



# City of Cambridge

O-10.

**IN CITY COUNCIL**

March 24, 2003

VICE MAYOR DAVIS

ORDERED: That the issue of the proposed transfer of Trolley Square be referred to the Mayor, the City Manager, the Chair of the City Council Housing Committee and the Chair of the City Council Neighborhood Long Term and Planning Committee for additional discussions with members of the community, the Affordable Housing Trust and any other persons deemed important to the issue; and be it further

ORDERED: That there be a report back to the City Council no later than April 28, 2003.

In City Council March 24, 2003.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

*D. Margaret Drury*

ATTEST:-

D. Margaret Drury  
City Clerk

**COUNCILLOR TOOMEY RECORDED IN NEGATIVE.**

From *Open Meeting Law Guidelines* (Middlesex District Attorney's Office, June 2001):

The Law . . . covers subcommittees appointed by any governmental board, commission or committee that is a governmental body. . . . [T]his includes not only subcommittees comprised of the parent governmental body's members, but also subcommittees or special purpose committees that may contain individuals who are not on the parent body, so long as the subcommittee or special purpose committee is carrying out delegated functions or responsibilities of the parent body.

Example: A local housing authority appoints a special committee composed of private citizens, representatives of the local planning board, the local conservation commission and interested tenant groups to study and make recommendations to the authority on the design, placement, and tenant selection criteria for a low and moderate income housing project the authority is building. Since all the matters which have been delegated to the special committee are matters of public business and policy within the housing authority's jurisdiction and responsibility, the special committee itself is a governmental body and subject to the Law.

The fact that the jurisdiction of the subcommittee or special purpose committee extends only to making recommendations to the parent governmental body does not render the Law inapplicable.

Example: A subcommittee of a local conservation commission, composed of three of the seven commission members, is delegated the task of making factual investigations of a local conservation problem, reporting its findings to the full commission and making oral recommendations on what action the commission should take.

Although the subcommittee's jurisdiction does not authorize it to make binding decisions on behalf of the commission but is limited to recommendations, the subcommittee still qualifies as a governmental body. Consequently, when the subcommittee convenes to discuss its investigations or propose recommendations, this is a meeting. (Pp. 9-10, citations omitted)



A meeting of a governmental body subcommittee, which is itself a governmental body, is subject to the Law if a quorum of the subcommittee is present, even if that quorum is not sufficient to constitute a quorum of the parent governmental body.

Example: A school committee with nine members appoints a three-member subcommittee to screen applicants for the position of superintendent and make recommendations to the full committee. When two or more members of any of these subcommittees meet together to discuss or deliberate on the matter assigned to it, this is a meeting covered by the Law even though less than a quorum of the full school committee is present.

When quorums of two governmental bodies meet jointly it is a meeting of each governmental body. If only one of the governmental bodies has a quorum present, it is a meeting only of that governmental body.

The Law does not apply to any "chance" or "social" meetings of a governmental body or members of the body at which matters relating to official business are discussed, so long as no final decision on such business is reached. The Law specifically states that chance or social meetings are not to be used to circumvent the letter or spirit of the Law by treating them as occasions to discuss or act on matters within the governmental body's jurisdiction, control or advisory power. (P. 12, citations omitted)



A governmental body engages in "deliberation" under the Law, and must comply with the Law's requirements, whenever a quorum engages in a "verbal exchange." (P. 21)



**Communication #4**

A communication was received from Lawrence Field, et al., transmitting support for the tree ordinance.

**In City Council May 5, 2003**

**REFERRED TO UNFINISHED  
BUSINESS #8.**

# MEMORANDUM

April 28, 2003

TO: Cambridge City Manager Robert W. Healy, Mayor Michael Sullivan, and  
City Councilors Anthony Galluccio and Kenneth Reeves  
CC.: Cambridge City Council c/o City Clerk

SUBJECT: Nonpublic meetings of city officials concerning Trolley Square

While we appreciate the city's efforts to control the damage done by its callous treatment of citizens who participated in the public planning process for Trolley Square, the current closed-door approach to the matter is a terrible way to debate city policy and will merely intensify the public's mistrust of local officials while it further polarizes the Cambridge community. In our experience, the citizenry is always poorly served when its business is needlessly conducted in private, even by public servants with the best of intentions.

We respectfully request that you suspend further group discussions with representatives of the Trolley Square Committee (TSC) and the Cambridge Affordable Housing Trust (CAHT) until you provide proper advance notice and meet publicly or convincingly demonstrate that these private sessions, conducted without posted notice, comply with the Massachusetts Open Meeting Law (M.G.L. ch. §§ 39, 23A-24).

## BACKGROUND

As you know, on March 24, the Cambridge City Council, meeting in a duly posted open session, discussed the proposed transfer of the city-owned property known as Trolley Square to the CAHT and formally created a special advisory committee consisting of three of city council members—the mayor and the chairs of the housing and neighborhood planning committees (see City Council Order No. 10, 24 March 2003, included herewith as Attachment A). This ad hoc body (hereinafter, “the Sullivan committee”) was asked to meet with the city manager and other persons “deemed important” to the issue, including a subcommittee of the CAHT and “members of the community,” who in practice have been limited to a subcommittee of the TSC.\*

Chaired by the mayor, this newly formed governmental body—established by and serving the city council, not appointed by or serving the city's chief executive—is a special purpose panel charged with considering the city manager's Trolley Square disposition plan, discussing the issue with members of the community and the CAHT, and reporting back to the full membership of the city council by a date certain.

## FACTS

On April 9, we were denied permission to observe the Trolley Square discussion conducted by the Sullivan committee in the mayor's office at city hall. Mayor Sullivan, who barred our admission, explained that the meeting was “by invitation only” and, without elaborating, asserted that the session was not a “public meeting” subject to the state statute. Later, as he arrived late and entered the meeting room, Councilor Galluccio told us: “It's not an open meeting—you already know that.”

In his April 24 subcommittee report to the CAHT, the city manager said that the Sullivan committee had held a similar unposted private discussion involving the same participants on April 23 and that another such nonpublic meeting had been tentatively scheduled for April 30. We also understand that on April 1 the mayor met privately with other members of the Sullivan committee in an unposted session to plan and schedule the meeting held on April 9.

\*The CAHT, formed under the city council's authority, is a preexisting governmental body appointed and chaired by the city manager that meets monthly in open session. The TSC, composed of private citizens and city officials appointed by the city manager, is a public planning advisory committee that met monthly in open session throughout 2002 and issued its final recommendations last December.

