

Councillor Triantafillou asked for an explanation of “permeable open space.” Mr. Barber stated that it doesn’t mandate large areas of grass because residents have all kinds of uses of their open space, for example, decks. However, asphalt and concrete and other impermeable surfaces are not allowed.

Mr. Dash stated that the Planning Board was concerned about “over regulating” by requiring only green vegetative cover for the open space; concern was also expressed by the public in this area.

Councillor Triantafillou asked if this is a proposal of the Planning Board or the City Wide Growth Management Advisory Committee. Ms. Rubenstein stated that the original proposal came from the committee. The Planning Board made some changes.

Councillor Born asked whether the percentage of open space has been doubled in every zone. Ms. Rubenstein answered in the affirmative.

Councillor Born asked why it has been characterized by some members of the interested public as “a step backward.” Mr. Barber stated that he does not know why. The existing provisions remain. The newly required open space must be permeable. (The currently required open space need not be permeable.)

Councillor Born asked whether any part of this proposal diminishes the lot size required for building. Mr. Barber answered in the negative.

Councillor Born stated that she agrees with the concept of permeable open space. She gave the example of Japanese gardens.

Councillor Sullivan asked for a matrix comparing the different petitions and the existing provisions. He also asked whether the City Council could adopt parts of separate petitions. He requested that the City Solicitor’s Office provide an answer to that question.

Councillor Davis then invited public testimony.

C. L. Monroe, 322 Windsor Street, spoke in support of the petition. East Cambridge is losing open space rapidly. The Wellington-Harrington area has only 11% of the open space recommended by national standards. She submitted a petition in support signed by Wellington-Harrington residents.

Councillor Davis then invited comments in opposition.

Robert LaTremouille, 875 Massachusetts Avenue, stated that this petition destroys green space. Structures such as fountains and sculptures are allowed right up to the lot line. Permeable open space would allow the whole area to be filled by a four-foot high deck. The so-called "landscaped" open space is not required to be landscaped; it is only "intended." He distributed written material in support of his position.

Paul Tremblay, 65 Clay Street, spoke in opposition to the proposal. The provisions are too restrictive. His family has had long range plans to build a new house in the backyard. His family has been hurt by prior zoning changes.

Marilyn Wellons, 651 Green Street, stated that "green" has disappeared. There is no requirement for plants. The proposed definitions replace a current requirement for green open space. She described the problems encountered in her neighborhood when the special permit said that plans for the park must be "shown" before the permit was issued, the plans were shown, the permit was granted and it took a very long time and a hard fight to get the park built. She noted that the proposal fails to regulate accessory buildings.

Councillor Born asked whether her proposal would allow a play set on wood chips. Ms. Wellons said that she believed it would.

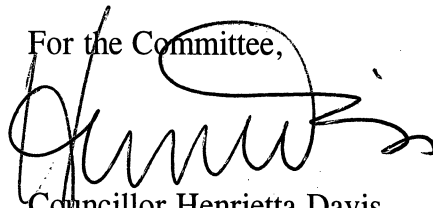
Councillor Sullivan moved referral to the next meeting.

Councillor Davis inquired as to the pleasure of the City Council. She noted that another hearing on this petition has been scheduled for Wednesday, May 5, 1999.

Councillor Sullivan moved that the petition be referred to the May 5, 1999 hearing. The motion passed on a voice vote without objection.

Councillor Davis thanked all those present for their attendance. The hearing was adjourned at 6:30 p.m.

For the Committee,



Councillor Henrietta Davis
Chair

Backyard Zoning Proposal (Spring 1999)

1. Increase Rear Yard Setbacks

**2. Increase Open Space & Percent
Unpaved Required**

3. Limit Units

Backyard Zoning Proposal (Spring 1999)

1. Increase Rear Yard Setbacks

***Adds to existing requirements**

Res A1: 25' to 35'

Res A2: 20' to 35'

Res B: 25' to 35'

