



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

October 27, 1981

Mr. David Zussman
93 Union Street
Newton, MA

Re: Property located at the premises numbered 36-42 Linnaean Street and
4-6 Washington Avenue

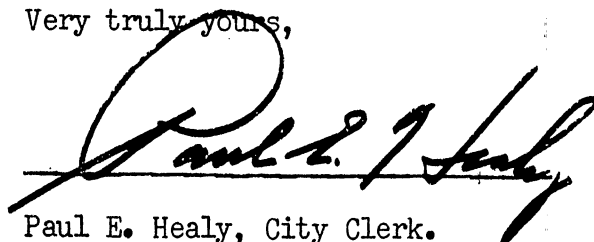
Dear Mr. Zussman:

Please be advised that the Cambridge City Council at its meeting of October 19, 1981 adopted an order, a copy of which is enclosed, requesting that a meeting be arranged between yourself, the Chairman of the Rent Control Board and the membership of the City Council to discuss the problems of ownership of units at the premises numbered 36-42 Linnaean Street and 4-6 Washington Avenue, Cambridge, MA.

The City Council has scheduled a public hearing relative to this matter, which has been tentatively set for Monday, November 16, 1981 at 7:00 p.m.

If you have any questions or comments pursuant to this matter, I would suggest that you contact this office at 498-9017.

Very truly yours,



Paul E. Healy, City Clerk.

PEH/mh
Enclosure



City of Cambridge

16.

IN CITY COUNCIL

October 19, 1981

COUNCILLOR VELLUCCI

ORDERED:

That the City Clerk be and hereby is authorized on behalf of this City Council to arrange for the President of University Bank and Trust, Mr. Zussman, owner of the property located at 36-42 Linnaean Street and 4-6 Washington Avenue and the Chairman of the Rent Control Board to appear before this City Council to discuss the problems of ownership of units at the above location.

In City Council October 19, 1981.
Adopted by the affirmative vote of 9 members.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-

Ch. N # 8

MOTION FOR RECONSIDERATION SUBMITTED BY COUNCILLOR THOMAS W. DANEHY

10/19/81
Date

CD notified the City Clerk of his intention to move reconsideration of the vote taken by the Council on October 19, 1981 failing to adopt a resolution pertaining to certain parcels of 36-42 Lincoln St + 46 Washington Avenue

Thomas W. Danehy
Signature

City of Cambridge

MASSACHUSETTS

In City Council

Oct. 5

198 1

Order #11
Rules Suspended

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane	✓			
Mr. Thomas W. Danehy	✓			
Ms. Sandra Graham	✓			
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan			✓	
Mr. Alfred Vellucci	✓			
Mr. David A. Wylie	✓			
Mayor Francis H. Duehay	✓			

8 0 1

Checked Right by C. Rance
ON Order #11

City of Cambridge

MASSACHUSETTS

In City Council

10/19

198 1

*Motion of Councilman David Sullivan to
Suspend Rules and proceed to consideration
of Ordinance # 8 re BIRNHEAD - WASHINGTON ST*

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane		✓		
Mr. Thomas W. Danehy		✓		
Ms. Sandra Graham		✓		
Mr. Leonard J. Russell		✓		
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci		✓		
Mr. David A. Wylie	✓			
Mayor Francis H. Duehay			✓	

2 6 1

Motion to Suspend Rules Failed.

1128/AM AFTER HEARING 10/19/81

2.

City of Cambridge

MASSACHUSETTS

In City Council

10/19

1981

VOTE OF THE CITY COUNCIL ON THE RESOLUTION
PRESENTED BY RESIDENTS OF 36-42 HINNOCAN STREET
AND 4-6 WINNINGTON AVENUE REQUESTING EXEMPTION
FROM THE PROVISIONS OF ORDINANCE #966

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane	✓			
Mr. Thomas W. Danehy	✓			
Ms. Sandra Graham		✓		
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci		✓		
Mr. David A. Wylie		✓		
Mayor Francis H. Duehay		✓		

4 5 0 0

Motion to Adopt Resolution Failed

See Order #1684 Councillor Vellucci, #17

RE MEETING OF CHAIRMAN OF REB
DAVID NYHAN, MR ZUSMAN AND PRESIDENT OF
THE UNIVERSITY BANK ON THIS SUBJECT.