## LEGAL ISSUES

Our reading of the updated *Open Meeting Law Guidelines* issued by the Middlesex District Attorney's Office in June 2001 suggests that the Sullivan committee gatherings on April 1, April 9, and April 23 violated both the letter and the spirit of the Commonwealth's "sunshine law."

The purpose of the Open Meeting Law is to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based. It accomplishes this purpose by requiring open discussion of governmental action at public meetings. The requirements of the Open Meeting Law grow out of the idea that the democratic process depends on the public having knowledge about the considerations underlying governmental action, for without that knowledge people are not able to judge the merits of action taken by their representatives. The overriding intent of the Open Meeting Law is therefore to foster and indeed require open discussion of governmental action at public meetings. (*Guidelines*, p. 6)

The *Guidelines* state that the Open Meeting Law "governs those meetings of governmental bodies in which a quorum of the body convenes to deliberate on any public business or policy within its jurisdiction" (p. 7).<sup>\*</sup> Applying the statutory definitions and case law interpretations of the relevant terms (*governmental body, quorum, meeting, deliberate, public business or policy*), we fail to see how the backroom group discussions you are conducting conform with the law.

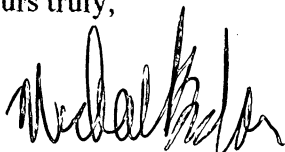
## CONCLUSION

The three city council members who serve on the Sullivan committee constitute a governmental body (a committee of another governmental body, the Cambridge City Council). Similarly, the three members of the CAHT who also serve on the Sullivan committee constitute an advisory subcommittee of the CAHT and are therefore a governmental body under the statute. All Sullivan committee discussions attended by more than one of these councilors (a quorum) or more than one of these CAHT members are subject to the Open Meeting Law if matters relating to the development or disposition of Trolley Square as affordable housing are discussed. Such meetings are therefore required to be open to any person and, except in an emergency, should not be held unless posted notice has been provided to the public at least 48 hours in advance.

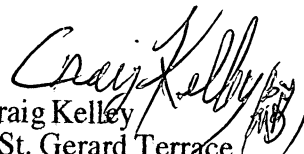
If the city solicitor disagrees, please share his reasoning with us and publicly release his formal legal analysis before you schedule or conduct additional private meetings of the Sullivan committee. Or, under the circumstances, perhaps the District Attorney's Office would be willing to investigate the matter and expeditiously issue an official Open Meeting Law Opinion upon our joint request.

In any event, please promptly confirm your willingness to refrain from participating in such unposted nonpublic meetings of the Sullivan committee until their legality has been firmly established.

Yours truly,



Michael Brandon  
27 Seven Pines Avenue  
Cambridge, MA 02140  
Tel. (617) 864-3520



Craig Kelley  
6 St. Gerard Terrace  
Cambridge, MA 02140  
Tel. (617) 354-8353

<sup>\*</sup>Other pertinent excerpts from the *Guidelines* are provided for your convenience in Attachment B.

**Communication #4**

A communication was received from Michael Brandon and Craig Kelley, regarding Trolley Square.

**In City Council May 5, 2003**

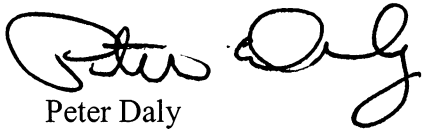
**REFERRED TO UNFINISHED  
BUSINESS #8.**

The Honorable City Council  
March 17, 2003

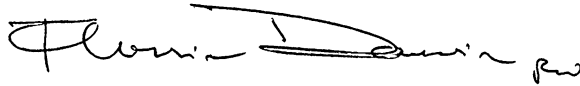
resources more than double over the past few years as the cost to produce affordable housing in Cambridge continues to rise. The creation of affordable housing and open space on the Trolley Square site represents a unique opportunity for the City to produce affordable units with no land cost and allow limited Trust resources to go further in addressing the housing crisis in the City.

We thank you for all that you have done so far to address the housing crisis in the City, and we urge you to continue implementing your high-priority goal of increasing affordable housing by approving the transfer of the Trolley Square site to the Trust for the creation of affordable housing for Cambridge residents.

Sincerely,



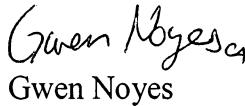
Peter Daly



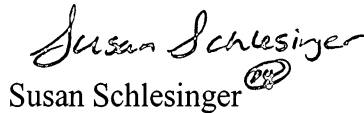
Florrie Darwin



Michael Haran



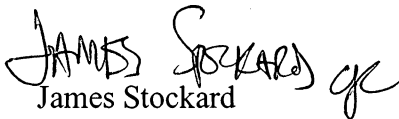
Gwen Noyes



Susan Schlesinger



Kathy Spiegelman



James Stockard

## *Cambridge Affordable Housing Trust*

March 17, 2003

To the Honorable, the City Council:

Re: Trolley Square Disposition

We, members of the Cambridge Affordable Housing Trust, are writing to express our support for the City Manager's request that the Council approve the transfer of the Trolley Square site to the Trust for the development of affordable housing and open space as described in the Disposition Report.

Approving this transfer of the Trolley Square site will be a significant step toward addressing the continuing affordable housing crisis in Cambridge. Creating permanent affordable housing has been a priority goal of the City Council for several years, and your approval of this transfer would be a concrete step toward creating 35-45 affordable units for Cambridge residents and maintaining the City's socioeconomic diversity.

The need for affordable housing in Cambridge is greater than ever and evident in the "affordability gap" facing Cambridge families. For example, the median sales price for a condominium unit in Cambridge is \$349,000. Purchasing such a unit requires an income of more than \$110,000. Low and moderate-income families of four in Cambridge earn less than \$62,650, a gap of \$53,600. On the rental side, a moderate-income family of four can afford to pay approximately \$1,565 in rent. A recent survey of apartment listings in the Boston Globe found that the average rent for a three-bedroom unit is \$1,900, \$335 per month more than what is affordable for this family.

The affordability crisis is further evidenced by the number of applications the City receives for affordable units and long waiting lists. In the past two years, the City has advertised 70 affordable units for which it received more than 700 applications, and waiting lists at the Cambridge Housing Authority and local non-profit agencies are 2 to 4 years long.

As you know, the Trust works with local non-profit agencies to create new units. High acquisition costs and the shortage of suitable sites are significant barriers to the City's production of affordable units, and intense private sector competition continues to drive up prices for sites. Consequently, increased development costs have resulted in an increased need for Trust and City resources to create new units. We have seen the demand for Trust

**Communication #10**

A communication was received from Cambridge Affordable Housing Trust, regarding Trolley Square.

