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1987 JUL -8 AM 11: 08

348 Franklin Street
Cambridge, MA 02139-3731
July 7, 1987

TO THE HONORABLE, ~~THE~~ CAMBRIDGE MA,
CAMBRIDGE CITY COUNCIL:

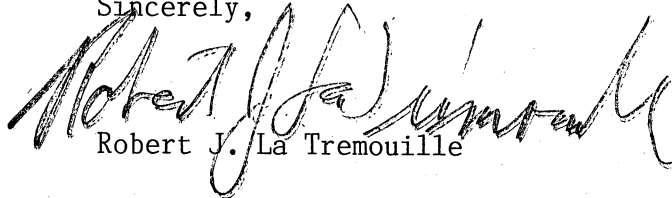
Upon discussion of my July 6, 1987, letter to you, I have noted two minor errors. I hate making errors. I,therefor, am correcting them.

In the second paragraph of the letter, I refer to a "totally spurious footnote". It develops that the operative language to which this refers is not in the form of a footnote, but rather in a different form which is not spurious. Nevertheless, the zoning language is not applicable to Business A, for reasons as stated.

In enclosure 2, maximum height column, are two entries reading "45 w/fake roof". These apply to all development in the new Business A-2 and to residential development in the new Business A. The "w/fake roof" provision should be struck with regard to residential construction in the new Business A.

The "fake roof" regulations are applicable to construction in the Residence C-2B and Business A-2 areas on Massachusetts Avenue because of the overlay district provisions. They are not applicable if the same base district is used elsewhere in the city, either as Business A-2, Residence C-2B or Business A, unless

Sincerely,



Robert J. La Tremouille

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348 Franklin Street
Cambridge, MA 02139-3731
July 6, 1987

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:
CAMBRIDGE MA.

For the Record, the height limit for residential construction in Cambridge's Business A zoning districts is now 45 feet, inasmuch as the September 1986 Northern Mass. Ave. zoning change amended the dimensional regulations for Business A districts so that regulations for both Residence C-2 and the new C-2B now apply. See enclosure 1. ~~The net effect is~~

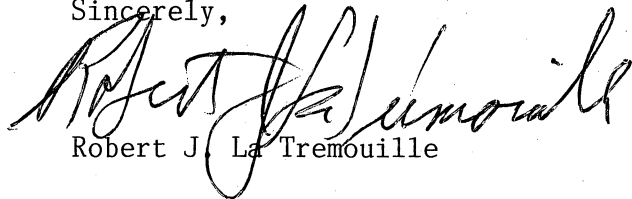
Where there is more than one regulation, all regulations must be obeyed, and thus the most restrictive apply. The Residence C-2B and C-2 basic dimensions are identical except for height limit. Res. C-2 is 85 feet. Res. C-2B is 45 feet. Formula yard requirements apply to both. A totally spurious footnote which is not included in the table purports to allow special permit relaxation of the C-2B yards. Inasmuch as C-2 has no such relaxation, C-2 is more restrictive and the C-2B purported relaxation cannot apply.

Thus residential construction in Business A will now have a choice between C-2 with 45 foot height and the townhouse ordinance with 40 foot height, fake roofs and nominal yards. Since nominal yards sharply increase allowed floor area, new construction is highly likely to be under the Townhouse Ordinance. The formula yards in the C-2 make this choice the one that our greedy developers will adopt if they figure they cannot make more money with retail. The choice will be between the 1.00 retail FAR and up to 1.75 residential FAR so there is still significant incentive toward residential construction.

This is, of course, in striking contrast to the new BA-2 which wipes out the 75% residential bonus and permits a full 1.75 FAR regardless of whether retail is included. ~~The nominal FAR limit of 1.00 as part of the 1.00 portion of the BA ordinance~~

A detailed analysis of the old BA with the new BA and the new BA-2 is enclosed for the benefit of the council.