Dr. Pinnacoon - Main Street

RESOLUTION -

City of Cambridge

MASSACHUSETTS

In City Council

10/19

1981

3.

*Motion of Councillor Danahy To Suspend
Rules and Misc Reconsideration of the
Vote of the City Council*

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane		✓		
Mr. Thomas W. Danahy		✓		
Ms. Sandra Graham		✓		
Mr. Leonard J. Russell		✓		
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci	✓			
Mr. David A. Wylie	✓			
Mayor Francis H. Duehay	✓			

4 5 0

Rules Not Suspend

*Note Reconsideration has been filed
by C. Danahy - to Calendar
for Oct. 26th Meeting*



City of Cambridge

CALENDAR ITEM NO. 8

IN CITY COUNCIL

October 19, 1981

COUNCILLOR W. SULLIVAN

RESOLUTION PERTAINING TO CERTAIN TENANTS
OF 36-42 LINNAEAN STREET AND 4-6 WASHINGTON AVENUE
CAMBRIDGE, MASSACHUSETTS

WHEREAS:

All the tenants residing at the two above addresses received notice on July 6, 1981, from an outside developer to the effect that he had entered into an agreement with the common owner of the two buildings to which all 106 rental units at the above premises would be converted to condominiums and sold by the developer on or before July 30, 1981; and

WHEREAS:

Investigation by tenants convinced them that there was no way to retain these premises as rental units and no alternative to condominium conversion existed; and that without tenant initiative these units would be owned by a collection of outside investors whose interest and willingness to improve and maintain the property was very doubtful; and

WHEREAS:

Therefore, the tenants of said buildings organized, formed a steering committee, polled the residents, and consulted with other Cambridge tenants whose buildings had undergone conversion and consulted with the Rent Control Board; and

WHEREAS:

It was the consensus of the vast majority of tenants of said premises that the only way to protect their interests was to control the conversion process themselves by negotiating with the developer an arrangement allowing the tenants to buy out the developer and conduct the conversion themselves; and

WHEREAS:

Such an arrangement was worked out between the developer and the tenants on July 23, 1981, conditional on securing permanent financing by November 20, 1981; and

WHEREAS:

Pursuant to this arrangement each tenant was offered his/her unit at cost plus \$3,000 to be set aside for repairs and improvements, with the result that the tenant negotiated purchase price was lower than what had been

offered to tenants by the developer; and it also included a "set aside" for improvements that was 200% greater than the developers; and

WHEREAS: When the City Council adopted Ordinance 926 in August 1979, it was the intent of the Council to allow tenants to purchase their units as condominiums; and

WHEREAS: Out of 63 units occupied by pre-August 10, 1979 tenants in 30 of those units have bought their own apartments; and out of the 43 units occupied by post-August 10, 1979 tenants, tenants in 28 units have sought permits from the Cambridge Rent Control Board to owner-occupy their apartments; and

WHEREAS: If the permit applicants residing in these 28 units are not allowed to buy and owner-occupy their units, the tenants would not have majority control of the association and therefore the principal purpose of their effort would be lost; and

WHEREAS: The permit applicants have appeared before a Rent Control Board hearing examiner on three occasions: August 19, September 11, and September 25; and their request to owner-occupy their units have been supported in testimony, two petitions and numerous letters by other tenants as well as other tenant buyers, all of which is part of the Rent Control Board record, but no decision has as yet been reached; and

WHEREAS: Due to the complex financial arrangement which the tenants had to be accept in order to be able to oversee their own conversion, the tenant buyers absolutely must meet a November 20, 1981, deadline by which they must have permanent financing in place, the securing of which is directly tied to the ability of the tenants of all 58 units (30 pre-1979 and 28-post 1979) to owner-occupy their units and control their association; and

WHEREAS: The tenants have obtained estimates from competent contractors and developers that the properties in question are in need of immediate renovation costing in excess of \$300,000, but if the post-August 1979 tenants of said 28 units are not allowed to owner-occupy their units, most such units are likely to revert back to the developer who has already indicated that he will not supply the necessary funds to carry out these renovations; and

WHEREAS: There are pre-August 1979 tenants in 33 units who did not choose to buy and occupy their units, although they were eligible to do so, and all of whose units were bought by investors, had all of these pre-August 1979 tenants chosen to buy, there would be 63 fully legal condominium units in these premises; and