**In City Council March 24, 2003**

**REFERRED TO CALENDAR  
ITEM #1.**

Cal #1

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# JUST A START CORPORATION

P.O. Box 410310 • 432 Columbia Street #12 • Cambridge, MA 02141-0003  
Telephone: 617-494-0444 • Fax: 617-494-8348



March 24, 2003

Statement for City Council

Re: Development of WorkForce Housing at Trolley Square Cambridge, Mass.

Just A Start supports the development of housing and open space as proposed through the City of Cambridge and its Community Development Department work-up of affordable housing and open space for this site.

We commend the City Manager, the City Council and City Departments who performed a role in securing this site from the MBTA. We are certain that this was not a simple task. While the State may not have had any immediate plans for this site, it is fortunate that at some time in the future, it won't be considered for expansion of some kind of sub-regional transportation center. The City's proposed use will replace space now used to park vehicles and some seasonal uses with uses that will bring open space and housing, adding great value to the community.

The needs for housing that is within the means of working families and individuals has been well documented. Our experience can be summarized briefly.

1. For our apartment developments, there are waiting lists running from 1 year to 3 or more years: Currently, for 402 Rindge Avenue, applications are not being accepted for yet another period of time due to very limited turnover and long waiting lists.
2. The families and individuals we house are key participants in the labor force. There are men and woman who are teacher's aides, day care workers, working in the transportation, retail and office industries, computer technicians, building maintenance workers, and men and woman in the construction industry and trades. We have retirees and grandparents raising grandchildren. The cost of housing in the typical private sector keeps forcing workers just like these out of the Metropolitan area and out of the state.
3. Recent Federal Census data goes further in indicating what is happening to those who are in or want to be in the labor force. Over the past ten years, young men graduating from college, 10 % used to leave the State. Now it is 90 % that leave the State after graduating. And the percentage from young woman graduates is starting to reverse in the same direction. This represents another drain on the supply of available labor.

Affordable housing = Affordable labor supply.  
Gordon Gottsche for Just A Start Corporation

**Communication #9**

A communication was received from Gordon Gottsche for Just A Start Corporation, regarding Trolley Square.

**In City Council March 24, 2003**

**REFERRED TO CALENDAR  
ITEM #1.**

Cal #1

8

March 24, 2003

Dear City Councilors:

As members of the Trolley Square Committee, we write this letter in order to express our grave disappointment in the Disposition Report for the Trolley Square Site sent to the City Council on March 17. The Report is misleading in that it appears that the Committee's planning process resulted in the recommendations that are included. Frankly, it seems that the Committee process was an attempt to cloak the Disposition Report's recommendations in the guise of public involvement. Let us be clear: the Disposition Report does not represent our work or our views, nor that of the many neighbors who attended and spoke at our meetings.

Soon after the City Manager appointed us to the Committee, he sent each of us a letter encouraging us to consider the City's need for more affordable housing. We considered this need carefully, discussing it more than any other issue or use. We want to be clear that we support the city's efforts to increase the availability of affordable housing and our recommendations include a substantial mixed-income housing development. However, the number of units proposed in the Report represents a dismissal of the careful thinking and vigorous debate we engaged in over the course of a year's worth of meetings.

We find this dramatic change a patent disregard of the public process. As we understood it, the point of forming a Committee was to engage those most directly impacted by the development in the planning process. Why was this done? We believed we were asked to participate in order to generate recommendations that paid attention to a variety of interests. We were asked to generate substantial ideas for Trolley Square's development, to engage our neighbors in conversations about potential uses of the site, all the while keeping in mind the City's need for affordable housing. After careful deliberation, and many contributions from CDD employees and their consultant architect, we reached consensus on a mix of uses that included a substantial component of mixed-income housing. We did our part.

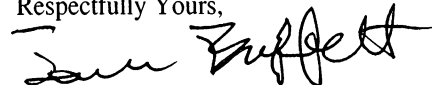
The Committee's recommendations envision a development that will enliven a stretch of Massachusetts Avenue that definitely needs more than simply another large housing complex. With a string of residential developments leading up to Trolley Square from all sides, this site should serve as a welcoming introduction to our city. This will not be achieved if the recommendations included in the Disposition Report are followed. Indeed, we do not believe that the goal of "fostering activity on Mass Ave" and "converting a gap in the urban fabric to a strong and vibrant area" will be furthered by the Report because it dismisses retail and community use at the ground level. We believe that the Committee's recommendations do a much better job of ensuring that this site represents the city at its best.

In addition to the unique opportunity to develop vacant parcels of prominent city land on a major thoroughfare, also at stake is the public trust. What are we to make of the Committee process? As mentioned in the Introduction of the Disposition Report, the deed transferring ownership to the City stipulates that the parcels must be used for a "public benefit purpose." However, contrary to the Disposition Report, the deed does not define this benefit as "a public building, mixed-income housing, or a health care facility." Instead, the deed offers these only "by way of example and not by way of limitation." On what basis is the city gauging "public benefit" that it considers superior to the year-long work of a neighborhood Committee and the many members of the public who participated?

We assumed that the City staff serving on the Committee would support its recommendations. This has not happened. The Disposition Report undermines citizen participation, the public process and our work over the past year. We invite anyone who cares about civic engagement and who cares about the trust of the public, our trust, to fight for the Committee's recommendations.

We respectfully request that the City honors the Committee's work. We hope that another Disposition Report will be developed that better reflects the "public benefit" as defined -- by the public -- in the Committee's recommendations. We hope that Trolley Square can become a focal point for the neighborhood and North Cambridge as a whole.

Respectfully Yours,



Members of the Trolley Square Committee

**Communication #8**

A communication was received  
from Tom Buffet, regarding  
Trolley Square.

