Committee Report #4

ORDINANCE COMMITTEE MEMBERS
Vice Mayor Dennis Benzan, Co-Chair
Councillor Dennis Carlone, Co-Chair
Councillor Leland Cheung
Councillor Craig Kelley
Mayor David Maher
Councillor Nadeem Mazen
Councillor Marc McGovern
Councillor Denise Simmons
Councillor Timothy Toomey

In City Council March 16, 2015

The Ordinance Committee held a public hearing on Tuesday, March 3, 2015 beginning at 4:04PM in the Lombardi Conference Room, 831 Mass. Ave.

The purpose of the hearing was to continue discussions on the zoning petition filed by Whitehead Institute to amend the Zoning Ordinance, Sections 14.32.1 and 14.32.2 to provide for an increment of 60,000 square feet of GFA to be allowed by special permit in a portion of the MXD District, in Section 14.70 by retiling "Special Provisions Applicable Within the Ames Street District: and by adding a new Section 14.72 "Special Provisions Applicable Outside the Ames Street District.

The meeting was being audio recorded by audio devices.

Present at the hearing were Vice Mayor Dennis A. Benzan and Councillor Dennis J. Carlone, Co-Chairs of the Committee, Councillor Leland Cheung, Councillor Craig Kelley, Councillor Nadeem A. Mazen, Councillor Marc C. McGovern, Councillor E. Denise Simmons, Councillor Timothy J. Toomey, Jr., Jeff Roberts, Land Use and zoning Project Planner, Community Development Department (CDD) and City Clerk Donna P. Lopez.

Also present were Richard McKinnon, 1 Leighton Street, Developer, Whitehead Institute, Martin Mullin, Vice President of Whitehead Institute, 1105 Massachusetts Avenue, Andy Pecorta and Rick Kobus, Tsoi Kobus Architects for Whitehead Institute, 1 Brattle Square, Adam Weisenberg, Attorney, Whitehead Institute Tom Evans, Executive Director, Cambridge Redevelopment Authority, Dangfang Zhou, Boston University and John Hawkinsin, 84 Massachusetts Avenue.

Councillor Carlone convened the hearing and explained the purpose. He requested the petitioner to present the petition.

Rich McKinnon introduced his team. He provided an update on the presentation (ATTACHMENT A). He stated that the previous hearing before the Ordinance Committee requested more information. He distributed a letter from Barbara Brousard, President, East Cambridge Planning Team, stating that the plan was acceptable (ATTACHMENT B). A letter was also submitted from Senator Sal DiDomenico in support of the Whitehead zoning petition (ATTACHMENT C). The Planning Board sent a favorable recommendation and the Ordinance Committee was in receipt of it (ATTACHMENT D). He spoke about the design of the building. There has been no approval for design; if the City Council grants the petition the design will
be worked on. He submitted a design narrative (Attachment E). He used design guidelines from other petitions for the design narrative.

Councillor Toomey asked the petitioner to look at the Grand Junction multi-use path and to assist and expedite the development of the path, given the petitioner issue of replacing existing open space. Mr. McKinnon stated that the ECPT has done good work on the Grand Junction potential. He has been asked to look at office open space areas. He wants to be part of the multi-use path issue. Whitehead will work to improve the area.

Vice Mayor Benzan asked how would the ground floor area be laid out. Mr. McKinnon stated that it could be made into smaller units. He spoke about the existing family-operated cafeteria and wanted them to participate in the retail space. Vice Mayor Benzan stated that he toured the building and he understands that the institute is running out of space. He wanted thought given to the nighttime activation. Mr. McKinnon stated it would be great if Whitehead has a nighttime presence.

Councillor Cheung stated he supported the project. He asked if the 60,000 square feet will be enough. Mr. McKinnon stated that under the contract the Institute cannot not go beyond a staff of 20. He is confident that the Institute knows how much space is needed for their use. He added that a lot of GFA is being left on the table. Mr. McKinnon explained that another 70,000 square feet could be built on the site; the petitioner is only requesting what the institute needs. Councillor Cheung stated that the open space shifting toward the Grand Junction pathway would be a good thing.