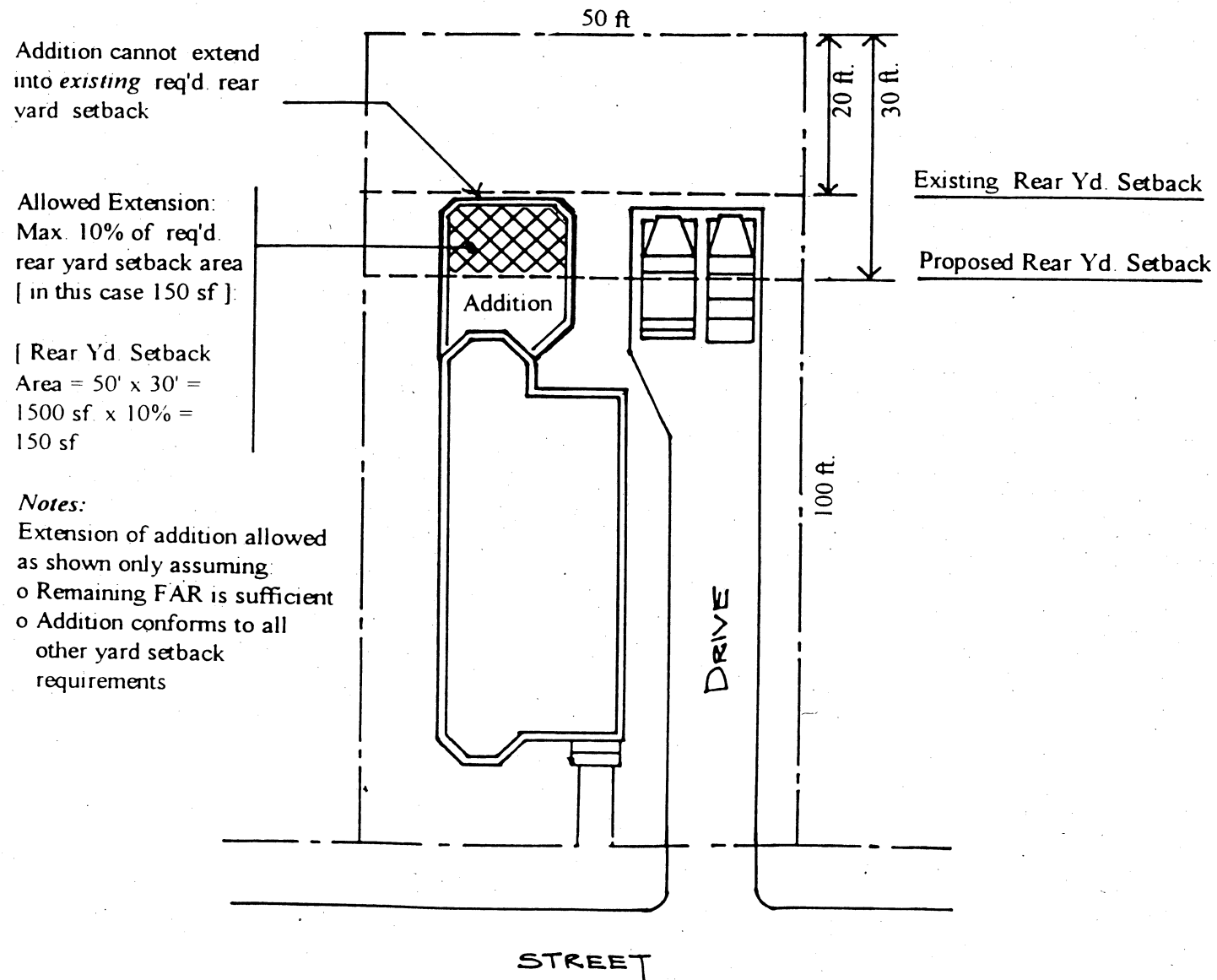
Res C: 20' (or formula) to 30' (or formula)

Res C1: 20' (or formula) to 30' (or formula)

**** Includes limited exemption from new setbacks for modest additions***

Addition may cover 10% of newly required rear yard setback

*Allowed Extensions into
Rear Yard Setback:
Proposed - Res C*



Backyard Zoning Proposal (Spring 1999)

2. Increase Open Space & Percent Unpaved Required

***Doubles the total amount**

Res A1 25% to 50%

Res A2 25% to 50%

Res B 20% to 40%

Res C 18% to 36%

Res C1 15 % to 30%

***Half has no dimensional requirement (easier to comply)**

***Requires that half of the total amount be *permeable* (defined as landscaped green area, loam, gravel, sand, crushed stone, or natural soil)**