**In City Council March 24, 2003**

**REFERRED TO CALENDAR  
ITEM #1.**

<b>Trolley Square Committee Recommendations</b>	<b>Rationale/Comment</b>	<b>Disposition Report</b>
<p><u>Vision:</u> 1) Convert the site from a gap in the urban fabric along Mass. Ave. to a strong and vibrant area that enhances the character along Mass. Ave. 2) Create a mix of uses that provides public benefit such as a component of affordable housing and a publicly accessible open space, activated by public use such as retail and community uses 3) Integrate the site development into the neighborhood . . . 4) <b>Create a strong focal point . . . to serve as an anchor for the neighborhood</b></p>		<p><u>Vision:</u> <b>Create affordable housing at a low per-unit cost</b> so the development qualifies for reimbursement from federal and state affordable housing programs</p>
<p><b>Recommend 15-25 units of mixed income housing.</b></p>	<p>Very strong sentiment among committee and neighbors that housing should not be put on the first floor on Mass. Ave.; Committee recommended ground level small retail and community uses to enliven the Mass. Ave. streetscape and the public open space (see below).</p>	<p><b>35-45 units affordable housing;</b> 80% rental units (@80% AMI eligibility) and 20% ownership units (@100% AMI eligibility)</p>
<p>Recommend 20-25 units with <b>below-grade parking</b> or (less preferred option) 12-15 units with screened surface parking.</p>	<p>Strong feeling that this “gift” to the city should not be used as a parking lot – parking should be subsurface to reflect “true value” of land in Cambridge.</p>	<p><b>Not addressed</b></p>
<p><b>30-50% of the site area should be publicly accessible open space</b> that includes trees and greenery and is designed to welcome the neighborhood residents and general public.</p>	<p>Development along Mass. Ave. is intense and some sizable developments are planned near the Trolley Square site. There is a need for some green relief and public space along this stretch of Mass. Ave. There is no significant green space between Harvard Square and the Arlington line.</p>	<p>A “<b>component</b>” of <b>publicly accessible open space</b></p>
<p><b>First floor along Mass. Ave. should be devoted to small retail establishments</b></p>	<p>Development of small retail establishments on the ground level along Mass. Ave. is seen as an important way to enliven the street edge and activate the open space planned for the site, helping to make the site into a focal point for the community. Local small businesses on N. Mass. Ave. would be supported by the increased pedestrian activity this site would create. A number of recent Mass. Ave. housing developments in the vicinity have put housing on the ground floor and this has the effect of “deadening” the street and benefiting only the tenants of those units.</p>	<p><b>Not recommended</b> – concern about compatibility with “public benefit” requirement of deed</p>
<p>Develop some <b>indoor community space</b> for lease and management by local arts/community organizations</p>	<p>Inclusion of a community space would not require substantial city financial support for operation. For example, North Cambridge Artists Association (NOCA) made a written offer to lease a space and manage it for community use.</p>	<p><b>Not recommended</b> – Fitzgerald School and North Cambridge Senior Center suggested as locally available alternatives</p>

Cal #1

7

To: Cambridge City Council  
From: Trolley Square Committee, including Ruthann Rudel, Cara Cheyette, Tom Buffett,  
Eric Grunebaum  
Date: March 24, 2003  
Subject: Trolley Square Development

The attached table contrasts the recommendations of the Trolley Square Committee with those of the Community Development Department (CDD) in the Trolley Square Disposition Report. Please consider the vision and recommendations of the Trolley Square Committee as you decide the future of this unique site. We urge you not to simply turn this property over to the Affordable Housing Trust.

Because this site is directly on Mass. Ave., the proposal of the CDD for housing with some open space is not appropriate. Rather, a mixed use development including affordable housing, public open space, and retail and community uses represents a vastly superior urban planning vision for the site. Such a development will provide a much-needed economic boost to the local businesses, provide a neighborhood "center" for North Cambridge, and also provide much-needed affordable housing. I have rarely seen the kind of community consensus that I observed in support of the Trolley Square Committee vision for the site.

**Communication #7**

A communication was received from Trolley Square Committee, including Ruthann Rudel, Cara Cheyette, Tom Buffett and Eric Grunebaum, regarding Trolley Square.

**In City Council March 24, 2003**

**REFERRED TO CALENDAR  
ITEM #1.**

**difficulties and the compromises sometimes necessary to make a good development project happen.**

**Rather, I come to thank you, your predecessors and the citizens of Cambridge for what has already been accomplished and to urge you now to support the recommendations outlined in the City Managers report.**

**I urge you to use the recommendations as the guidelines for the transfer of the Trolley Sq. site to the affordable housing trust of the City of Cambridge.**

**I would also like to remind you, although I don't think it's necessary, that you have and will always receive calls and correspondence about how**

**bad a particular development will be or the potential adverse effects it may have on a neighborhood. But I ask you this; after the developments are completed do you receive similar calls? Or, are the calls more about how do I obtain a unit? Or when will the city be developing more units?**

**At each of the developments I have been involved with such as here on Bigelow Street, at Neville Manor, or at Harvard place we were told from the out set, you have to many units, its to dense, you need more parking. It will adversely affect the neighborhood. But I ask you now have you heard or seen problems at those properties? Or at others developed in the city?**

**Haven't those developments added, not only to the affordable housing stock, but also to the diversity and vibrancy of the neighborhoods, and in turn the whole city?**

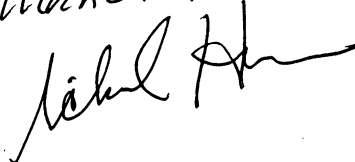
**I urge you to approve the transfer to the affordable housing trust and to allow for up to 45 units of housing and open space at that site. I and my fellow members of the trust will work with you, and the neighborhood to assure that the final development becomes a neighborhood asset and something we can all point to with pride.**

**By transferring to the trust you do not end the development process but rather start the beginning of what I**

**am confident will be a successful project.**

**The members of the trust take their job seriously and understand that a balance can be struck when looking at any particular development proposal. We have demonstrated that on numerous projects in the past and will always strive for that on this and others in the future.**

**My thanks again to each of you for your time and consideration and for the interest you take in each and every citizen of this city.**

*Michael HARAW*  


I come, **NOT** to speak on the need for affordable housing in Cambridge. Each of you know, from the many phone calls you receive, from constituents, friends and families on the continuing need for affordable housing in Cambridge.

I come, **NOT** to urge you to make the development of affordable units a priority. You and past councils have already done that by making it your top priority. Further, you have backed that up by making funds available to make that priority a concrete reality.

Finally, I do **NOT** come before you to say that developing housing is easy or without controversy. You know the

**Communication #6**

A communication was received from Michael Haran, regarding Trolley Square.

**In City Council March 24, 2003**

**REFERRED TO CALENDAR  
ITEM #1.**

51  
April 9, 2003

To the Honorable City Council:

We are North Cambridge residents who support the City Manager's recommendation to develop the Trolley Square site primarily for affordable housing in our neighborhood.

We are concerned that Cambridge is becoming less and less affordable as a place to live. The City's report indicates that the 2002 median sale price here for a single-family home was \$642,000, and for a condominium \$349,000. The City's survey of advertised rents showed an average of \$1,300 for a one-bedroom apartment and \$1,900 for a three-bedroom apartment. Even middle-class families cannot afford these prices and rents, and the problem is worsening every year.

