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October 24, 1991

Cambridge City Council
City Hall
Cambridge, MA 02139

Re: Irene M. Herman Zoning Petition - North Cambridge

Dear City Councilor:

In 1986 a comprehensive rezoning of Massachusetts Avenue - from Harvard Square to the Arlington town line - was adopted after an extensive planning process and participation by owners, residents, businesses, and the Community Development Department.

At that time, the area currently zoned Business C-1 (BC-1) was substantially downzoned. The floor area ratio (FAR) for business use was reduced by 31.3% from 4.0 to 2.75. The height was reduced from "unlimited" to 50 feet and other restrictions were imposed including more stringent setbacks and creation of an overlay district with mandatory large project review and special use and design requirements.

Now we are threatened with another downzoning which would reduce our FAR to 1.75 (of which only 1.0 could be nonresidential uses) and reduction in height to 45 feet. This is another 64% reduction in allowable business FAR. Two portions of the BC-1 District would also be placed in the Residence B District, reducing height to 35 feet and eliminating business use.

The area in question has been zoned for business use since the beginning of zoning in Cambridge. Many substantial business uses and other nonresidential uses (such as the MBTA Yards) already occupy this area and would become nonconforming uses. Owners bought properties and have been paying real estate taxes with the expectation that certain zoning requirements and rights were in place. These rights were substantially reduced in 1986, lowering the value of our properties.

Residents who purchased property adjacent to the BC-1 District (and predecessor district) were aware of the zoning in place and purchased these properties with full knowledge of these conditions. Many improvements have been made to business properties in recent years and

owners have worked cooperatively with businesses and residents to try to accommodate needs and concerns. We have tried to work constructively with our neighbors over the years and are dismayed that we were not consulted before this very detrimental proposal was filed.

In 1986 the zoning changes that were made were preceded by almost a year of planning, public participation and negotiation. No planning has been done related to the current proposal and the Department of Community Development has not been involved as far as we know. A recent case in the City of Boston (National Amusements) overturned a zoning change based upon lack of prior planning. In addition there are two other legal problems related to this petition:

1. The petition leaves the Marino parcel in the BC-1 District, creating spct zoning.

2. There are serious errors in the legal description of the area being rezoned.

We are prepared to protect our legal rights in this matter, if necessary.

We urge you to vote against the proposed Herman petition. If the City believes changes are needed in this area we would be happy to work with the Planning Department and others to determine whether changes are needed and what form they should take.

Sincerely,



John A. Brown
John Brown Associates, Inc.
2464 Massachusetts Avenue
Cambridge, MA 02140

(Additional signatures of this letter are shown on attached page.)

Cont ~~John J. Danahy~~ ~~John L. Danahy~~ ~~36 CAMERON AVE CAMBRIDGE~~
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~~Delio Marino~~ ~~Delio Marino~~ ~~Marino Ristorante~~

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~~Sam J. Desalvo~~ ~~SAM J. DESALVO~~ ~~32 CAMERON AVE~~

~~Edward J. Boyle Jr.~~ ~~EDWARD J. BOYLE JR~~ ~~2440 MASS. AVE.~~

CONSENT COMM. # 3

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Comm. from John A. Brown, et al requesting
the City Council to vote against the re-
zoning petition of Irene M. Herman, et al.

In City Council,

November 4, 1991

11/4/91 no action taken
11/18/91 placed on file