Existing - Res. C-1

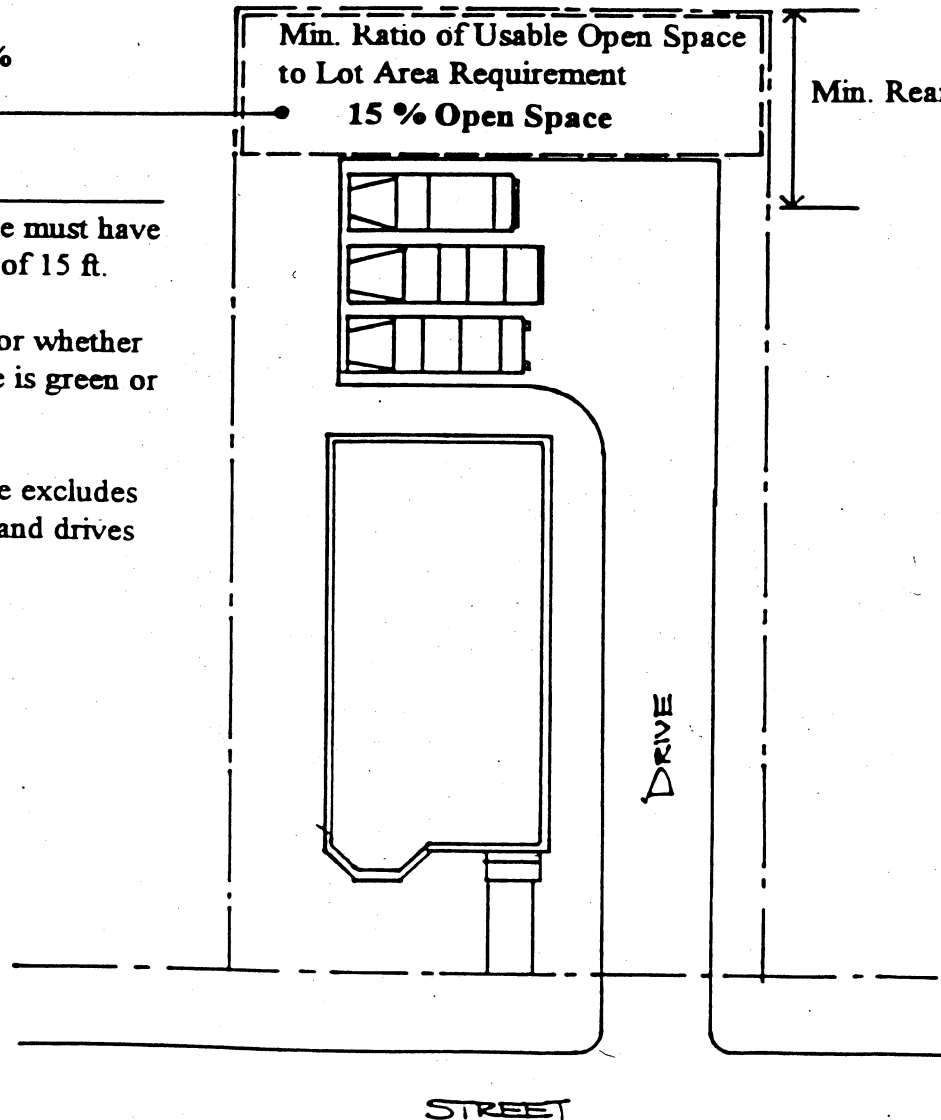
**Total Required
Open Space: 15%**

**Min. Ratio of Usable Open Space
to Lot Area Requirement**

15 % Open Space

**Min. Rear Yard Setback
20'**

- o Usable open space must have a min. dimension of 15 ft.
- o No requirement for whether usable open space is green or paved
- o Usable open space excludes areas of parking and drives



