

1989 FEB 21 AM 9:59

CAMBRIDGE MA.

February 21, 1989

Joseph Cellucci, Commissioner
Dept. of Inspectional Services
City of Cambridge

George Teso
Traffic Director
City of Cambridge

Cambridge Historical Commission
City of Cambridge

Planning Board
City of Cambridge

Gentlemen and Ladies:

Complaint is hereby made against "Gunwyn/Cambridge Arcade Limited Partnership"

1. for violations in the building moved from 19 Mount Auburn Street to a location among 9-11 Mount Auburn Street, 13-15 Mount Auburn Street and 1124 Massachusetts Avenue, which, of necessity, impact their proposed project at "Zero Arrow Street", 4-6 Arrow Street and 13 - 19 Mount Auburn Street, inasmuch as the claim for special permit assumes that the relocated building can legally be where it is, under a ruling of the historical commission, if it must be removed, the historical commission ruling is void; and
2. for parking freeze violations in the actual Zero Arrow Street project as presented to the Planning Board which the developer does not apparently intend to correct prior to obtaining a building permit, which violations should be considered by the Traffic Director and the Inspectional Services department.

1. Enclosed is a copy of a map submitted by the developer. The 19 Mount Auburn Building's new location, in the upper left corner of lot 35, is rather clearly too close to 1124 Massachusetts Avenue and to its own northern and western boundaries;
 - a. The location is rather clearly too close to 1124 Massachusetts Avenue's structure for protection against fire under the state building code.
 - b. Secondly, the developer appears, rather clearly to be ignoring the zoning of the lot, as demonstrated on his own map. The line running through the lot connecting the midline of Remington Street to the midline of Banks Street is the district boundary between the Business B and Office 3 districts. Business B does not require yards.

Office 3, in which a very large portion of the structure sits, requires a minimum 20 foot back yard facing 1124 Mass.Ave. and a formula side yard facing the 15-17 Mount Auburn Structure. The relocated structure provides neither.

The ordinance, sections 3.32 and 3.321, govern, as follows:

3.32 Where a zoning district boundary line divides a lot under single ownership at the time of the effective date of this Ordinance, the regulations for each zoning district shall apply to portions of the lot within the respective districts except as provided in this subsection 3.32.

3.321 Where more than one-half the area of said lot is in a less restricted district (either in terms of the district's overall regulations or a single regulation) the Board of Zoning Appeal may grant a special permit allowing any of the less restrictive dimensional regulation(s) to extend up to twenty-five feet into the more restricted district. . . .

A special permit has not been sought. The Board of Zoning Appeal, for good reason, frowns on relief sought after the fact.

It was rather clear when the Historical Commission allowed 19 Mount Auburn to be destroyed by moving and 17 Mount Auburn to be totally destroyed, that their powers under the zoning ordinance had not been meaningfully communicated to them, assuming those powers to be legal.

Notwithstanding this, a basic assumption in the order is that the building would be legally relocated, fulfilling all provisions of all regulations. If the building is now to be totally destroyed because the relocation is in violation of law, the Historical Commission permit must be, of necessity void.

Thus the developers application for relief which would increase the floor space size of the Zero Arrow Street project three to four times by ignoring yard requirements is clearly an application for a variance and is not properly before the Planning Board.

2. As you know, the DEQE and the EPA have applied a parking freeze to all new commercial parking facilities in the City of Cambridge.

The Planning Board hearing's on the Zero Arrow Street project have announced a commercial parking garage component to be included in the project.

Mr. Graham Gund and Ms. Jan Brodie, speaking on behalf of Gunwyn before the Planning Board have stated that the project will include spaces open to daily or hourly rental by the public. It is our understanding, according to 40 CFR, s. 52.1134, that this portion of the Zero Arrow Street garage would be considered a commercial parking garage, and should not be issued any building permits until appropriate reviews and findings have been made.

Zero Arrow Street project
February 21, 1989
Page Three

A decision will, we understand, be rendered by the Planning Board on Tuesday, February 21 on applications for Special Permits for the project. If Mr. Gund or his representatives seek a building permit, none, of course, should be granted until full approvals are obtained, including the findings concerning the parking freeze.

Building permits and the Planning Board's Special Permit vote are also negatively impacted by the pending zoning change.

Given these matters, and the many other very valid objections to granting of the special permits sought before the Planning Board and the zoning change which has been advertised for the area, and the participation in two Planning Board deliberations by an individual with a rather clear conflict of interest, we do not see how the Planning Board can properly grant the relief requested.

This is a project which has never been legal, but which the developer has attempted to ram through anyway. These additional illegalities do not come as a surprise.

We request and anticipate action by the Inspectional Services Department, the Traffic Department, and the Historical Commission, and a denial of relief requested to the Planning Board.

Mildred Guffey Mildred T. Guffey
1124 MASS. AVE, Camb 02138
547-4736

Thomas C. Marvin THOMAS C. MARVIN, 1105 MASS. AVE #9E,
876-4933

Lucia A. Stone LUCIA A. STONE 9 REMINGTON ST. CAMB. MA 02138

Meredith B. Miller MEREDITH B. MILLER 23 ATHERS ST #2
CAMB. MA. 02138

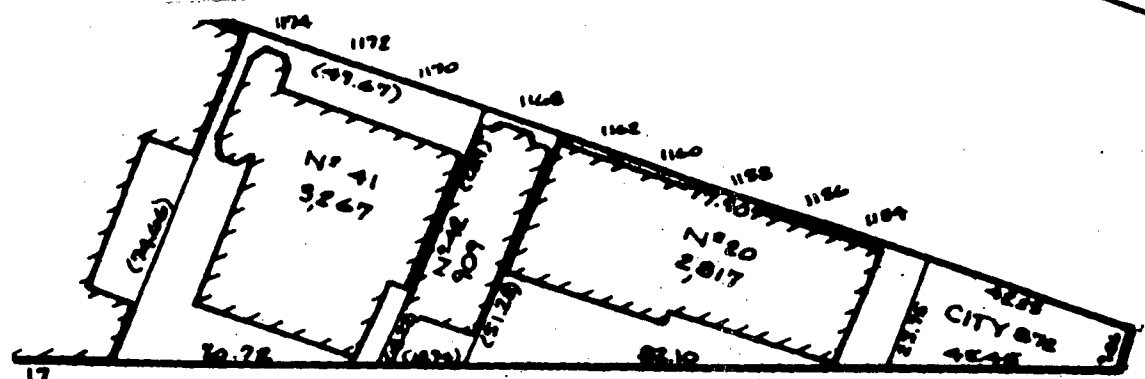
Ted Sutton 47 BANKS ST. 492-1570
TED SUTTON CAMBRIDGE, MA 02138 3542078

Tom O'Leary 24 Mt. Auburn St., Camb. 02138 868-5248

Natalie Ward 1170 Mass. Ave. - Cambridge 02138 - 491-7019

Tom G. Terry Crystal 1200 Mass Ave #41w Camb. 02138 497-4942

cc: Cambridge City Council
Michael Rosenberg



3.

0-22

Comm. from Mildred J. Guffey, et al, transmitting a copy of their letter of complaint to the Inspectional Services Dept., Historical Commission, Traffic Director & Planning Board
Re: "Gunwyn/Cambridge Arcade Limited Partnership" & the proposed Zero Arrow St. Project.

In City Council,

February 27, 1989

2-27-89

Placed on file.