Our city's only hope of addressing this problem is to seize every chance to develop affordable housing as our top priority. The Trolley Square site, acquired by the city from the MBTA for a "public benefit purpose" as part of a land exchange, presents an unparalleled opportunity, because no land cost will stand as an obstacle to housing affordability. Under these circumstances, the city's proposal for 35-45 affordable units, including publicly accessible open space, seems very reasonable to us.

Therefore, while we appreciate and respect the dedicated efforts of our neighbors on the advisory committee, we simply cannot agree with their recommendation that a portion of this unique site be squandered for retail uses that are already prevalent along north Mass. Ave. This land is a public trust, and it must be used to the maximum extent for what we regard as our city's most important development need, more affordable housing.

We urge you to transfer this land to the Affordable Housing Trust as the City Manager has recommended, without reducing the number of affordable housing units. Thank you for considering our request.

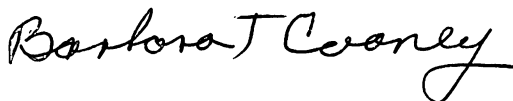
David Albert, Rindge Ave.

Meg A. Bond, Dudley St.

Barbara Brammer, Sargent Street

Larissa Brown, Madison Ave.

Barbara Cooney, 30 Churchill Ave.



Peter Costanza, Sargent St.

**Communication #5**

A communication was received from David Albert et al., transmitting support to develop the Trolley Square site.

**In City Council April 14, 2003**

**REFERRED TO UNFINISHED  
BUSINESS #9 AND REFERRED  
TO CITY MANAGER.**

Ed Cyr, Cogswell Ave.

Brenda Engel, Pemberton St.

Monroe Engel, Pemberton St.

Stephanie Engel, Pemberton St.

Robin Finnegan, Hubbard Ave.

Karen Friedman, Dudley St.

Arthur Goldhammer, Pemberton St.

Tim Groves, Rice St.

Betsy McAlister Groves, Rice St.

Mary Ann Hart, Hollis St.



Emily Lyons, Rindge Ave.


Bill Madsen, Dudley St.

Geneva T. Malenfant, Harrison Ave.



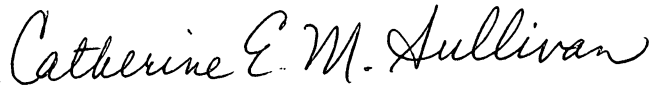
Janet Malenfant, Harrison Ave.

Gerry McDonough, Hollis St.

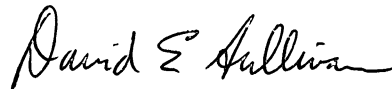


Lynne Molnar, Harvey St.

Catherine E.M. Sullivan, Notre Dame Ave.



David E. Sullivan, Notre Dame Ave.



Paul Toner, Newman St.

Mary Ann Walsh, Madison Ave.

Barbara Zimbel, Sargent St.

Note: Several of us have signed this letter personally, as the City Clerk requested. The others have expressly authorized use of their names on this letter.

**Communication #5**

A communication was received from David Albert et al., transmitting support to develop the Trolley Square site.

**In City Council April 14, 2003**

**REFERRED TO UNFINISHED  
BUSINESS #9 AND REFERRED  
TO CITY MANAGER.**

Col #1

5

## Oaktree Green Development

---

129 Mt Auburn Street, Cambridge, Massachusetts 02138  
t: 617.491.9100 f: 617.491.8987 e: gnoyes@oaktreegreen.com

24 March, 2003

Cambridge City Council  
Re: Trolley Square Disposition

Dear Councilors,

As a long standing member of the Cambridge Affordable Housing Trust, as someone who has lived and worked here for more than 30 years, one who loves the diversity, urbanity and walkability of this city, and also as a private housing developer with many years of experience developing market rate multifamily housing in this fair city, I have a particular perspective that I would like to share with you.

For years the most pressing need articulated for this city has been that more affordable housing should be built. The Trust has admirably performed its task- despite sky-high acquisition costs - often exceeding \$75,000 per building site. City owned land offers a huge cost saving potential for the construction of affordable housing.

Density is a concern that has been talked a lot about. I would suggest that the Trolley Square area of Mass Ave is the perfect place to serve the serious housing needs of the city and to reinforce its existing, appropriate urban scale through building as close to the maximum allowable build-out as possible. All along Mass Ave there are attractive apartments and condos that have a much higher density than what is currently allowed. Building out to the currently allowable maximum would take advantage of good public transportation, it would support the vitality of the existing retail businesses, and save the city hundreds of thousands of dollars of acquisition cost for additional affordable housing elsewhere. The visible record of housing sponsored by Cambridge's Affordable Housing Trust is the envy of many a community; I believe a very attractive, urban asset could be built on this site with the zoning in place.

As a footnote: if this property were to be offered on the open market, any private developer would start their analysis of allowable density with the calculation that, including the inclusionary zoning requirement, the property could be permitted by Special Permit to have as many as <sup>85</sup> units. Assuming such a number could fit with all the other zoning requirements, and that a reduction of <sup>40</sup> possible units is being proposed, and that the land is valued at \$75,000/ buildable unit, this would represent a sum of <sup>1,000,000</sup> of acquisition funds that would not need to be spent on other properties that are now being passed up by the City. To further reduce the number of units proposed would not be acting responsibly on behalf of the affordable housing community.

I urge the Council to consider the greater needs of the City for affordable housing when deciding how to develop Trolley Square.

Thank you,

  
Gwendolen G. Noyes

**Communication #5**

A communication was received  
from Gwendolen G. Noyes,  
regarding Trolley Square.

**In City Council March 24, 2003**

**REFERRED TO CALENDAR  
ITEM #1.**



# City of Cambridge

O-10.

**IN CITY COUNCIL**

March 24, 2003

VICE MAYOR DAVIS

ORDERED: That the issue of the proposed transfer of Trolley Square be referred to the Mayor, the City Manager, the Chair of the City Council Housing Committee and the Chair of the City Council Neighborhood Long Term and Planning Committee for additional discussions with members of the community, the Affordable Housing Trust and any other persons deemed important to the issue; and be it further

ORDERED: That there be a report back to the City Council no later than April 28, 2003.

In City Council March 24, 2003.

Adopted by the affirmative vote of eight members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

A handwritten signature in cursive script that reads "D. Margaret Drury".