One alternative way to meet open space requirements

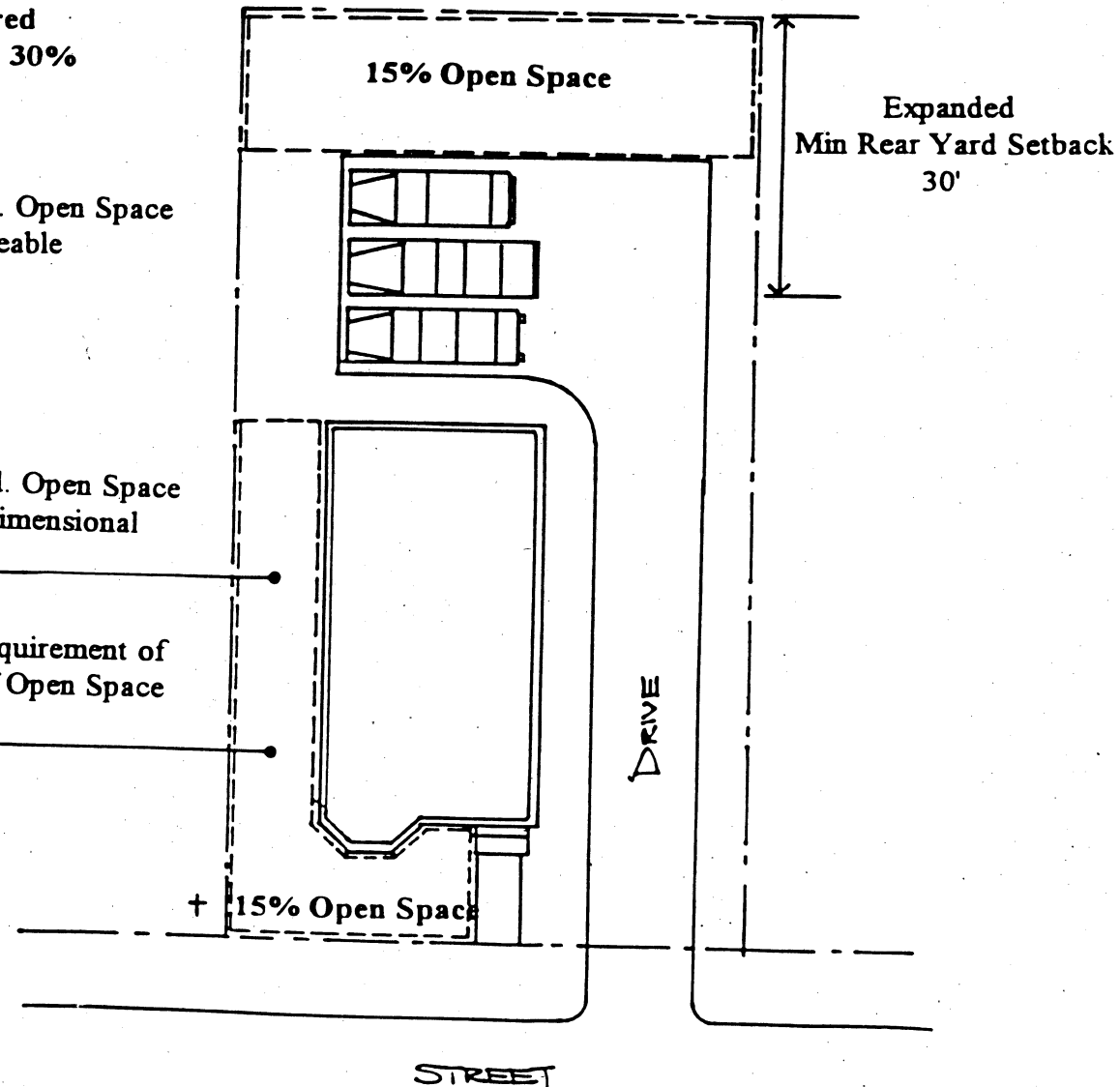
(Some in rear yard; some in front yard)

**Total Required
Open Space: 30%**

**50% of Req'd. Open Space
must be permeable**

**50% of Req'd. Open Space
has no min. dimensional
requirement**

**Expanded Requirement of
Min. Ratio of Open Space
to lot Area**



Backyard Zoning Proposal (Spring 1999)

****Includes limited exemption from new open space requirements for modest additions***

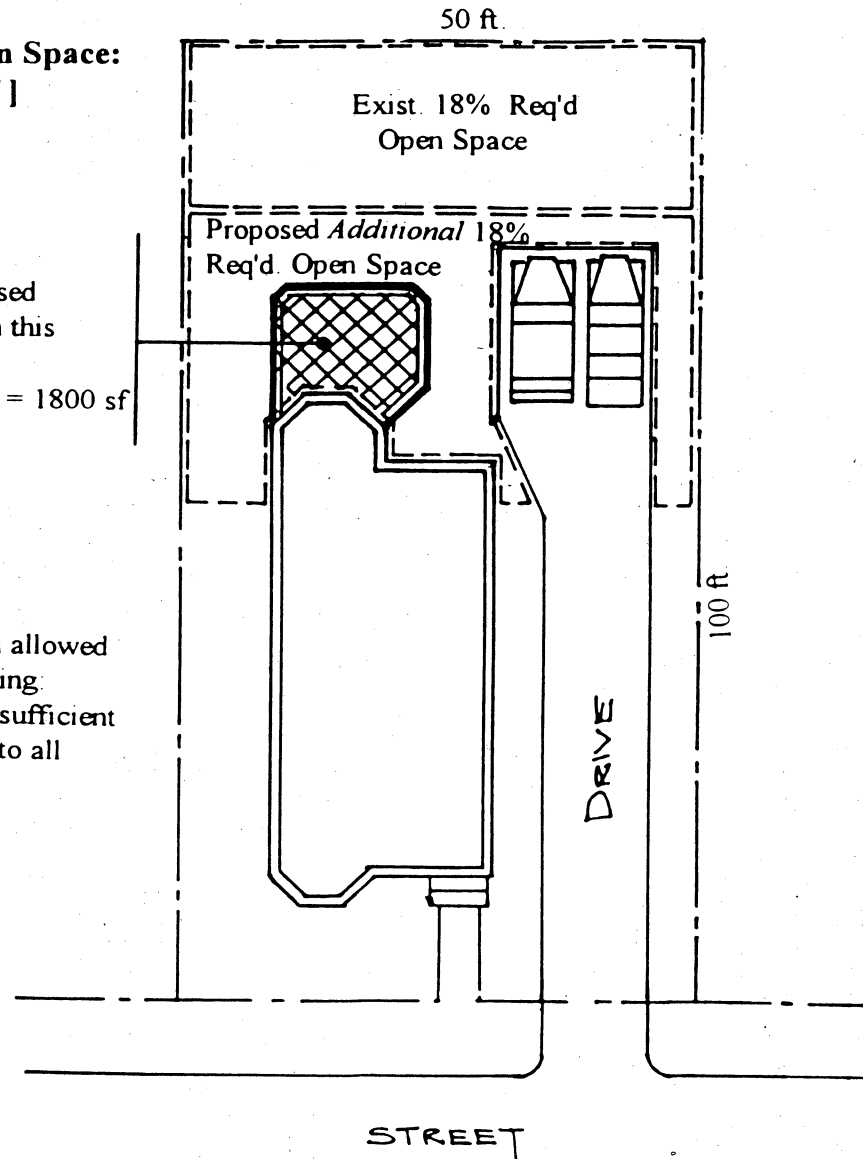
Addition may cover 10% of total required open space