WHEREAS: If the tenants who are asking permits are allowed to owner-occupy the 28 units in question, the number of owner-occupied units would total 58, which does not exceed the total number of units (63) occupied by pre-August 1979 tenants who were eligible at the time of conversion to owner-occupy their units; this is to say that if tenants are allowed to owner-occupy 58 units, as is their desire, the number of rent controlled apartments that will remain (48) is still in excess of the maximum potential number of rental units (43) that would have been possible under the existing law at the time of conversion; and

WHEREAS: The conversion process has been an extraordinary creative and thoughtful one carried out by and for tenants under extreme time pressures; and under which no tenant has or shall be displaced; and whereas it is clearly in the interest of all residents (owners and tenants) and the City that resident control by present tenants of the properties in question be permitted and indeed encouraged; and

WHEREAS: It is believed that the foregoing combination of unusual circumstances is unique to these premises and granting exceptions for the 28 units in question would therefore not adversely affect the future enforcement of the applicable City Ordinance and regulations; and whereas the granting of the 28 exceptions sought would not adversely affect the Cambridge rental housing stock, first because there is no way to reconvert these premises to landlord-controlled rental housing; these units are and will remain condominiums irrespective of whether the tenants or outside investors control the conversion process and the association; and second because the exceptions will not create a greater number of owner-occupants than the 63 permitted by the Ordinance; and

WHEREAS: It is essential that the post-August 10 1979 tenants be allowed to owner-occupy promptly the 28 units in questions so that

- ...tenant buyers can control the association and therefore the destiny of all residents
- ...permanent financing for all tenant buyers can be obtained before the deadline
- ...the existing sense of community can be preserved and protected
- ...essential repairs and renovations can be adequately and properly carried out

now therefore be it

966

RESOLVED:

That the following units be exempted from Ordinance ~~969~~ of the City of Cambridge insofar as absent such exemption removal permits would be required to permit the current tenant to owner-occupy his/her unit:

Units to be Exempted
Linnaean Street

Name of Tenant

36-1	Stephen and Louise Lewis
36-2	Nicholas Moughis
36-5	Michael Glenn
36-8	Lisa Jacobson
36-12A	Martha Topol
38-2	Jayne Wildermuth
38-3	John Reinstein
38-4	Rob Adelberg
38-6	Betty Arnquist
36-6	William Welch
38-12A	Marty Weinstock
38-15	Susan Kaufman
40-4	Geof Simons & P. Zarembo-Simons
40-5	Lucie Searle
40-12A	Emily Bailen
40-14	Sylvia Darrow
42-4	Valerie Zimber
42-7	Diane and William Bartley

Units to be Exempted
Washington Avenue

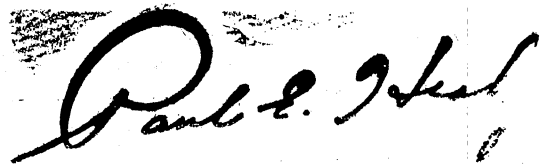
Name of Tenant

4-3	Amy Gray and Ann Jones
4-6	Steven Heikin
4-9	Jeong-hyeon Lee
4-12	Joan Goldberg
4-19	William Hanlon
6-7	Robert Farragher
6-10	David Jerison
6-11	Ann Sotan
6-12A	Martha Heintz
6-16	Linda Dias

In City Council October 19, 1981.
Failed of adoption by a yea and nay vote:-
Yeas 4; Nays 5; Absent 0.
Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-



mk order
oct 26 1981

Order # 11 0-53

C. W. Sullivan order re: 36-42 Linnaean St.
and 4-6 Washington Avenue re: certain
tenants within these buildings.

10/26/81 Recommendation
filed by E. Russey - No

Action taken - Placed on File

10/19/81 2nd notice sent to
Mr. Zussman, Mr. Nyham
+ Chairman, Planning Board

Order failed on Adoption 11/16/81
mk

Per Call 4-5-0

- 10/19/81 JCC Order #16

Adopted re Meeting -

In City Council,
October 5, 1981

Mr. Zussman notified
of hearing scheduled for
11/16/81 at 4:00pm
10/29/81 mb

CRS to proceed
to Order #11. front
control
board
Chairman

CRS No Objection

to SR since Charter

Right will be invoked

by E. Russell

Order for perched

Charter Right by E. Russell