

# JOINT MEETING OF THE ECONOMIC DEVELOPMENT & THE UNIVERSITY RELATIONS & NEIGHBORHOOD & LONGTERMPLANNING, PUBLIC FACILITIES, ARTS & CELEBRATION COMMITTEE



## COMMITTEE MEETINGS

~ MINUTES ~

Tuesday, February 7, 2023

3:00 PM

Sullivan Chamber  
795 Massachusetts Avenue  
Cambridge, MA 02139

The Economic Development and University Relations & Neighborhood & Long-Term Planning, Public Facilities, Arts & Celebration Committee will conduct a public meeting to continue its December 7th, 2022 discussion of the attached zoning amendments and the Callender citizen petition proposing a technical definition of lab use and a restriction on new instances of the lab use in fragile districts including Central Square, Harvard Square, and Cambridge Street and possible alternative recommendations t

Attendee Name	Present	Absent	Late	Arrived
Paul F. Toner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Burhan Azeem	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Marc C. McGovern	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Carlone	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	

A public meeting of the Cambridge City Council's Joint Economic Development and University Relations and Neighborhood and Long-Term Planning, Public Facilities, and Arts and Celebrations Committees was held on Tuesday, February 7, 2023. The meeting was Called to Order at 3:00 p.m. by the Chair, Councillor Toner. Pursuant to Chapter 20 of the Acts of 2022 adopted by Massachusetts General Assembly and approved by the Governor, this public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2<sup>nd</sup> Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via zoom.

**At the request of the Chair, Clerk of Committees Erwin called the roll of each Committee.**

**Economic Development and University Relations Committee**

**Councillor Azeem – Present/Remote**

**Vice Mayor Mallon – Present/In Sullivan Chamber**

**Councillor Nolan – Present/Remote**

**Councillor Zondervan – Present/Remote**

**Councillor Toner – Present/In Sullivan Chamber**

**Present – 5, Absent – 0. Quorum established.**

**Neighborhood and Long-Term Planning, Public Facilities, and Arts and Celebrations Committee**

**Vice Mayor Mallon – Present/In Sullivan Chamber**

**Councillor McGovern – Absent\***

**Councillor Nolan – Present/Remote**

**Councillor Zondervan – Present/Remote**

**Councillor Carlone – Present/Remote**

**Present – 4, Absent – 1. Quorum established.**

**\*Councillor McGovern was marked present in the Sullivan Chamber at 3:05p.m.**

The Chair, Councillor Toner opened the meeting by noting that the call was to continue its December 7, 2022 discussion of the attached zoning amendments and the Callender citizen petition proposing a technical definition of lab use and a restriction on new instances of the lab use in fragile districts including Central Square, Harvard Square, and Cambridge Street and possible alternative recommendations to address neighborhood concerns. Councillor Toner noted that Mayor Siddiqui was joined in the meeting remotely. Other City Staff that were present at the meeting included, Iram Farooq, Assistant City Manager for the Community Development Department (CDD) and her team, Daniel Messplay, Senior Zoning Manager, Jeff Roberts, Zoning and Development Director, and Pardis Saffari, Director of Economic Opportunity and Development. City Solicitor, Nancy Glowa and Deputy City Solicitor, Megan Bayer, were both joined remotely, as well as Sam Lipson, Director of Environmental Health for the Cambridge Public Health Department.

Councillor Toner noted that the petitioners from the Callender Petition were present and included, Charles Franklin, Kanish Gandhi, Lee Farris, and Duane Callender. Other panelists who attended the meeting included Michael Grill, founder of Fairlane Properties and member of the East Cambridge Business Association, Jason Alves, Executive Director of the East Cambridge Business Association, David Maher, President and CEO of the Cambridge Chamber of Commerce, and Sharmil Modi from the East Cambridge Company.

**Due to the previous meeting being recessed, a motion was made by Councillor McGovern to suspend the rules to allow public comment.**

**Clerk of Committees Erwin called the roll of each Committee.**

**Economic Development and University Relations Committee**

**Councillor Azeem – Yes**

**Vice Mayor Mallon – Yes**

**Councillor Nolan – Yes**

**Councillor Zondervan – Yes**  
**Councillor Toner – Yes**  
**Yes – 5, No – 0. Motion passed.**

**Neighborhood Long-Term Planning, Public Facilities, and Arts and Celebrations Committee**

**Vice Mayor Mallon – Yes**  
**Councillor McGovern – Yes**  
**Councillor Nolan – Yes**  
**Councillor Zondervan – Yes**  
**Councillor Carlone - Yes**  
**Yes – 5, No – 0. Motion passed.**

**Councillor Toner opened Public Comment.**

Donald Grossman, 179 Sidney Street, Cambridge, MA, spoke against the Lab Zoning petition sharing how it would negatively impact his business.

Adam Rizika, 15 Tudor Street, Cambridge, MA, spoke on the lab petition proposal and offered suggestions on affordable and incentive housing.

