

CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT
City Hall Annex Inman & Broadway

To Robert W. Healy, City Manager

From *[Signature]* Kathy A. Spiegelman, Assistant City Manager
for Community Development

Date June 18, 1985

Subject Response to Robert J. LaTremouille's Letter to City Council June 12, 1985

At the June 10, 1985 City Council meeting, I was asked a question about displacement at 10 Mount Auburn Street. My response has generated a letter from Robert J. LaTremouille to the City Council, a copy of which he provided for me.

I stated at that meeting that I was not involved in the rent control proceedings and, therefore, could not speak to the details which Mr. LaTremouille describes at length in his letter. However, at Community Advisory meetings held by Harvard, and subsequent public discussions about the project proposed for 8-10 Mount Auburn Street, I was told that the leases in the subject building were commercial leases and that residential tenancy had not been authorized by the property owners. Therefore, I believe that my response was not "misinformation" as described in Mr. LaTremouille's letter. I answered a direct question to the best of my ability and included mention of the rent control deliberations to which I was not a party.

KAS:ac

348 Franklin Street
Cambridge, MA. 02139-3731
Telephone 523-2621 (W)/491-7181 (H)
June 12, 1985

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

RE: Occupancy of 10a - 10d Mount Auburn Street

I missed the June 10, 1985 city council meeting. I understand that comments were made at that meeting by Development Department staff concerning the above building's occupancy which were not correct. I therefor wish to correct those comments based on information taken from the public record, and based on my personal knowledge.

I tried a 6 day hearing before Rent Control Board examiners on this building. My files include approximately 200 exhibits and 20 casset recording sides of testimony. The examiner rejected an additional 300 to 400 exhibits, a summary of which is also in my possession.

The evidence includes days of testimony by Manuel Uribe. Mr. Uribe owned the property from August 30, 1972, to June 1984 when he sold it to Harvard. The exact status of his ownership is an issue in the proceedings. The evidence includes street lists of the building from 1968 to the present. (1964 to 1967 were rejected by the examiner, but are in my possession.) The evidence includes leases on all units from 1972 to the present. It includes estimates and architectural drawings for work in the period 1972 to 1976. Most of the 300 to 400 rejected exhibits are checks allegedly associated with the repairs.

A Rent Control Board examiner made a detailed inspection of the building, which I accompanied. This inspection occurred on March 27, 1985. Testimony was taken by the principle examiner on March 18, 20, 21 and 25, 1985. Introductory testimony was taken, by agreement between the parties, before a third examiner on March 7, 1985.

This letter constitutes my second public comment to the city council on details of this case. Each comment has been in response to comments by the other side. The earlier comment was verbal, on May 13, 1985, in response to contentions of Jackie O'Neill, of Harvard.

As of November 28, 1984, when Harvard's plans were first publicly announced, the building contained at least four apartments in residential use. Evidence at the hearing indicated that an additional three units were in residential use on August 10-13, 1979. The hearing showed that, when Mr. Uribe purchased the property in 1972, it was a typical 6 unit double tenement. Apartment sizes were approximately 900 square feet plus 100 square feet or so in porch space. Rents ranged from \$85 to \$100 per month. Mr. Uribe promptly vacated the building.

Initial renovations included large changes on the first floor for commercial use; a touch-up, clean-up effort on the second floor; and a lot of work on the third floor which was converted from two apartments into four.

The most prominent work on the building after 1972-73 was work on the rear porches in 1974. The porches on the eastern side, away from Banks Street, were torn down and replaced with a new, enclosed structure, measuring 180 square feet per floor. The porches on the Banks Street side were enclosed and included as internal building space at the same time.

In February 1979, the basement portion of the new, enclosed structure was converted to residential use. In 1981, major roof work was accomplished.

The following is a unit-by-unit summary of the building. This summary is updated and condensed from my hearing brief. I make no attempt to communicate my legal argument, or to present the much greater detail which is available.

The numbering of this building is a nightmare. Certain residents gave up and just called it 10 Mount Auburn. I will use what appears to be the official (whatever that is) numbering, combined with additional description to exactly point out the location.

The western side of the building, near Banks Street, is generally known as 10c Mount Auburn, except for the basement which is known as 10d.