ATTEST:-

D. Margaret Drury  
City Clerk

**COUNCILLOR TOOMEY RECORDED IN NEGATIVE.**

# City of Cambridge

MASSACHUSETTS

*Ch Right*

In City Council 3/24, 2003

*TT susskit - refer to Mayor + City Manager to meet w/ community + make recommendations*

YEA	NAY	ABSENT	PRESENT	
	✓			Vice Mayor Henrietta Davis
✓				Ms. Marjorie C. Decker
	✓			Mr. Anthony D. Galluccio
	✓			Mr. David P. Maher
	✓			Mr. Brian Murphy
	✓			Mr. Kenneth E. Reeves
	✓			Ms. Denise Simmons
✓				Mr. Timothy J. Toomey, Jr.
	✓			Mayor Michael A. Sullivan

*2 7 failed*

# **DISPOSITION REPORT**

**for**

## **Trolley Square**

### **I. INTRODUCTION**

The City of Cambridge acquired the Trolley Square site from the MBTA in January 2001, completing a land exchange between the City and the MBTA under which the MBTA acquired land from the City necessary to construct the Alewife MBTA Station, a process that began in the mid-1980's. The Trolley Square site consists of two contiguous parcels totaling 37,645 square feet at the corner of Massachusetts Avenue and Cameron Avenue in North Cambridge. The parcels were part of the adjacent MBTA trolley maintenance and repair facility. This facility will continue to operate on abutting land; however, the parcels acquired by the City have not been actively used as part of this maintenance facility for some time. The Trolley Square parcels were transferred to the City with the requirement that the use of the land be restricted to a "public benefit purpose." Public benefit purpose is defined in the Agreement between the City and the MBTA as "a public building, mixed-income housing, or a health care facility."

In December 2001, the City Manager appointed a Trolley Square Committee composed of neighborhood and business representatives. The Committee was charged with developing a set of advisory recommendations for future development of the Trolley Square site. Given that the provision of affordable housing has been a priority goal of the City Council for the past several years, in an early letter to the Committee, the City Manager urged the Committee to consider affordable housing as a significant component of its recommendations for the site.

The Committee met 12 times in 2002 and held one community meeting to solicit input from area residents. The community meeting was well attended. Area residents also attended and participated in Committee meetings. The Committee completed its discussions and submitted its Trolley Square Study Recommendations to the City Manager in December 2002. Please see the Summary of Trolley Square Committee Recommendations in the Appendix.

Subject to the conditions noted below, the City Manager now recommends that the City Council approve the transfer of the property to the Cambridge Affordable Housing Trust so that the site can be developed into affordable housing for low, moderate and middle income Cambridge residents with publicly accessible open space to benefit the surrounding neighborhood.

Upon approval of the transfer, the Trust will issue a Request for Proposal (RFP) to select a developer. The developer will be asked to design a mixed-income affordable housing project that includes public open space. The RFP will seek proposals that include both affordable rental and ownership units to be developed on the site. Rental units developed at Trolley Square will be affordable to Cambridge families with incomes below 80% of the area median income, while ownership units will be made affordable to families with incomes below 100% of the area median income. The developer will be asked to include publicly accessible open space to benefit the surrounding neighborhood.

The escalation of housing costs over the past several years in Cambridge indicates there is a clear need for affordable housing for low, moderate and middle income households. These households are not able to find affordable housing in the private market. The development of high quality mixed-income affordable housing with public open space at Trolley Square will benefit the community by:

- Using a City asset to create affordable rental and ownership housing for Cambridge households with a range of incomes.
- Redeveloping a vacant and underutilized property.
- Creating public open space for neighborhood use.
- Fostering activity on this section of Massachusetts Avenue.
- Converting a gap in the urban fabric to a strong and vibrant area.
- Creating a source of revenue by adding residential units to the real estate tax base.

## **II. DESCRIPTION OF THE PROPERTY**

The Trolley Square site is located on the corner of Massachusetts Avenue and Cameron Avenue in North Cambridge. The irregularly shaped site abuts Linear Park to the north, the MBTA trolley yard to the east, Massachusetts Avenue, and Cameron Avenue. Street frontage includes approximately 330 feet along Massachusetts Avenue and approximately 75 feet along Cameron Avenue. There is a curb cut from which the site can be accessed from Massachusetts Avenue.

The site is completely paved with a portion of it currently used as a parking lot for the MBTA facility. The majority of the lot is fenced and not currently used. The MBTA has reserved a 15-foot easement along the rear edge of the site abutting Linear Park. An environmental assessment was conducted which showed no barriers to the proposed redevelopment of the site.

## **III. EXISTING ZONING**

The Trolley Square site is located in the Business A-2 (BA-2) zoning district as well as the Massachusetts Avenue Overlay District which will require a public meeting to review the proposed Trolley Square redevelopment project.

The Trolley Square site is 37,645 square feet. The BA-2 Floor Area Ratio for residential development is 1.75, so up to 65,878 square feet of gross residential floor area would be allowed by right under the base zoning.

The BA-2 district requires 600 square feet of lot area per dwelling unit, which would allow 62 dwelling units to be created as of right within the base zoning for the site.

The BA-2 height limit is 45 feet, with a bulk control plane of 45 degrees starting at 35 feet.

Setback requirements in this district are 5 feet for front yards, 10 feet for side yards, and 20 feet for rear yards. There is no minimum open space requirement in this BA-2 district.

The Zoning Ordinance would require one parking space for each dwelling unit.

#### **IV. THE PLANNING PROCESS**

In December 2001, the City Manager appointed a Trolley Square Committee. This Committee, comprised of ten area residents and business representatives, was charged with developing a set of advisory recommendations for future development of the Trolley Square site. The Committee met 12 times in 2002 and held one community meeting. Neighborhood residents and others interested in the redevelopment of the Trolley Square site participated in each Committee meeting as well as at the larger community meeting held by the Committee. The Committee finished its work late last year and submitted its Trolley Square Study Recommendations to the City Manager in December.

In its meetings, the Committee considered a number of uses for the site in the context of the “public benefit purpose” requirement for use of the site. Building from this requirement for a public benefit, the Committee developed a vision for future development of the site which included:

- Converting the site from a gap in the urban fabric along Massachusetts Avenue to a strong and vibrant area that enhances the character along Massachusetts Avenue.
- Creating a mix of uses that provides public benefit such as a component of affordable housing and a publicly accessible open space, activated by public use such as retail and community uses.
- Integrating the site development into the neighborhood and address the site edges through appropriate uses and site layout.
- Creating a strong focal point at the Trolley Square site to serve as an anchor for the neighborhood.

Community Development staff worked with the Committee to evaluate potential uses, the impacts and benefits of these uses for the neighborhood and the City, and how different uses might be combined on the site. In addition, a consulting architect worked with the Committee to develop design concepts to illustrate issues the Committee considered and show how the irregularly shaped site might be configured for the multiple uses considered by the Committee.