Rabbi Yoni, spoke in support of the petition for affordable housing and not more biotech labs.

Heather Hoffman, 213 Hurley Street, Cambridge, MA, spoke in favor of the petition and shared her experience as a resident in Cambridge who is surrounded by labs.

**The Chair, Councillor Toner recognized Vice Mayor Mallon who made a motion to close public comment.**

**Clerk of Committees Erwin called the roll of both Committees.**

**Economic Development and University Relations Committee**

**Councillor Azeem – Yes**  
**Vice Mayor Mallon – Yes**  
**Councillor Nolan – Yes**  
**Councillor Zondervan – No**  
**Councillor Toner – Yes**  
**Yes – 4, No – 1. Motion passed.**

**Neighborhood Long-Term Planning, Public Facilities, and Arts and Celebrations Committee**

**Vice Mayor Mallon – Yes**  
**Councillor McGovern – Yes**  
**Councillor Nolan – Yes**  
**Councillor Zondervan – No**  
**Councillor Carlone - Yes**  
**Yes – 4, No – 1. Motion passed.**

Lee Farris and other members from the Callender Petition gave Committee members updates on some of their thoughts and ideas concerning the petition. They noted they had a meeting with CDD on February 3, 2023 and offered comments regarding the progress and takeaway from that meeting.

Councillor Azeem had clarifying questions for the City Solicitor regarding modifications and amendments to petitions, and actions taken on them. Nancy Glowa noted that when questioning whether you can amend a petition or not you have to look to see if it alters the fundamental character of the petition.

Councillor Zondervan had clarifying questions regarding current developments in the City with lab space and housing. Daniel Messplay and Iram Farooq were available to respond, sharing that there were not currently any projects where housing and lab space were mixed in together, but there was a multi-residential building next to a lab space that was part of the same development on Binney Street. Sharmil Modi noted that he and his team have been studying smaller scale buildings, looking at the possibility of retail, commercial/lab use, and housing all in the same development.

Councillor McGovern shared his concerns regarding the petition, sharing that it's coming forward as a housing proposal, but there is nothing in the petition that will deliver housing. He offered suggestions on how lab space and affordable housing could be created that would benefit the City. Councillor McGovern also shared that the linkage fee recently increased to \$33 per square foot which will generate funds for affordable housing.

Councillor Carlone asked for clarity from Sam Lipson on the integration between labs and housing, and if there are any types of labs that are more concerning than others. Sam Lipson offered answers and examples for when looking at shared mixed used lab spaces, noting that keeping lab use space at the BL-1 and BL-2 level would be in the best interest.

Vice Mayor Mallon acknowledged the work the petitioners have done to try and help solve a problem in the City. The Vice Mayor offered comments about the petition and noted that labs are not always the reason why affordable housing is not being built. She agreed with comments made by Councillor McGovern and noted that the issue that should be discussed is around housing and how to limit labs.

Councillor Nolan shared that everyone agrees that the City wants to understand how to develop properties and not prevent new affordable housing to be built. She agreed with comments made by the Chair, that the two issues that the Council is trying to deal with is the production of labs and affordable housing. Councillor Nolan commented that she looks forward to a plan that has a range of initiatives involving lab space and affordable housing.

Councillor Toner, Councillor Zondervan, Councillor Carlone, and Councillor Nolan offered comments on the proposed motion and asked for clarification from the City Solicitor regarding if the two Committees can send a negative or positive recommendation to the full Council and on zoning. The City Solicitor was able to provide answers.

**The Chair, Councillor Toner recognized Vice Mayor Mallon who made the following motion:**

**ORDERED: That the joint Economic Development and University Relations and Neighborhood and Long-Term Planning, Public Facilities, Arts & Celebrations Committees forward the Callender Petition and Policy Order 2022 #161 to the full City Council with a negative recommendation.**

**Clerk of Committees Erwin called the roll of both Committees.**

**Economic Development and University Relations Committee**

**Councillor Azeem – Yes**

**Vice Mayor Mallon – Yes**

**Councillor Nolan – Yes**

**Councillor Zondervan – No**

**Councillor Toner – Yes**

**Yes – 4, No – 1. Motion passed.**

**Neighborhood Long-Term Planning, Public Facilities, and Arts and Celebrations Committee**

**Vice Mayor Mallon – Yes**

**Councillor McGovern – Yes**

**Councillor Nolan – Yes**

**Councillor Zondervan – No**

**Councillor Carlone - Present**

**Yes – 3, No – 1, Present - 1. Motion passed.**

Councillor Toner offered discussion from Committee members on the proposed Policy Order (Attachment A). He noted that the proposal is coming from himself, Councillor Azeem, and Councillor McGovern with the intentions to try and capture the elements that have been in discussion about lab space and housing.

Councillor Zondervan, Councillor Toner, Vice Mayor Mallon, and the City Solicitor went into discussion on the possibility of including a moratorium as part of the proposed Policy Order.

