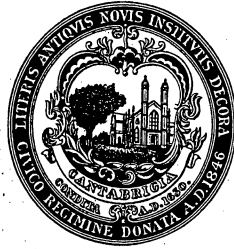


Russell B. Higley
City Solicitor

Donald A. Drisdell
Deputy City Solicitor

Nancy E. Glowa
First Assistant
City Solicitor



Arthur J. Goldberg
Supervising Legal Counsel

Legal Counsel
Birge Albright
Vali Buland
Cheryl Anne Watson
Nancy B. Schlacter
Christine E. McGinn

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

January 22, 2001

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

Re: ***City Council Order #12, dated October 23, 2000, Seeking a Report
Clarifying the 15% Affordable Housing Component to Inclusionary Zoning***

Dear Mr. Healy:

I am writing in response to the City Council's request for an explanation of how the 15% affordability requirement of the Inclusionary Zoning Ordinance is determined and applied.

Section 11.203.2 of the Zoning Ordinance, entitled Requirements for Inclusionary Housing, provides in subsection 11.203.2(a) as follows:

(a) Any Inclusionary Project shall provide fifteen percent (15%) of the total number of dwelling units up to the maximum allowed as of right as Affordable Units....

Section 11.203.2(b)(i) provides further that:

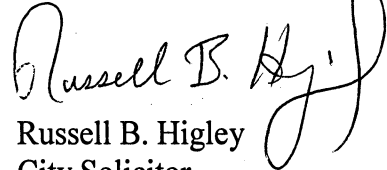
(i) The FAR normally permitted in the applicable zoning district for residential uses shall be increased by thirty percent (30%) for Affordable Units....

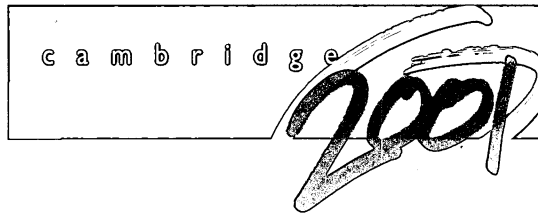
Applying these provisions to a proposed project where one hundred units would be allowed as of right and the developer is proposing to build one hundred (100) units, the Inclusionary Zoning Ordinance would require that the developer provide fifteen (15) affordable units, and the FAR would be increased by thirty percent (30%). This would mean that the final project would contain one hundred and thirty (130) units, fifteen (15) of which would be affordable.

Section 11.203.2(c) provides in relevant part that "For any Inclusionary Project that includes a number of dwelling units that exceeds the maximum allowed as of right, the number of affordable housing units shall be no less than fifteen percent (15%) of the total number of dwelling units in the project...." For example, at a site where the total number of units permitted as of right is fifty (50), and the developer proposes to build one hundred (100) units (by obtaining a special permit, for example), fifteen (15) of the units would be required to be affordable units. There is no additional FAR bonus since the project has already received a bonus by being permitted to build more units than would have been permitted as of right.

If we can be of further assistance please let us know.

Very truly yours,


Russell B. Higley
City Solicitor



4.

CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager Richard C. Rossi, Deputy City Manager

January 29, 2001

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 00-100, regarding a report on clarifying the 15% affordable housing component to the inclusionary zoning ordinance, received from City Solicitor Russell B. Higley.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy".

Robert W. Healy
City Manager

RWH/mec
Attachment



345

Consent Agenda #4

Awaiting Report Item Number

00-100, regarding a report on
clarifying the 15% affordable
housing component to the
inclusionary zoning ordinance.

In City Council January 29, 2001

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