*Allowed Extension into
Required Open Space:
Proposed - Res C*

Total Req'd. Open Space:
36 % [or 1,800 sf]

Allowed Extension:
Max. 10% of proposed
req'd. open space [in this
case 180 sf]
[36% x 5000 sf lot = 1800 sf
x 10% = 180 sf]

Notes:
Extension of addition allowed
as shown only assuming:
o Remaining FAR is sufficient
o Addition conforms to all
other yard setback
requirements



Backyard Zoning Proposal (Spring 1999)

3. Limit Units

***Increase lot area per dwelling unit**

Lowers density by increasing minimum land area required for each dwelling unit

No change in Res A1 or A2

Some increases in Res B, C, and C1

***Lower floor area ratio (FAR)**

Lowers FAR for portions of lot above minimum lot size (5000 square feet of land)

Residence A1, A2, and B would allow .5 FAR up to minimum lot, and .35 FAR above.

Residence C would allow .6, and .45 FAR above minimum lot.

Residence C1 would allow .75, and .6 FAR above minimum lot.

20 April 1999

To the Honorable Cambridge City Council:

We, the undersigned residents of the Wellington-Harrington area of East Cambridge, would like to urge you to pass unanimously the current Backyard Petition.

East Cambridge, the densest area of the City of Cambridge, is rapidly losing the little bits of land that remain. Our skyline is being replaced by the silhouettes and shadows of tall office buildings and hotels. It has become difficult to view the sky on some streets or to walk through sunshine on some of our sidewalks.

The Wellington-Harrington neighborhood, in particular, has the highest residential density in the city. According to the December 1994 Open Space and Recreation Plan, prepared by the Open Space Committee for the City of Cambridge, the Wellington-Harrington area has only 8.0 acres of open space despite its population of 7,105. The neighborhood's inhabitants currently live with only 11% of the National Recreation and Park Association standard of recreational open space needs (10 acres per 1000 persons). Much of the neighborhood's open space is contained on small, privately owned lots. However, these green backyard/open spaces, when still existent, are being paved over for parking spaces or are being devoured for construction of new rental unit buildings.

Space is extremely tight all over East Cambridge. According to the 1994 Open Space and Recreation Plan, the Wellington-Harrington neighborhood, unlike the rest of the city, consists predominantly of family households, and almost one quarter (23%) of the area's population are children under 18 years of age. With the construction of rental unit buildings in privately-owned lots, these families are living closer and closer together, in tighter lots, with less and less space.

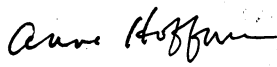
The Backyard Petition will be beneficial for all of Cambridge; however, it will make a hugely significant difference in East Cambridge (the C-1 zone). For the Wellington-Harrington neighborhood, the petition is one of the only ways that we can maintain the tiny amount of open space that remains here.

page two -- To the Honorable Cambridge City Council

We urge you to approve the proposed increases in setbacks, in open green space, and in FAR. Passage of the Backyard petition with these increased requirements will protect our very overcrowded neighborhood, and will help preserve East Cambridge as a child-friendly environment.