**The Chair, Councillor Toner recognized Councillor Carlone who made the following motion to change the date on the last ORDERED so that it reads as follows: That the City Manager be and hereby is requested to report back to the City Council with recommendations no later than March 1, 2024.**

**Clerk of Committees Erwin called the roll of each Committee.**

**Economic Development and University Relations Committee**

**Councillor Azeem – Yes**

**Vice Mayor Mallon – Yes**

**Councillor Nolan – Yes**  
**Councillor Zondervan – Yes**  
**Councillor Toner – Yes**  
**Yes – 5, No – 0. Motion passed.**

**Neighborhood Long-Term Planning, Public Facilities, and Arts and Celebrations Committee**

**Vice Mayor Mallon – Yes**  
**Councillor McGovern – Yes**  
**Councillor Nolan – Yes**  
**Councillor Zondervan – Yes**  
**Councillor Carlone - Yes**  
**Yes – 5, No – 0. Motion passed.**

**The Chair, Councillor Toner made the following motion:**

**ORDERED: That the joint Economic Development and University Relations and Neighborhood and Long-Term Planning, Public Facilities, Arts & Celebrations Committees forward the amended proposed Policy Order regarding Labs and Neighborhood Planning to the full City Council. (Attachment A)**

**Clerk of Committees Erwin called the roll of both Committees.**

**Economic Development and University Relations Committee**

**Councillor Azeem – Yes**  
**Vice Mayor Mallon – Yes**  
**Councillor Nolan – Yes**  
**Councillor Zondervan – Present**  
**Councillor Toner – Yes**  
**Yes – 4, No – 0, Present - 1. Motion passed.**

**Neighborhood Long-Term Planning, Public Facilities, and Arts and Celebrations Committee**

**Vice Mayor Mallon – Yes**  
**Councillor McGovern – Yes**  
**Councillor Nolan – Yes**  
**Councillor Zondervan – Present**  
**Councillor Carlone - Yes**  
**Yes – 4, No – 0, Present - 1. Motion passed.**

**The Chair, Councillor Toner recognized Councillor McGovern who made a motion to adjourn the meeting.**

**Clerk of Committees Erwin called the roll of each Committee.**

**Economic Development and University Relations Committee****Councillor Azeem – Yes****Vice Mayor Mallon – Yes****Councillor Nolan – Yes****Councillor Zondervan – Yes****Councillor Toner – Yes****Yes – 5, No – 0. Motion passed.****Neighborhood Long-Term Planning, Public Facilities, and Arts and Celebrations Committee****Vice Mayor Mallon – Yes****Councillor McGovern – Yes****Councillor Nolan – Yes****Councillor Zondervan – Yes****Councillor Carlone - Yes****Yes – 5, No – 0. Motion passed.**

Attachment A – Proposed Policy Order as amended.

The City Clerk's Office received two written communications, Attachments B & C

**Clerk's Note:** The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record.

The video for this meeting can be viewed at:

[https://cambridgema.granicus.com/player/clip/438?view\\_id=1&redirect=true&h=7abc48fd69fc487d9c09754d0110b05c](https://cambridgema.granicus.com/player/clip/438?view_id=1&redirect=true&h=7abc48fd69fc487d9c09754d0110b05c)

**A Zoning Petition Has been received from Duane Callender, et al. Cambridge Lab Regulation Zoning Amendment**

**A communication was received from Assistant City Manager / Community Development City of Cambridge Iram Farooq, transmitting a presentation regarding Zoning for Labs.**

**A communication was received from Assessors Director Gayle Willet, transmitting a presentation regarding Lab Discussion.**

**A communication transmitted from Yi-An Huang, City Manager, relative to Council Order No. O-8 of 1/23/2023, regarding (1) whether there is a two year bar on considering repetitive zoning petitions that have been unfavorably acted upon by the Council, (2) if so, whether that bar on repetitive petitions would prohibit the Council from moving forward with a Council initiated lab use zoning petition if there is unfavorable action on the pending Callender, et al. Petition, and (3) if so, what types of changes to zoning petition would be Necessary for it. to no longer be considered a repetitive petition. FINALIZED FEBRUARY 6, 2023**

**That the City Council refer the zoning petition regarding lab use to the Ordinance Committee and Planning Board for a hearing and report. PLACED ON THE TABLE IN COUNCIL SEPTEMBER 19, 2022**

**A communication was received from Councillor Toner, transmitting Proposed Policy Order for referral to the Cambridge City Council regarding Labs and Neighborhood Planning.**



**Proposed Policy Order for referral to the Cambridge City Council regarding Labs and  
Neighborhood Planning**

**February 7, 2023**

**Councillors Toner, Carlone, Azeem, and McGovern**

**WHEREAS:** The City Council has been discussing the need to develop recommendations to balance the needs of our residents and lab community along our main corridors and squares outside, with the exception of Kendall Square and the Alewife Quadrangle; therefore, be it so