Throughout its development of recommendations, the Committee emphasized the importance of high design quality for both the site and any buildings envisioned for any use of the site.

## **V. ANALYSIS OF POTENTIAL USES**

The following potential uses were examined when evaluating the redevelopment of the Trolley Square site:

### **1. Affordable Housing**

The Trolley Square site represents a rare opportunity for the City to develop mixed-income affordable housing. Preserving and expanding the supply of permanent affordable housing to support socioeconomic diversity has been a priority of the City Council for the past several years. The creation of an affordable residential development on this section of Massachusetts Avenue, which includes publicly accessible open space would address this priority goal of the City while providing the neighborhood with open space and providing a focal point for the Trolley Square section of Massachusetts Avenue.

The need for affordable housing throughout Cambridge is apparent based on a review of recent housing prices. According to information from Banker & Tradesman the 2002 median sales price for a single-family home in Cambridge was \$642,000. The median condominium price in the City for 2002 was \$349,000. These prices are not affordable for households earning less than 100% of the area median income (AMI). Please see the Appendix for detailed income and price information.

A recent survey by the City showed that the average advertised rents in Cambridge were \$1,300 for a one-bedroom unit, \$1,700 for a two-bedroom unit, and \$1,900 for a three-bedroom unit. These rents are not affordable for households earning less than 80% of the area median income (AMI).

Our analysis of the housing market demonstrates that rental housing is not affordable to households earning less than 80% of AMI, and homeownership units are not affordable to households earning less than 100% of AMI.

The most significant barrier to the City's production of new affordable rental and ownership units is the high cost of land. High acquisition costs, coupled with high construction costs, make the creation of affordable housing in Cambridge very expensive. Development costs in Cambridge often approach or exceed per-unit cost limits mandated by federal and state housing funding sources. As the cost to create affordable units continues to rise, increased costs are funded by the City or the Cambridge Affordable Housing Trust as other funding sources set per-unit limits on their funding. Another barrier to the City's production of affordable housing is the shortage of suitable sites and intense competition from the private sector. Creating affordable units on the Trolley Square site affords an opportunity to produce units more cost effectively because there is no acquisition cost. Having no acquisition cost will greatly reduce the amount of City subsidy required to build the housing, allowing City funds to be used more effectively to produce housing throughout the City.

The Trolley Square Committee discussed the development of housing on the Trolley Square site in great detail. The Committee emphasized the importance of maintaining a diverse population in the neighborhood. A range of housing uses was considered in terms of cost, rental and ownership units, neighborhood impact, availability and requirements of funding, and trade-offs with other potential uses of the site, and the majority of the Committee recommended mixed-income affordable housing for a portion of the site.

## **2. Public Open Space**

Public open space was the other primary use considered by the Committee. Although this area is not defined as an area of greatest need for open space in the City's 2000 Green Ribbon Report, the Committee emphasized the value that a community gathering space and planted areas would add to this section of Massachusetts Avenue. The Committee noted that Trolley Square could be an important area of open space if other portions of Massachusetts Avenue are developed in the future, and that any open space developed on the site should be linked to Linear Park. The Committee recommended that publicly accessible open space be a significant component of the site. Based on the work done for the Committee by the consulting architect, the creation of open space could be achieved in combination with housing.

## **3. Other Uses**

Neighborhood-based retail use on the Trolley Square site was discussed by the Committee as a possible component of the housing developed on the site. The Committee saw the development of a retail edge on this side of Massachusetts Avenue as an important way to enliven the street and activate the site, and believed that the neighborhood would benefit from small local shops. There is some question, however, whether the deed restriction requiring use of the site for public benefit purpose would preclude retail use on the site.

A number of Committee members also expressed interest in providing for some community uses on the ground level of any buildings developed on the site. The Committee considered uses such as meeting space, classroom space, and space for arts groups. They also discussed the need such uses might create for continuing management, the cost to include such uses, and the availability of existing community space in the area including the North Cambridge Senior Center and the Fitzgerald School, and Gately Shelter.

Given the City Council's goal to expand the supply of affordable housing and the benefits of free land in terms of housing production that the Trolley Square site offers, as well as the existence of community spaces in the area, the proposed recommendation is for mixed-income affordable housing with a component of open space to benefit the neighborhood.

## **VI. PROPOSED USE OF THE SITE**

The City Manager recommends that the City Council approve the transfer of the Trolley Square site to the Cambridge Affordable Housing Trust (the Trust) for the development of mixed-income affordable housing and publicly accessible open space. If approved, the Trust will issue a Request For Proposal (RFP) to select a developer. Upon the selection of a developer, the Trust will work with the designated developer to complete the financing and design of the project. The RFP will indicate that the proposed use of the site is the development of mixed-income affordable rental housing for Cambridge residents with incomes up to 80% of the area median income (AMI) and mixed-income affordable ownership units for Cambridge residents with incomes up to 100% of AMI. The RFP will call for proposals of between 35 and 45 total units of which at least 80% should be rental units. The new units created will be consistent with the high quality standards of other City developments.

The RFP will require preliminary design drawings, feasibility analyses, and cost estimates on which each proposal will be evaluated. Work on final site and building design, unit configuration and numbers will be undertaken with the chosen developer shortly after the developer has been designated and more detailed design drawings and estimates are prepared. The exact amount of open space and number of housing units will be determined at this time and the development will be subject to the same public review process in the Massachusetts Avenue Overlay District as any other similar development project.

The Trust will ensure permanent affordability of these units by requiring that the designated developer agree to a permanent deed restriction that will require the units be kept affordable in perpetuity.

## **VII. CONCLUSION**

The City has an outstanding opportunity to redevelop vacant City-owned land at Trolley Square to address the City Council's top priority of increasing the supply of affordable housing while creating publicly accessible open space on a portion of the site to benefit the surrounding neighborhood.

The development of the Trolley Square site on Massachusetts Avenue as proposed will:

- Use a City asset to create affordable rental and ownership housing for Cambridge households with a range of incomes.
- Redevelop a vacant and underutilized property.

- Create public open space for neighborhood use.
- Foster activity on this section of Massachusetts Avenue.
- Convert a gap in the urban fabric to a strong and vibrant area.
- Create a source of revenue by adding residential units to the real estate tax base.