Councillor Mazen questioned the ground floor retail. A family business will take a larger portion of the building. He wanted more information on the activation of the ground floor area. He explained that the more information that is provided, the more comfortable the Council will be when approving the petition. He wanted to know the community benefit specifics. Mr. McKinnon commented that this involves the CRA. He stated that he will participate with the ECPT, the CRA, and neighbors to work on this. There will be 5,000 to 7,000 square feet of retail on the ground floor. The Institute’s first floor lobby space will be limited to 2,000 square feet. The public open space would be between Whitehead and the Broad. Even though it is not much space it is still open space.

Councillor Toomey stated that his intention is to move this petition to the full City Council with a favorable recommendation.

Councillor Mazen stated that he wanted more specific information on the retail tenants. He stated that he is in favor of the petition.

Vice Mayor Benzan suggested developing an agreement to deal with remaining issues. Councillor Mazen stated that he did not want to pinpoint the retail entity. Mr. McKinnon stated that the petition is in the zoning phase and not in the permitting phase. He stated that it is not appropriate to ask the institute for this information.

Councillor Carlone stated that the City Council could recommend guidelines such as those related to open space between the Broad and Whitehead. There could be enhancements of the proposed open space with the cafe. Councillor Mazen stated that he is in favor of the petition but wanted a clear understand of the fine points of the petition. He wanted the City Council to define as many details as possible.

Councillor Carlone stated that the petitioner needs an open space covenant to be removed by the City Council. Councillor Mazen stated that before the final hurdle he wanted more information. Mr. McKinnon stated that a letter will be prepared with as much information as possible. He is reluctant to take the institute further than this petition process warrants.

Mr. Roberts explained that there is a process through zoning and that limits are established in zoning. He stated that after adoption of zoning petition there would be a letter of agreement between the petitioner/landowner and the City. There is an open space covenant that needs to be modified. A special permit by the Planning Board is also needed.

Councillor McGovern asked the petitioner to think about public and open space. He stated that in other parts of the City there are indoor spaces where preschool children can visit. He stated that as Kendall Square is being more of a business district with the housing that is being built he wanted the area to be vibrant. Councillor Cheung stated that he would not like to see an extension of the museum setting such as at Broad or the Koch building lobby.

Councillor Simmons spoke about the ground floor retail. She wanted the area around Kendall Square to be concurrent. Kendall Square is booming. She stated that she
wanted the landscape well lighted. She wanted the retail space affordable. She wanted the institute to be welcoming and add to the streetscape at the end of the day. Mr. McKinnon stated that this is a great opportunity to improve the building.

Councillor Toomey stated that he is supporting this because of the research being done by Whitehead Institute, which will help all of us. The overwhelming work is the research being done by Whitehead Institute.

Vice Mayor Benzan recapped that the letter of agreement should including conditions covering lighting, the Grand Junction path, retail affordability, community space and jobs for Cambridge residents should be included in the letter of agreement. Mr. McKinnon stated that 251 employees live in Cambridge.

Councillor Caralone stated that the majority of public space will still be inside and this will be the hardest element to successfully design. Unfortunately most indoor public spaces without abundant skylights simply do not work. He brought up issues of the proposed facade design by stating that usually lab space is mostly glass. He asked about the earlier proposed use of terra-cotta as an exterior finish, instead of the written reference to existing pre-cast. He questioned why the Whitehead Project was not proposed as LEED Gold designation, which was a recommendation sought in the K2 process; this needs to be discussed.

He added that no one in MXD in Kendall Square is presently required to give incentive housing, but Whitehead is proposing to do so. Councillor Caralone said this figure should reflect the soon to be increased number. He asked if the $10.00 community fund contribution is this part of the petition. Mr. McKinnon responded in the affirmative. Vice Mayor Benzan explained that the primary reason for support of the petition is because of the research done at Whitehead.

Councillor Caralone opened public comment at 4:43 PM.

Tom Evans, Executive Director, CRA stated that the CRA is in support of project. The CRA will incorporate the additional square footage required by Whitehead for their expansion into the urban renewal plan amendment currently under development and the MEPA analysis for this plan amendment.

Public comment was closed at 4:45 PM.

Councillor Toomey moved to refer the petition to the full City Council with a favorable recommendation. The motion carried on a voice vote of eight members.

Councillor Caralone thanked all those present for their attendance.

The hearing adjourned at 4:46 PM.

For the Committee,

Vice Mayor Dennis A. Benzan, Co-Chair
Councillor Dennis J. Caralone, Co-Chair
Ordinance Committee

REPORT ACCEPTED, PLACED ON FILE AND PASSED TO A SECOND READING on March 16, 2015

View attached file