**ORDERED:** That the City Manager instruct the Community Development Department to establish a working group comprised of CDD and the Inspectional Services Department staff, representatives from the various business associations (Kendall Square Business Association, Harvard Square Business Association, Central Square Business Improvement District, East Cambridge Business Association, and Cambridge Chamber of Commerce), lab developers and owners, community members, and representatives of the Affordable Housing Trust to develop recommendations on the following issues:

1. **Addressing Nuisances (Noise, light, mechanicals, etc.)** – Address the concerns surrounding commercial buildings and labs through design guidelines in zoning code, strengthening the building code where needed, and review other local and state regulations.
2. **Reasonable restrictions on commercial building and lab size and use:** Avoid any restrictive definitions of “labs” to prevent unintended consequences of hampering innovation and new trends in the very fluid lab, office, commercial, and technical workspace environment. Where appropriate, recommend some restrictions on the size and intensity of use and/or hazard level (i.e., prohibit BLS 3 or 4) in certain neighborhoods to address concerns about health, safety and the impact of commercial and large lab buildings being built in or adjacent to smaller scale residential districts. Issue separate guidance for conversion of existing space versus ground-up new construction, especially as it relates to any potential size restrictions.
3. **1035 Cambridge Street:** Allow all current uses at 1035 Cambridge Street to continue by establishing a new zoning district encompassing 1035 and surrounding parcels. However, due to the nature of current uses at 1035 and the rapidly changing landscape in Somerville around the new Union Square T station and Boynton Yards, 1035 Cambridge and the surrounding parcels should be looked at differently. The area should move forward as its own district with a possible housing overlay district for added height and density at a 100-foot depth along Cambridge Street using the Our Cambridge Street Study as a starting point.
4. **Address the need for more housing through a pro-active discussion on mixed use and mixed income development of lab, housing, and retail:** CDD should use the research and planning that has resulted from Envision Cambridge, Alewife Quad Study, and Our Cambridge Street Study along with future discussions of Central Square and North Massachusetts Avenue to identify concepts and best practices in urban planning to develop strong design guidelines and zoning and other possible recommendations that harness the economic dynamism of labs and the innovation economy to support the creation of co-located retail and housing via mixed-use developments (i.e., residential above lab above ground floor retail) of all scales.

And be it further

**ORDERED:** That the City Manager report back the City Council with recommendations no later than March 1, of 2024.

Erwin, Nicole

Attachment B

**From:** Adam Rizika <adam.rizika@gmail.com>  
**Sent:** Monday, February 6, 2023 5:07 PM  
**To:** City Clerk  
**Subject:** Feb 7 - 3pm - Economic Development & University Relations Committee - Committee Meetings - Cambridge Lab Regulation Zoning Amendment

Hello Cambridge City Clerk,

This email is related to February 7th, 3pm meeting of the Economic Development & University Relations Committee Meeting related to the Cambridge Lab Regulation Zoning Amendment. I would like to submit the following written comments.

Thanks,

Adam Rizika  
15 Tudor Street  
Cambridge

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My name is Adam Rizika, and I am here to talk about the application and petition regarding Lab Regulation Zoning.

As background, my family owns 125 Sidney Street. We purchased the building in the early 1980s. At the time it was dilapidated and over the years we have done much renovation to make it a really nice building. This has been possible because biotech companies have started their business and made their homes in our building. In addition, over those years I have lived in the building and we have started two successful tech companies, with some of our employees living in the broader Cambridgeport neighborhood. So I have a good sense for the neighborhood.

The major point I would like to make is that District 10, which runs between Hamilton and Pacific street, from Sidney street, three quarters of the way to Brookline Street, is not Central square, Harvard Square or Inman Square. It is not Main Street. **District 10 has always been and still is an industrial district.** Many biotech companies have developed out of this district and being able to combine office and lab space, constantly changing it with the business requirements, is critical to the companies and landlords success. The fact is that district 10 should not have been included with this new zoning proposal, particularly given the stated goals - preserving Main Street.

I would also like to mention that In 1991 the area was already downzoned from Industrial B, unlimited height, FAR 4.0 to create Special District 10 effectively limiting existing buildings to what was in place. Even after that, nearly all of Special District 10 has remained industrial or commercial. Adding further constraints to a district which is largely underdeveloped by Cambridge standards, by restricting lab use, goes against the predominant existing uses that have evolved over the past 30 years.

Unlike MIT or Alexandria, Sidney Street is our only building, and so the proposed downzoning matters. This is also the case for many of the other owners in the District. To limit the tech uses for our neighborhood to exclude lab space, where all the buildings are focused on tech efforts including biotech, would be punitive to us as owners and detrimental to our neighborhood.

As an additional note, if we want more housing, instead of just limiting lab space, effectively limiting one type of business, I might suggest a better strategy would be to incentivize housing. As an example, we evaluated converting our building to apartments or condos. It would never make sense unless the FAR was dramatically increased.

I would suggest we drive additional and affordable house with incentives, not with punitive zoning regulations.