10d was created in the early 70's. Its last tenant, Overseas Adventure Travel, moved to Bigelow Street, immediately behind City Hall in December 1984.

10c, the first floor, has been in commercial use by William Zeitler/Hairworks since 1974. Zeitler had a subtenant whose entrance was on Banks Street. He was the last tenant to vacate, leaving on May 31, 1985. Hearsay has him relocating to the West Indies or related climes.

10c, the second floor, was occupied by Gerard R. Dodd/ACCION International. Dodd/ACCION apparently vacated in April 1985 for premises in the Inman Square area. The ~~ten~~ tenancy commenced on September 1, 1973 on a residential lease, which continued to the departure as a tenancy-at-will.

The evidence indicates that, on August 10-13, 1979, Mary M. Zinniel lived in this unit, part of a tenancy which ran, at least, from 1977 to 1979.

The third floor front of 10c was used for overnight residential purposes by Ms. Ann Dow from September 1977 to late April 1985. Ms. Dow moved to a tenancy in a Harvard building provided on short notice by Harvard.

The evidence indicates that 10c, third floor rear, was used as a residence by Lee E. Fisher, starting in April 1979, combined with printing activities. Mr. Fisher's tenancy was initially in the name of Zelda Fisher/Word Guild Inc. and more recently in the names of Guy F. Oliver and Fisher / Fine Print & Production, Inc.

Fisher relocated to Trowbridge Street on February 3, 1985.

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The eastern half of the building, away from Banks Street, is, for the most part, known as 10b Mount Auburn Street.

The first floor and half the basement were in commercial use, finally vacated in mid-April 1985 by a Mr. Boland who does business as Outback Shop, Inc. On January 31, 1985, the landlord obtained a judgment ordering the tenant out. This judgment was compromised with an agreement for the later departure. Outback consolidated operations with its other store in the Garage on J.F. Kennedy Street.

The Basement rear (known as 10c) in the area under the replacement of porches was occupied from February 1979 to December 1984 or January 1985 by Mr. Peter Ashe. He has stated that he went to Harvard upon learning of the plans for the building. He was promptly given tenancy at 49 Banks Street/1 Grant Street, a Harvard building.

The Ashe unit was created after December 31, 1968, and is the only residential unit in the building not subject to rent control. It is tiny.

The second floor of 10b was vacated in December 1984. Its last tenant was Constance Procaccini/Mulberry Studios. On August 10 and 13, 1979, Procaccini's partner was Jane Clavin. Ms. Clavin appears on the street list for 1976 as a building resident in a smaller apartment then rented by the partners. We see no reason to believe that the residential/commercial mix changed in the larger unit until the partners separated in about 1980.

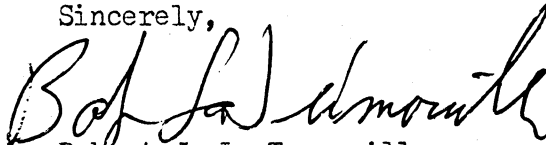
Procaccini/Mulberry is now located on J.F. Kennedy Street.

The third floor front of 10b was occupied as a residence by Donald Halstead, an employee of Uribe's, from February 1982 to February or March 1985. When I viewed the property on March 27, 1985, he still had some possessions in it.

The third floor rear of 10b was used by Mr. Uribe as his residence on August 10-13, 1979. Its last occupant was Gerard R. Dodd/ACCION International, mentioned above.

I hope that this analysis will correct the misinformation provided by the Development Department staff. I would be pleased to provide details to individual members of the city council who so desire.

Sincerely,



Robert J. La Tremouille



CITY OF CAMBRIDGE

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TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

June 24, 1985

RICHARD C. ROSSI
DEPUTY CITY MANAGER

To the Honorable, the City Council:

I transmit herewith communication received from Kathy A. Spiegelman, Assistant City Manager for Community Development, in response to letter of Robert J. LaTremouille to the City Council, relative to displacement at 10 Mount Auburn Street.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

Agenda Item No. 25

S 510

Re: enclosed comm. from the Community Development Dept. in response to the letter of Robert J. LaTremouille to the Council on the displacement at 10 Mt. Auburn St.

In City Council,

June 24, 1985

6/24/1985

Referred
to
the
Petition