## **APPENDIX**

### **2. Summary of Trolley Square Committee Study Recommendations**

While each of the elements discussed (open space, affordable housing, retail, community uses, and high design quality) yielded a range of recommendations among Committee members, there was an emerging consensus around the overall vision for the site. Committee members see the City's acquisition of the site as an opportunity to convert the site from a gap in the urban fabric along Massachusetts Avenue to a strong and vibrant area that provides a mix of uses to serve the needs of the neighborhood. They agree that the public benefit purpose served by this site is significant, and therefore recommend that the City Manager extend this public benefit to last in perpetuity.

The Committee makes the following recommendations to maximize the public benefit for the site:

- Incorporate publicly accessible and inviting open space on a significant component of the site (30-50%);
- Devote another portion of the site to mixed-income housing (up to 20-25 units with below-grade parking and up to 12-15 units with surface parking);
- Provide retail and community space on the ground level of buildings(s) on the site; and,
- Ensure high design quality in site planning, building design, and materials used.

The Committee urges the City to research creative, non-traditional funding options to implement the Committee's recommendations for open space, affordable housing, below-grade parking, retail, community uses, and good design quality. The Committee is interested in ongoing participation in the process started by this study and would like to be kept informed of public meetings on key phases of the Trolley Square development.

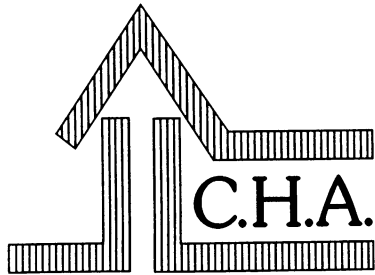
By using these recommendations as a framework for the development of the Trolley Square site, the Committee believes that the City of Cambridge will provide an enduring resource for the residents of this neighborhood and the city as a whole.

## Housing Costs, Affordability and Income Eligibility

<b>RENTAL HOUSING AFFORDABILITY</b>				
	Affordable Rent for Low-Income Households (50% of AMI)	Affordable Rent for Moderate-Income Households (80% of AMI)	Affordable Rent for Middle-Income Households (100% of AMI)	Average Market Rent
2-person household	\$743	\$1,253	\$1,615	\$1,300 for 1-BR \$1,700 for 2-BR
3-person household	\$909	\$1,410	\$1,818	\$1,700 for 2-BR \$1,900 for 3-BR
4-person household	\$1,010	\$1,566	\$2,020	\$1,700 for 2-BR \$1,900 for 3-BR

<b>HOMEOWNERSHIP AFFORDABILITY</b>				
	Affordable Price for Low-Income Households (50% of AMI)	Affordable Price for Moderate-Income Households (80% of AMI)	Affordable Price for Middle-Income Households (100% of AMI)	2002 Median Condominium Sales Price
2-person household	\$108,000	\$163,000	\$210,000	\$349,000
3-person household	\$118,000	\$183,000	\$236,000	\$349,000
4-person household	\$131,000	\$203,000	\$262,000	\$349,000

<b>ELIGIBILITY LIMITS FOR HOUSING CREATED</b>		
	80% of AMI (Rental Limit)	100% of AMI (Homeownership Limit)
1-person household	\$43,580	\$56,600
2-person household	\$50,100	\$64,600
3-person household	\$56,400	\$72,700
4-person household	\$62,650	\$80,800
5-person household	\$67,650	\$87,300



CAMBRIDGE HOUSING AUTHORITY

675 MASSACHUSETTS AVENUE., CAMBRIDGE, MA 02139

(617) 864-3020

14 March 2003

To The Honorable, The City Council:

I write to support the transfer of the Trolley Square Site to the City's Affordable Housing Trust so that a significant portion of the site can be made available to the development of much needed additional affordable housing.

The need for more affordable housing in Cambridge is undisputed. Costs of rental and ownership housing place both beyond the reach of too many of Cambridge's citizens and the Council has, for several years, articulated the creation of more affordable housing as a top priority. An illustration of the pressing need for such housing is demonstrated by the wait lists for both family public housing and the CHA's Section 8 program, which show 2,200 and 1,620, Cambridge households respectively waiting for a housing opportunity.

As the Council surely knows, opportunities in Cambridge for sites of substantial size are almost non-existent. What you have seen the city's various affordable housing agencies developing over the past five years or so are generally sites which afford small numbers of units and which are, as a result, marginally feasible ----even with an array of federal, state and local subsidies.

The Trolley Square site can clearly help feasibility by affording some economies of scale. The fact that this site carries no acquisition costs makes it a particularly attractive and timely opportunity as several hitherto available sources to offset acquisition and other development costs are threatened by state and federal budget cuts.

In closing then, I urge the Council to approve this land transfer to the City's Affordable Housing Trust so that we can take a significant step toward attaining our affordable housing goal.

Sincerely,

Daniel J. Wuenschel  
Executive Board of Directors

Cc: City Manager  
Beth Rubenstein  
Darcy Jameson



8

CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

*Robert W. Healy, City Manager*

*Richard C. Rossi, Deputy City Manager*

March 17, 2003

To The Honorable, the City Council:

Attached please find a Disposition Report for Trolley Square from the Community Development Department. The report recommends that the City-owned property be transferred to the Affordable Housing Trust for the purpose of developing affordable housing. This property was obtained by the City, as a result of the settlement of litigation with the MBTA regarding the construction of the Alewife Station. The transfer to the Affordable Housing Trust is exempt from the provisions of the Disposition Ordinance, Chapter 2.110 of the Cambridge Municipal Code. Chapter 40, §15A of the General Laws governs the transfer of municipal property from one municipal use to another. Since this is the first time that this property will be put to a municipal use, there is some uncertainty as to whether or not the statute applies, but I believe it is prudent to refer this to you for a vote under the statute to approve the transfer of the property to the Trust. Ordinarily, General Laws Chapter 40 § 15A requires a two-thirds vote for such a transfer; however, the statute provides that when the transfer is for the purpose of developing affordable housing, a simple majority vote is required. In keeping with the high priority given by the City Council to the development of affordable housing, I recommend that you vote to approve this transfer.

Very truly yours,

Robert W. Healy  
City Manager

RWH/dls  
Attachment

Cal P  
5 18 P

**Consent Agenda #8**

Relative to the Disposition  
Report for Trolley Square,  
prepared by the Community  
Development.

**In City Council March 17, 2003**

**CHARTER RIGHT  
EXERCISED BY  
MAYOR SULLIVAN.**

**In City Council March 24, 2003**

**ACTION PENDING/UNFINISHED  
BUSINESS.  
ORDER ADOPTED.  
SEE ORDER #10.**

**In City Council May 12, 2003**

**REFERRED TO AGENDA  
ITEM #4 OF MAY 12, 2003.**