**From:** Donald Grossman <donald.grossman@gmail.com>  
**Sent:** Monday, February 6, 2023 8:09 PM  
**To:** City Clerk  
**Subject:** Cambridge Lab Zoning Amendment - Joint Meeting - Opposition

To Joint Meeting::

Although I intend to participate in the 7 February hearing, this email serves to memorialize my strong opposition to the Callendar and parallel Council petitions.

In particular, in terms of an overview:

- The proposed lab regulation will have adverse effects on Zoning Special District 10 (area from Sidney Street to Brookline Street and from Pacific to Hamilton Street) and should not be enacted..
- My Partnership's building (179 Sidney Street) has a history of lab use dating back over a century, as it was built by Thayer Pharmaceuticals in 1921.
- We have invested in starting in 1986, when the former zoning was Industrial B, FAR 4.0, unlimited height. The 1991 downzoning to Special District 10 limited existing buildings to the existing FAR and severely limited the allowed uses.
- The district has evolved over the last 30 years and has remained roughly 90 percent commercial, with lab use being one of the predominant uses.
- Our building is currently leased to a biotech tenant who is using a portion of the space for lab use.
- Downzoning the district will be antithetical to the existing uses and will restrict existing owners, but not achieve the goal of preserving small business or fostering residential.
- The district is home to companies like BioNtech (Pfizer vaccine partner) and small biotech startups working on important cures, which cannot afford Class A+ space in Kendall.
- I am one of several small owners in the district who share the same concerns, and these concerns parallels those of MIT who is the largest owner in the district.
- Special District 10 should be eliminated from the proposed rezoning. This sort of overbroad and over-reaching approach to rezoning is inappropriate for this affected area, and possibly many other areas citywide.

In terms of specifics, there have been multiple meetings and writings, and the City Staff and Planning Board. With respect to Special District, and in many cases, more broadly, Citywide, some of the conclusions that can be drawn include that:

1. The Cambridge Lab Regulation Zoning Amendment Petition lacks supporting facts and data.
2. There is no evidence that regulating biotech will foster residential and small businesses in certain areas.
3. The restrictions in Zoning Section 17.105 do not allow for conversion from "Office and Laboratory Uses" to "Retail or Consumer Services".
4. The proposed changes are overbroad and ignore the diversity of the areas they cover.
5. Special District 10 is already 90% commercial and has a history of serving as incubator space for small and mid-sized companies.

6. The existing zoning already addresses specialized zoning concerns related to labs.
7. The use of citywide aggregates in the discussion of finance and assessing blurs the differences between the areas covered by the petition.
8. The discussion of "Class B - Smaller Scale Office Buildings" is relevant to Special District 10.
9. Many properties in Special District 10 are suitable for lab conversions and have a history of serving companies in industries such as biotechnology and materials science.

Perhaps the strongest argument is the words of the Planning Board Members, which overwhelmingly recommended against adopting the Callender Petition, nearly unanimously (6-1). Transcribed from the video of the 20 December meeting, since minutes are not yet available, the board said among other things:

- Ted Cohen - "Convinced that this is much too large and broad brushed"; "...we ought not to recommend at this point..."; "I don't think this is the right way to go..."
- Steve Cohen - "This approach is confusing..."; "...I think it is inappropriate..."
- Lou Bacci - "Seems way too broad based..."; "It is very short sighted... including financial risks to the City..."; "...this is not it..."
- Tom Sieniewicz - "... the broad brush affects a multitude of property owners and businesses... an awful lot"; "I would think this would involve a pretty elaborate planning analysis..."; "...a rather hasty and quickly drafted petition that skirts balancing property rights and other perspectives..."
- Ashley Tan - "I do agree with the rest of my colleagues.."; "The current petition is too broad"
- Mary Flynn - "In general I agree with my colleagues..."; "There are concerns... somewhat confusing... maybe at odds with other City objectives"
- Ted Cohen - "See no reason to continue the hearing and it would be a disservice to the City Council"
- Tom Sieniewicz - "... [needs] a measured planning process that would take years to do properly"; "This is something that we should not rush to..."
- Lou Bacci - "The only thing I see here of merit is the intent..."; "I think we should not recommend it. It is way too broad and undefined."
- Mary Flynn - "This petition isn't properly structured to achieve the objectives that they are stating..."; "...therefore we are recommending against this particular petition..."

Sincerely,

Donald Grossman

***Note: Detailed Discussion Follows***

## **CAMBRIDGE LAB ZONING AMENDMENT, OPPOSITION OVERVIEW**

Although lab regulation may conceivably make some sense elsewhere in Cambridge, my perspective and experience is from Zoning Special District 10, which goes from Sidney Street most of the way to Brookline Street, and from Pacific south to Hamilton Street. This is one of probably many locations that should be excluded from lab regulation, failing which these locations will be irreversibly and adversely affected. Regardless, these sort of changes should not even be considered or made ad hoc, bypassing due diligence and driven by political motivation.