Sincerely,



Robert J. La Tremouille

cc: Commissioner of Inspectional Services
River Street Petitioners
Selected Others

P.S. A brief glance at ~~various printings of the zoning map~~ indicates that the following Business A zoning districts are affected: River Street, a portion of Western Avenue, about half of Brookline Street, almost all of Cambridge Street from Inman Square to Lechmere, the north side of Bishop Allen Drive in Neighborhood 4, several blocks of Broadway in neighborhood 4, the Stop & Shop area of Memorial Drive, the remnants of the Concord Avenue district, the Church Street district, in Harvard Square, a block of Main Street, the balance of Inman Square, portions of First Street, a block of Kirkland St., a block of Blanchard Road, the west side of Prospect St. near Central Square, one corner of ~~Stroy~~ and Brattle in Harvard Square

Enclosure 1

Ordinance Language

Paragraph A.2(c) of the September North Mass.Ave. Change reads:

Insert Residence C-2B elsewhere in the ordinance immediately following any reference to Residence C-2 such that all other provisions applying to Residence C-2 apply to Residence C-2B equally.

Prior to this amendment, the Zoning Ordinance, section 5.33.3 read:

A dwelling in a Business A district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-2 district.

After the amendment, the reasonable reading would appear to be:

A dwelling in a Business A district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-2 district and a Residence C-2B district.

COMPARISON OF ALLOWED DIMENSIONS

	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq.Ft.	Min. Lot Area for each D.U. in Sq.Ft.	Minimum Lot Width in Feet	Min. Yard in Feet			Maximum Height in Feet	Min. Ratio Useable Op. Sp. to Lot Area
					Front	Side	Rear		
Old Bus. A Commercial	1.0	None	600	None	None	None	$\frac{H+L}{5}$	35	none
							Min:20		
Residential *	1.75	5,000	600	50	$\frac{H+L}{4}$ (a)	$\frac{H+L}{5}$	$\frac{H+L}{4}$	85	15%
					Min: 5 SP: Less		Min:20		
Mixed	Weighted Average 1.00 to 1.75	5,000	600	50	Same	Same	Same	35	15%
New Bus. A	---- COMMERCIAL UNCHANGED ----								
Residential * More Restrictive of C-2 & C-2B	1.75	5,000	600	50	Same	Same	Same	45 w/ fake roof	15%
Mixed	Weighted Average 1.00 to 1.75	5,000	600	50	Same	Same	Same	35	15%
Business A-2 All Devel. *	Res: 1.75 Mixed: 1.75 (Res.+up to 1.00 Comm.) Comm: See mixed	None	600	None	5 or less SP:Less	10 or less	20 or 2/3 rear wall	45 w/ fake roof	none

(a) Measured from midline of street, with minimum of 5 from lot line

Weighted average recognizes 75% bonus for residential construction over commercial in BA districts. BA-2 district wiped out preference for residential and increased building size in mixed use in a manner directly proportional to the F.A.R. of retail in the building.

* Construction under the townhouse ordinance is legal for solely residential construction, at the option of the developer: 40 ft height; nominal roof regulation; yards: 10 to 20 ft in front, or less, 10 ft side, 20 to 15 ft rear; 25% open space. This is far less restrictive than 45 foot with fake roof and formula yards, thus the new Business A district will see almost exclusively townhouse construction for residences. The Townhouse Ordinance also applies to the BA-2, but BA-2 is so pro-developer, "townhouses" are unlikely.

348 Franklin Street
Cambridge, MA 02139-3731
July 6, 1987

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

For the Record, the height limit for residential construction in Cambridge's Business A zoning districts is now 45 feet, inasmuch as the September 1986 Northern Mass. Ave. zoning change amended the dimensional regulations for Business A districts so that regulations for both Residence C-2 and the new C-2B now apply. See enclosure 1.