CATHERINE LISA MONROSE
322 WINDSOR STREET
CAMBRIDGE, MA 02141


SCOTT GETTELLE
322 WINDSOR ST.
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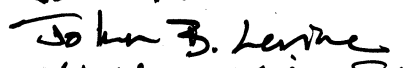

93 Hampshire
Camb. 02139
ANNE HOFFMAN


JOHN LAPHAM
91 HAMPSHIRE
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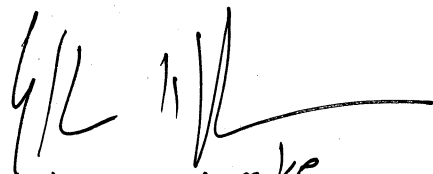

Diane Feskanich
324 Windsor St #2
Cambridge 02141

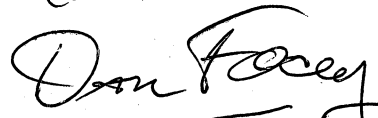

Joseph Hybik
315 Windsor St
02141


ELISSA CARLSON
111 Hampshire St.
Cambridge, MA 02139

JOHN B. LEVINE

111 Hampshire St.
Cambridge, MA 02139

CAROLE ANN FER
93 Hampshire St
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CAROLE ANN FER


Ellen Wrasche
93 Hampshire St.
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DON FACEY
90 HAMPSHIRE ST
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page three - To The Honorable Cambridge City Council

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Lynne Sussman
~~Lynne Sussman~~
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Phillip Hyde
Phillip HYDE
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A. A. Smith
Craig A. Smith
324 Windsor #1
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Jeff D Bell
JEFF D. Bell
20 Union St
Cambridge 02141

Matt Stein

Matt Stein
25 Union St
Cambridge, MA 02141

Summary of the Petitions

The Sheila Cook Petition

The *Real Yards* Petition

1. Requires green planted yards with pedestrian walkways on a 3 to 1 basis in 3 out of 4 yards in all residence, office and open space districts in Cambridge, plus in yards abutting residence and open space districts, and in all other new housing. Provides specific vegetation requirements and depth of soil requirements.
2. Requires all new buildings to be set back above and below ground. Specifically prohibits "underground" structures being built to the lot line. Thus reduces the destruction of trees and other vegetation on the lot. Protects neighbors' trees and street trees. Ends the situation where "underground" garages on the side of a hill can be built as a solid wall at the lot line.
3. Restricts "accessory" buildings allowed in the middle of yards / open space. These buildings may not exceed 150 sq. ft., 15 feet high. Office uses would be made illegal in "accessory" buildings in residence districts. Encourages replacement of garages with reflecting pools, subject to these limits. Can be modified to allow art projects as "accessory" structures subject to bulk and height limits.
4. Continues and improves on existing meaningful green area requirements in the zoning passed by the City Council last year. Affects residential construction on parts of Massachusetts Ave., Cambridge St., River St., Western Ave., Blanchard Rd., Sherman St., Walden St., Brattle St., Church St., Fresh Pond Pkwy., Broadway, Harvard St., Hampshire St. Prospect St., Bishop Allen Dr. and Memorial Drive. Continues earlier open space protections for neighbors from Mass. Ave. construction. Continues Green St. Park.

The Planning Board Petition

The Buildings, Structures and Porches Petition — *Much Worse* than Nothing at All

1. Allows existing yards, trees, and shrubs to be destroyed and replaced with wooden porches four feet high everywhere, or with dirt covered with stones, unless the developer voluntarily wishes to be responsible (if developers voluntarily behaved responsibly, we would not need zoning). Present law considers wooden porches buildings. Proposal calls wooden porches "open space."
2. Legallizes, without apparent limit on size or bulk, anything called a "sculpture" or a "fountain," such as the one proposed for Fresh Pond. They are called "open space." They can be built right at the neighbors' lot line. No height limit. No limits on size.
3. Requires three feet of dirt on top of "underground" construction in 4 "favored" districts. Continues to allow "underground" construction everywhere except in zoning passed last year over the Planning Board's objection and earlier zoning protecting neighbors to Central Mass. Ave. Their "underground" construction translates into a solid wall at the lot line if you are downhill from the project. "Underground" construction rewards destruction of trees and other vegetation and threatens neighbors' trees and street trees.
4. Continues to allow large "accessory" buildings up to 5 feet from neighbors' lot line. Allows these buildings to be office buildings even in residence districts. Size allowed (on standard size lots): 750 (19x40) sq. ft. in Res. C-1, the most common district; 800 (70x12) sq. ft. in Res. A-1, the most restricted district. Smaller or larger in other districts. Maximum height greater than 15 feet in most districts, up to 120 feet (12-13 stories). Original petition greatly expanded construction allowed in yards by further expanding the "accessory" exception, including an expansion of Harvard's Sackler Museum. The present petition has withdrawn that change.
5. Destroys existing green area requirements by allowing construction of those four foot high wooden porches everywhere. Occasionally requires that dirt be "intended" to be made green. Kills meaningful requirements for planted vegetation even in the 1998 protections.
6. Attacks the smallest lots in the city. Allows 10% reduction in open space on lots which now have too little open space. *13, 2K*

The Development Department Says they are Providing Open Space.
The Development Department, as usual, provides Newspeak.