**RE: Background**



I live and work at 179 Sidney Street (aka 80 Erie Street) Cambridge, MA 02139, currently a multi-use building. This vintage post and masonry building was built in approximately 1921. Significantly, it was built by Thayer Pharmaceuticals, founded in 1848, perhaps one of the earliest biotech companies in the City of Cambridge. So lab use in my building dates back more than a century.

We bought a derelict property in 1986, and have invested significantly over the years. Unlike MIT or Alexandria or Biomed Realty, which drive the market, I do not have a portfolio where a change of zoning in a small portion does not make a difference. Sidney Street is my entire portfolio, and so this matters.

When we started, the original zoning was Industrial B, FAR 4.0, unlimited height. In 1991, after University Park was up zoned, a significant downzoning of the area South of Pacific created, among other new zones, Special District 10. This effectively limited existing buildings to the FAR that was in place, and severely limited the way in which uses would be allowed to continue or change. The thirty year experiment since that zoning has left this district land area substantially non-residential, remaining more than 90 percent commercial.

Specifically except for two long-ago residential conversions (72 Hamilton and 98-100 Erie), and some ongoing existing business (e.g. Good News Garage, De Leo's Auto Body), what has transpired is conversion from large industrial (e.g. the 99-101 Erie, 167 Sidney, et al) to laboratory, academic, or commercial. Other small owners properties such as 179 Sidney (mine), 60 Hamilton (Bulfinch), 93 Hamilton (Miltényi Biotech), and 15 Tudor aka 125 Sidney (Rizika Realty) have some both lab components and additional potential for the same. (See Summary Exhibit Below)

Regarding 179 Sidney Street, About a decade ago, I leased to a biotech tenant who started in two small workspaces, and has subsequently taken over three-quarters of the building, including converting a portion of their space to permitted lab uses. A successor tenant will soon take the whole building including the lab.

## **RE: Perspective**

The 1991 downzoning was draconian, slashing the allowed 4.0 FAR. Adding further constraints to a district which is largely underdeveloped by Cambridge standards (the commercial FAR is 0.766), by restricting labs, goes against the predominant existing uses that have evolved in the last three plus decades, and continue to evolve

Downzoning is antithetical to what is here, and will arbitrarily restrict existing owners - and not achieve the purported goal of preserving small business or fostering residential. Instead, small property owners like myself will be adversely affected. Ultimately, and doubtless this is a discussion for another day and time, upzoning and encouraging lab use, should be seriously considered for this district.

Restricting labs is a bit of misdirected Not In My Back Yard (NIMBY). Companies such as BioNtech - the Pfizer vaccine partner - live and work here. My current tenant works on cures for neurological diseases like epilepsy, fragile x, and a spin off seeking to remedy some forms of ALS. There is good reason to continue to support local owners, and small biotech startups which are working to change the world - companies that do not need nor can afford the Class A+ space in Kendall.

## **RE: Supporting Exhibit, Special District 10 Property Details, owners, Uses**

Address	Area (sf)	Assess (USD)	Particulars
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Street	Nbr	Land	Bldg	Land	Bldg	Owner	Use	Notes
Sidney	135	8,565	0	908,200	4,000	MIT	Parking	
	137-149	38,042	36,902	6,678,899	26,716,500	MIT	R&D&FC	
	153	8,520	0	632,300	0	MIT	Vacant	
	167	30,378	26,415	4,640,500	20,613,800	MIT	LS	
Hamilton	59	11,273	0	1,698,500	0	MIT	Vacant	
	60	9,321	10,272	1,806,400	2,592,900	Bulfinch	Office	
	64	756	1,248	632,100	657,500	Palestrant	Residential (1)	
	72	11,149	13,068	2,890,800	7,623,700	Various	Residential (11)	
	79	11,278	10,000	1,748,700	570,700	MIT	Industrial	
	84	5,700	3,800	669,300	737,900	Chang Siegal	Office	
	85	10,484	8,830	1,553,900	2,836,500	Miltenyi	Office	
	90	10,413	7,800	1,828,100	2,579,700	MRH Hamilton	Office	
Erie	80	14,541	12,680	1,807,000	1,957,499	First C-G	Multiuse	
	98-100	17,959	24,257	0	17,414,600	Various	Condo (16)	
	99	37,844	29,040	5,090,800	21,465,600	MIT	LS	SD 10?
Emily	12	41,231	32,460	5,687,400	15,232,300	MIT	R&D&FC	Plus 28566 SF Basement
Tudor	25-29	26,156	14,600	4,950,000	6,035,800	MIT	R&D&FC	
	15	20,102	24,700	4,239,700	5,273,000	Rizika	Office	

## CAMBRIDGE LAB ZONING AMENDMENT, OPPOSITION, SUPPLEMENTAL

There have a number of meetings and analysis of the Lab Zoning Amendments,

### RE: Cambridge Lab Regulation Zoning Amendment Petition

The Petition in general, and the "Overview" is wholly bereft in supporting facts and data.