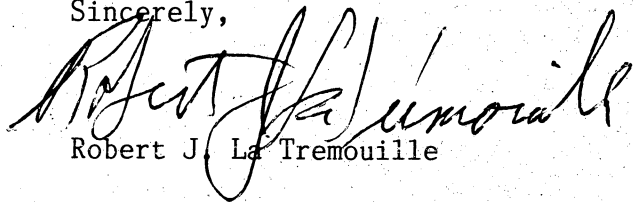
Where there is more than one regulation, all regulations must be obeyed, and thus the most restrictive apply. The Residence C-2B and C-2 basic dimensions are identical except for height limit. Res.C-2 is 85 feet. Res. C-2B is 45 feet. Formula yard requirements apply to both. A totally spurious footnote which is not included in the table purports to allow special permit relaxation of the C-2B yards. Inasmuch as C-2 has no such relaxation, C-2 is more restrictive and the C-2B purported relaxation cannot apply.

Thus residential construction in Business A will now have a choice between C-2 with 45 foot height and the townhouse ordinance with 40 foot height, fake roofs and nominal yards. Since nominal yards sharply increase allowed floor area, new construction is highly likely to be under the Townhouse Ordinance. The formula yards in the C-2 make this choice the one that our greedy developers will adopt if they figure they cannot make more money with retail. The choice will be between the 1.00 retail FAR and up to 1.75 residential FAR so there is still significant incentive toward residential construction.

This is, of course, in striking contrast to the new BA-2 which wipes out the 75% residential bonus and permits a full 1.75 FAR regardless of whether retail is included.

A detailed analysis of the old BA with the new BA and the new BA-2 is enclosed for the benefit of the council.

Sincerely,



Robert J. La Tremouille

cc: Commissioner of Inspectional Services
River Street Petitioners
Selected Others

P.S. A brief glance at various printings of the zoning map indicates that the following Business A zoning districts are affected: River Street, a portion of Western Avenue, about half of Brookline Street, almost all of Cambridge Street from Inman Square to Lechmere, the north side of Bishop Allen Drive in Neighborhood 4, several blocks of Broadway in neighborhood 4, the Stop & Shop area of Memorial Drive, the remnants of the Concord Avenue district, the Church Street district in Harvard Square, a block of Main Street, the balance of Inman Square, portions of First Street, a block of Kirkland St., a block of Blanchard Road, the west side of Prospect St. near Central Square, one corner of Story and Brattle in Harvard Square

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Enclosure 1

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Insert Residence C-2B elsewhere in the ordinance immediately following any reference to Residence C-2 such that all other provisions applying to Residence C-2 apply to Residence C-2B equally.

Prior to this amendment, the Zoning Ordinance, section 5.33.3 read:

A dwelling in a Busienss A district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-2 district.

After the amendment, the reasonable reading would appear to be:

A dwelling in a Business A district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-2 district and a Residence C-2B district.

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CAMBRIDGE MA.

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	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq.Ft.	Min. Lot Area for each D.U. in Sq.Ft.	Minimum Lot Width in Feet	Min. Yard in Feet			Maximum Height in Feet	Min. Ratio Useable Op. Sp. to Lot Area
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Mixed	Weighted Average 1.00 to 1.75	5,000	600	50	Same	Same	Same	35	15%
New Bus. A	---- COMMERCIAL UNCHANGED ----								
Residential * More Restrictive of C-2 & C-2B	1.75	5,000	600	50	Same	Same	Same	45 w/ fake roof	15%
Mixed	Weighted Average 1.00 to 1.75	5,000	600	50	Same	Same	Same	35	15%
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CAMBRIDGE MA.

Comm. from Robert J. LaTremouille, Esq. stating for the Record that the height limit for residential construction in Cambridge's Business A zoning districts is now 45 ft. since the north Mass. Ave. zoning change of 1986 amended dimensional regulations for Business A districts so that regulations for both Residence C-2 and C-2B apply.

In City Council,

August 3, 1987

*Referred to the City Manager
and
Community Development
Department for Report*