The Sheila Cook Petition Provides Open Space. It expands on zoning passed by the City Council over the objections of the Planning Board.

The Yards Proposals — Summary

Real yards versus *porches everywhere, big buildings
and destruction of existing protections*

	The Real Yards Proposal — Sheila Cook et al. —	The Buildings and Porches Proposal — Planning Board —
Quality of Open Space Required.	75% plantings, 25% hard surfaced walkways on three sides of buildings in required yards in all Residence, Office and Open Space districts, in yards abutting all Residence and Open Space districts and in yards as required for all other housing.	A wooden porch 4 feet high everywhere, or dirt covered with stones (unless the developer <u>voluntarily</u> behaves responsibly, but then, if developers <u>voluntarily</u> behaved responsibly, would zoning be needed?)
"Underground" construction.	Prohibited within required yards. Buildings must be set back from lot lines <u>above</u> and <u>below</u> ground.	Generally allowed to lot lines. In the four "favored" districts, Res. C-1, C, B and A, 3 ft. of dirt required above the "underground" construction. For construction on the side of a hill, this means a solid wall right at the lot line.
Destruction of existing or neighboring trees and vegetation.	Discouraged. Language encourages saving insofar as possible. Buildings required to be set back above and below ground. No incentive to destroy existing vegetation. Plenty of incentive to retain existing vegetation because green area is required. Retaining existing plantings encouraged.	Destruction allowed, indeed, rewarded. "Underground" construction generally allowed to the lot lines. In the 4 "favored" districts, 3 feet of dirt required above "underground" construction. Encourages destruction of existing trees on the lot. Roots and branches of street trees and abutters' trees destroyed at will.
Size of buildings allowed in yards and in "open space", up to 5 ft. from side and rear lot lines.	150 sq. ft. ground coverage allowed to be built up to 5 feet from lot line, no side may be longer than 18 ft. Ornamental pools allowed up to 5 feet from lot line in place of existing garages. Height limited to 15 feet.	Varies with the district. In the most common district in the city, Res. C-1, a 750 sq. ft. building is allowed, 19 feet by 40 ft., 15 ft. high, on the standard 5000 sq. ft. lot. Proportionately less large in Residence C, B, and A. Larger in most other districts. Height limit in most districts is the maximum height allowed in the district, except 15 ft. in Office 1 and in Res. C-1, C, B and A districts. They use the euphemism "accessory buildings."
Office buildings within 5 feet of side and rear lot lines in residential districts.	Specifically prohibited.	Development Dept. claims office buildings allowed even in the four "protected" residential districts as those 750 sq. ft. large buildings that may be built up to 5 feet from the side and rear lot lines.
Impact on the smallest lots.	Meaningful benefits. Requirements for meaningful green area yards apply to all new construction. Existing lots do not have to comply unless affected by construction. Existing lots are "grandfathered," but cannot be made worse.	Wooden porches 4 feet above ground may be constructed above every square foot of every lot, even on the smallest of lots. Supposed open space "protections," "FAR," and other "protections" disappear as lots get smaller.

**"Open Space" redefined to be anything but open space
is anything but open space.**

	The Real Yards Proposal — Sheila Cook et al. —	The Buildings and Porches Proposal — Planning Board —
Impact on districts other than Res. C-1, C, B and A.	Meaningful, planted yards required above and below ground on 3 sides in all Residence, Office and Open Space districts. Meaningful, planted yards required above and below ground in other districts insofar as a lot has housing and a yard is required.	Proposed "protections" do not exist unless district is one of the four zoning districts supposedly benefitting (Residence C-1, C, B and A). Wooden porches 4 feet above ground may be constructed above every square foot of every lot, even on the smallest of lots.
Impact on people who live next to less restricted districts.	Yards of property in less restricted districts that about more restricted are required to be planted, with buildings set back above and below ground. Buildings are required to be set back above and below ground and meaningful yards required insofar as lots about Residence and Open Space districts, even in districts that do not otherwise require yards.	Proposed "protections" do not exist unless district is one of the four zoning districts supposedly benefitting (Residence C-1, C, B and A). Wooden porches 4 feet above ground may be constructed above every square foot of every lot, even on the smallest of lots.
Impact on existing, meaningful yard requirements including some created by City Council over Planning Board objection.	Strengthened. Requirement of meaningful, planted yards on two sides of buildings increased to three sides with regard to the 1998 Residence C-2B and Business A downzonings. Planning Board language as to quality of soil added. Destructive Planning Board changes not included.	Green Street Park could be destroyed. Destroys key Res. C-2B and Bus. A yard / open space protections which City Council adopted in 1998 against wishes of Planning Board. Destroys key yard / open space protections for neighbors of mid-Mass. Ave. developments. At minimum, meaningful protections are changed to allow 4 ft. high wooden porches everywhere.
Impact on lots that currently have too little "open space".	Planning Board language should be defeated.	Allows lots that currently have too little open space to decrease that open space by 10% as of right.
Protection of large lots, various changes in back yard dimensions. Other specific dimensional changes.	Planning Board language could be adopted insofar as it is not destructive to the stated purposes of the zoning proposals. If Planning Board proposal cannot be adopted in part, it should again be refiled because it contains extremely destructive provisions.	May be evaded by subdivision. "Increases in open space" are, in reality, allowance of a wooden porch 4 ft. high everywhere (unless the developer chooses to construct a 750 sq. ft. "accessory" building). Increases in dimensional requirements for Res. C-1, C, B and A districts exist. Many disappear for smaller lots.
Impact on Harvard and M.I.T.	They are required to obey the same laws as everyone else in the large portion of their campuses to which the proposal applies.	Generally exempt* because most of their holdings are in districts that are exempt. Applicable primarily in their few Residence C-1 properties.