In terms of the avowed goals, there is no evidence presented that regulating biotech will foster residential and small businesses in certain of the areas proposed for coverage. For example, with respect to Special District 10, in more than three decades since the area was downzoned from Industrial B to a very convoluted zoning, less than ten percent of the district has transitioned to residential. Furthermore, saying areas such as Special District 10 "should be shielded from new biotech lab development, allowing them to develop as housing centers with thriving restaurants, nightlife, and retail" is simply erroneous. The restrictions in Zoning Section 17.105 allows "Office and Laboratory Uses" but specifically precludes reverting from those to "Retail or Consumer Services". There is only a single Industrial property that would be eligible to convert.

With respect to the spatial scope of the proposed Lab Regulation, the geographic areas are the opposite of spot zoning. Special district 10 is completely different from the commercial squares, and from many other areas proposed for this rezoning. The diversity is ignored by this over broad proposal.



Regarding the three specific proposed changes to the Zoning Ordinance, these are addressed by comments in response to the supporting Community Development Department, and Finance & Assessing documents, presented below. Subsequent to that is the overwhelming opposition by the Planning Board.

**RE: Community Development Department, Zoning for Labs, 7 December 2022**

Special District 10 is ninety percent commercial.

There are already multiple permitted biological labs in the district, and a variety of R&D uses and office uses which would be ideally suited for similar lab conversion. Special District 8, literally across Sidney Street and fundamentally not dissimilar in character, is replete with these sorts of uses. By dramatic comparison, there is a paucity of these sorts of uses in some of the other areas proposed for rezoning, for example Central Square (see p. 5).

The finding that "Small and mid-sized companies are having hard time finding small lab/flex spaces to stay and grow in Cambridge" is exactly the niche that Special district 10 has served for more than a century. The former Stimpson properties between Emily, Sidney, and Erie street were built in the late 1800's as "incubator" space, with a rail spur running to them along Merriam Street. My building, built in 1921 by and for a pharmaceutical company, has served a number of start ups for decades, most recently biotechnology. The building was established as an industrial facility, and remains such in character. Not every small company can afford Class A space in Kendall - and Special District 10 fills that void. Again, the existing zoning does not allow reversion to retail or consumer services. The in place valuations, unless there is a huge upzoning for residential uses, already make the chance of conversion to housing infinitesimally small.

In terms of the "Discussion" (p.20), there does not seem to be a problem that requires a definitional change. There are already a multiplicity of constraints on labs (e.g. rooftop equipment, noise, safety, water discharge discharge) that address the issues of concern. Regarding research and labs being good neighbors, Special district 10 commercial property owners work assiduously to be good neighbors. Research and Labs typically have less intensive employment - case in point, traffic was one of the apex considerations when University Park was established. The prevalence of technology companies rather than for example "back office" insurance or financial office workers has had the unanticipated consequence of resulting in far less traffic than expected, and a resultant better quality of neighborhood life (not to say that the BU Bridge rotary is okay - it is not - but it could be far worse).

**RE: Lab Discussion, Finance & Assessing, 7 December 2022**

Although some useful information can be gleaned from an aggregated, city wide summary, this is inadequate and blurs the differences between the areas covered by the proposed petition.

According to the aggregates, an estimated 53 percent of the assessed valuation is residential. In Special District 10, residential building assessments are of order 15 percent, less than one-third of the citywide average. Citywide, an estimated 44 percent of the assessed valuation is commercial and industrial. In Special district 10, commercial building assessments are of order 85 percent, more than twice the citywide average.

Not differentiating the areas under consideration, by using citywide aggregates, will lead to mistaken conclusions.

That said, the salient discussion of "Office Trends" and "Class B - Smaller Scale Office Buildings"



(page 9 et Sequim) is very pertinent to Special District 10. A good part of the district is already on this trajectory.

In terms of the "Lab Summary - Finance Concerns" (p. 14):

- Many properties in the district have been or remain highly suitable for office conversions. This is especially true for these largely non high rise buildings which can more economically implement air handling, and the industrial genesis which provides high ceilings, heavy floor loadings, and ample electric power.
- By way of examples, our tenants have included, among others, materials science, optics, oceanography, and biotechnology companies - many small MIT or Harvard derived, that want to maintain their symbiotic relationships with the universities, colleagues, and local businesses. Significant numbers of employees have lived locally.
- If anything, Special District 10 would benefit from up-zoning and less restrictions. The existing commercial built FAR is roughly 0.77 - doubtless less intensive than nearby commercial and industrial zones. But that is a future discussion.

The final admonition in the Lab Discussion that there should be a "...Thoughtful, measured approach to lab zoning changes based on analysis and adaptability for a transforming future" is very appropriate, and neither the zoning petition nor the supporting analysis are anywhere close to approaching that threshold.

