPOSED GOVERNANCE MODIFICATIONS

1. Set an Explicit Policy Goal regarding the retail ecosystem by adding “impact on the retail ecosystem, including the pedestrian window-shopping experience, the extent and density of contiguous storefront openings, and the pedestrian streetscape experience generally” to the evaluation criteria for prospective development proposals. This is needed due to national trends and the arrival of non-local land owners, and the large re-development projects they are expected to propose.
2. Fix the Harvard Square Advisory Council (“HSAC”)
 - Mandate full strength of 12 members for the Harvard Square Advisory Council so all constituencies, including the surrounding neighborhoods, are represented as intended.
 - Change the Architect’s optional alternative skillset from "landscape architect" to "urban planner".
 - Add a second retailer voice and specify that both retail voices are intended to represent the smaller restaurants, shops and services, since these are the businesses that are most threatened and struggling to be heard. To off-set this addition, delete the "member having recognized qualifications as a real estate or development or financial expert".
 - Reduce the members "owning commercial property in Harvard Square" from two to one, and expand the definition to include "or a representative of a corporate owner" since we now have at least two large corporate owners of real estate in Harvard Square (Regency and Morningside).
 - Implement a limit of two consecutive terms, with the right to re-apply after a one year gap.
 - Mandate that the HSAC shall elect a Chair each year and that this person shall rotate annually. Annual leadership opportunities will encourage capable people to apply, and will ensure that there is bench strength when members turn-over.
3. Fix the Harvard Square Improvement Fund ("HSIF") by mandating that funds assessed into it be used **ONLY** for parking or other transit solutions that make up for the waived parking spaces as the ordinance provides (since previous funds were used for painting lamp posts, park design studies, and landlord construction costs), require that HSAC spending recommendations be made in public session, and require that the City provide a report annually indicating in detail the amounts assessed, collected, and spent, and the balance in the account at year end. We need to ensure that these funds are used for creative parking and transit solutions as intended.

SUMMARY OF THE PROPOSED ZONING MODIFICATIONS

4. We want to codify that building height above 60' [in Business B zone of Harvard Square], which requires a special permit, must be in exchange for something that strengthens the community. The petition proposes that GFA above 60' (or equivalent square footage elsewhere in the building, but not displacing ground floor retail) be dwelling units, and specifically for full-time residents (i.e. not absentee owners) since these are the kind of people that will populate the Square on a daily basis, patronize the businesses, and help keep the streets safer, especially at night.
5. Noting that Formula Businesses, as defined in the zoning ordinance, are out-bidding local businesses for prime retail space, and may justify paying a premium to juxtapose their signage with Harvard College and our historical buildings, we want to require new Formula Businesses to adapt their appearance, including signage, in such a manner that the historical nature and character of the district is maintained and/or enhanced. The goal is to level the playing field for local businesses that are and, for optimum *community* health, must remain the backbone of the local retail community.
6. We want to require any large re-development that displaces all or substantially all of the existing tenants to reserve 50% of the new frontage for Smaller Stores of 1,250 square feet or less, so as to maintain a BALANCE of retail tenants after a re-development project is complete. The Smaller Store spaces can be less than the full depth of the building, so a large tenant (e.g. Target, CVS, Gap, etc.) can have a reasonable frontage opening and a "porkchop" in the back. A good example of this is the Cambridge Naturals store in Porter Square, which widens toward the rear.
7. Since there are now 11(!) banks in Harvard Square, and since banks in particular deaden the streetscape, we want to limit future bank leases to 25' of frontage maximum, and to relax (not waive!) this dimensional limit ONLY if (a) the building architecture demands it AND (b) the bank or the building provides a "permanent and commensurate contribution to street and community vitality" to offset the dead space an over-wide bank creates. To back this up, we have provided examples of banks that have provided such community contributions, as well as an example of a complete bank branch fitting into a 30' wide by 60' deep storefront (i.e. 1,200 sf). This plank is needed to prevent new dead zones, and to reclaim existing dead zones over time.
8. Provided the foregoing planks are enacted, we are willing to support exempting below-grade GFA from FAR calculations PROVIDED it is designed to be used for public access uses such as Beat Brasserie or the proposed Church Street theaters, or public service uses such as a history center, tourist information center or public toilets.

PUBLIC TESTIMONY SHOWS BROAD SUPPORT:

Peter Kroon – HSK&P Working Group, MAPOCO re-zoning, N9
Ruth Ryals – President, Porter Square Neighborhood Association, Founder of Mass Av Improvement Committee, member of the Envision Cambridge Advisory Board, N9
Fritz Donovan – Presiding Officer, Mid-Cambridge Neighborhood Association
Suzanne Blier – Harvard Professor, co-founder of HSNA, N10
Brad Bellows – Architect, Riverside
Ken Taylor – Architect, urban planner, lighting expert, HSK&P Working Group, N10
Frank Kramer – 50-year owner of Harvard Bookstore, co-founder of Cambridge Local First, past HSBA board member, 17-year member of the HSAC, HSK&P WG, N9
Tom Brush – entrepreneur founder/owner of Felipe's, Crema and Flat Patties
Laura Donohue – Owner of Bob Slate, past HSBA board member, resident
Fred Meyer – 60-year Harvard Square realtor, co-founder and moderator of the Agassiz Neighborhood Council, Harvard Square history maven, N8
Susan Labandibar – CLF Board, Green Cambridge, Climate Action Business Assn, N10
Abra Berkowitz – HSNA Steering Cmte, CRA, The Port/Area 4 Coalition, Millennial, N10
Marilee Meyer – HSNA, Professional Art Appraiser, Mid-Cambridge
Lee Farris – Cambridge Residents Association Vice President
Tim Shaw – N10
James Williamson – N11

Endorsement letters were received from Cambridge Local First and Harvard Square Neighborhood Association. Hundreds of petition signatures in support of those letters have been delivered to the Planning Board.

ACTION REQUESTED

Please [click here to Submit your Comments and Ideas](#)