* Original Planning Board proposal wiped out the limit that those "accessory buildings" allowed up to 5 feet from the lot line could not exceed 25% of construction in the principal building (20% of total construction). Other language required "Accessory Buildings" to be "accessory" only in the four "favored" districts.

"Accessory buildings" were thus allowed to be larger than the principal buildings. This change, in particular, would have allowed Harvard to build an addition to the Sackler Museum even closer to a neighboring apartment building, and would have destroyed protections everywhere in the city.

The drafters of the Sheila Cook petition caught this gaping loophole. After they objected, the loophole was closed. Harvard announced the Sackler project at about the time the Planning Board's "Yards" proposal was initially filed. Harvard announced its withdrawal not long after the language was killed. The Planning Board could not get away with destroying protections (as little as they are). The Board's refiled proposal, described above, is based on continuing existing rules concerning buildings allowed in yards or open space, that is, so-called "Accessory Buildings" — Their proposal just continues the existing, very destructive "Accessory Buildings" provisions.

**"Open Space" redefined to be anything but open space
is anything but open space.**

City of Cambridge

In City Council May 24, 1999

The Ordinance Committee held a public hearing on April 27, 1999, beginning at 5:40 p.m. in the Sullivan Chamber for the purpose of considering a petition of the Planning Board to amend the Zoning Ordinances related to backyard open space protection affecting Residence A-1 and A-2, Residence B, Residence C and Residence C-1 districts.

Present at the hearing were Councillor Henrietta Davis, Chair of the Committee, Councillor Kathleen Leahy Born, Councillor Michael A. Sullivan, Councillor Katherine Triantafyllou, and City Clerk D. Margaret Drury. Also present were Donald Drisdell, Deputy City Solicitor, Beth Rubenstein, Acting Assistant City Manager for Community Development, Les Barber, Director of Land Use and Planning, and Stuart Dash, Director of Community Planning.

Councillor Davis convened the hearing and explained the purpose. She invited Ms. Rubenstein to make a presentation on the proposal.

Ms. Rubenstein briefly summarized the major provisions. She noted the complexity of the proposal and noted that the City Council need not adopt all; the Council could choose to adopt some provisions and not others.

Ms. Rubenstein explained that there are three major components to the proposal. The first component relates to increasing rear yard setbacks. The second proposes increased open space and the percentage that is required to be unpaved. The third limits additional units in backyards. These are three separate approaches to protecting back yard space. The Planning Board believes that adoption of all three would provide the best protection to backyards.

Ms. Rubenstein then invited Mr. Barber to provide additional details, and he did so.

Councillor Davis noted that these are strategies to retain open space in most residential zones. She asked which are the most effective. Mr. Barber stated that to some extent, the proposals are presented in order of overall effectiveness such that increasing the rear yard setbacks is the most effective, followed by increasing open space and the percentage required to be unpaved, and then limiting back yard units. Ms. Rubenstein emphasized that there are a variety of public concerns; thus a variety of approaches is appropriate.

Committee Report #1

40/5

A report from Councillor Davis,
Chair of the Ordinance Committee,
for a hearing held on April 27, 1999,
for the purpose of considering a petition
of the Planning Board to amend the
Zoning Ordinances related to the
backyard open space protection
affecting Residence A-1 and A-2,
Residence B, Residence C and Residence
C-1 district.

In City Council May 24, 1999

Report Accepted

PLACED ON FILE