#### **RE: Community Development Department, Memo Regarding Zoning Petition, 13 December 2022**

More than half of this document provides very generic background narrative information on the existing zoning regarding labs, and restating what is said in the petition.

Following the restatement, "Current Lab Locations in Cambridge" (p. 4) presents the same information at the "Zoning for Labs" document, supra. There is a caveat that "there is no definitive list of all "technical office" uses in Cambridge", which suggests that what is displayed is a minimum estimate of current actual, and accordingly, in all likelihood underestimates adverse impacts.

The "Policy Discussion" (p.5) then goes on to map where additional lab space would be disallowed - noting that "the regulations in some areas would be ambiguous" and that "...there are issues with the form of the Petition...".

The "Definitions" (p. 5,6) section basically says that the Petition is sloppy and ad hoc, noting that "many types of facilities which are currently permitted through the City would not be permitted anywhere in the City" and that "it does not provide clear guidance on how to classify and regulate the various uses that might exist now or in the future."

The "Proposed Footnotes" (p. 6,7) are also called out as ambiguous and at odds with Zoning Ordinance definitions, conventions, and intentions. Some examples of the petitioners' (and for that matter original Council amendment') Sweeney Todd approach include misuse of the term "conforming", and misunderstanding of overlay versus base district provisions.

The larger problem is that this memo focuses on the proverbial "putting lipstick on a pig" - only serving to discuss "superficial or cosmetic changes... in a futile effort to disguise its fundamental failings."



At the end of the Policy Discussion (p. 5), the crux of the matter is glossed over. The Memo says that "In addition to the substantive planning issues raised by the Petition...". However, nowhere are these substantive planning issues meaningfully delineated or analyzed.

#### **RE: Planning Board Hearing, 20 December, 2022**

The Planning Board recommended against the City Council adopting the Callender Petition, and presumably by inference, the parallel City Council Petition. This was in a Memorandum dated 21 December, 2022.

What the memorandum did not capture was the depth of opposition, as evidenced by Board member statements, "transcribed" from rewatching the hearing video, since a transcript is not yet available (Note, only Hugh Russell was not opposed, but he was by and large inaudible on the video).

What follows is some comments from Planning Board Members:

- Ted Cohen - "Convinced that this is much too large and broad brushed"; "...we ought not to recommend at this point..."; "I don't think this is the right way to go..."
- Steve Cohen - "This approach is confusing..."; "...I think it is inappropriate..."
- Lou Bacci - "Seems way too broad based..."; "It is very short sighted... including financial risks to the City..."; "...this is not it..."
- Tom Sieniewicz - "... the broad brush affects a multitude of property owners and businesses... an awful lot"; "I would think this would involve a pretty elaborate planning analysis..."; "...a rather hasty and quickly drafted petition that skirts balancing property rights and other perspectives..."
- Hugh Russell - inaudible
- Ashley Tan - "I do agree with the rest of my colleagues.."; "The current petition is too broad"
- Mary Flynn - "In general I agree with my colleagues..."; "There are concerns... somewhat confusing... maybe at odds with other City objectives"
- Ted Cohen - "See no reason to continue the hearing and it would be a disservice to the City Council"
- Tom Sieniewicz - "... that is a measured planning process that would take years to do properly"; "This is something that we should not rush to..."
- Lou Bacci - "The only thing I see here of merit is the intent..."; "I think we should not recommend it. It is way too broad and undefined."
- Mary Flynn - "This petition isn't properly structured to achieve the objectives that they are stating..."; "...therefore we are recommending against this particular petition..."

This was **not** a close call. It was a 6-1 rejection.

#### **RE: Ordinance Committee Hearing, 4 January 2023**

Since the Ordinance Committee was heard by the Council as a whole, save Mayor Siddiqui, the multitudinous details likely do not need to be recited here. There are minutes posted online. Basically, the process that ensued was in many ways more strategic than substantive.

Councillor Toner proposed that the Callendar petition be advanced with a negative recommendation. There seemed to be general agreement that the two similar petitions, Callender and Council, be streamlined into a single discussion, Accordingly, it was decided that the discussion be continued by the Joint Committee.

The matter of repetitive petitions was raised, and the City Solicitor was asked to render an opinion. Said opinion, in a letter to the City Manager on 6 February, 2023, basically saying that they needed to avoid unfavorable action on the Callendar Petition to prevent a two-year bar on a similar petition.

**RE: Conclusion**

Given that the petition will not achieve its desired goals (at least for the Special District 10 example), that it is replete with technical errors, that what little analysis was aggregate and did not identify or differentiate the impacts in some affected areas, and that there is a wholesale dearth of substantive planning, Lab Zoning Amendment Petitions should be rejected.

Regulating lab space in many districts, or keeping the threat alive, is not responsible governance, and will prevent businesses, especially small businesses, from making decisions and making investments that will support the City's innovation economy - especially during a time when these small businesses are confronted with a downturn in the office market, and in many cases infeasibility in redeveloping to housing or retail, particular in areas such as Special District 10.