C. C. 106

City of Cambridge - #17 Calendar 8/8/83

C. David Sullivan

PETITION OF Low & Moderate Income Household Inclusionary Housing Overlay District

Petition filed with the City Clerk March 21, 1983

(all hearing to be completed 65 days from filing date with the City Clerk)

10 days March
30 days April
25 days May
65 days = May 25, 1983 = all hearings

In City Council March 21, 1983

Referred to the Planning Board for report March 21, 1983

Planning Board Hearing May 17, 1983

(CITY COUNCIL must act within 90 days of the Planning Board's hearing which would be August 15, 1983.)

14 days - May
30 days - June
31 days - July
15 days - Aug.

City Council hearing published - Chronicle - April 28, 1983
May 5, 1983

Hearing before the City Council May 17, 1983

Report to the City Council 5/20/83 Tabled by C.D. Sullivan

Passed to a second reading
published

Ready for Ordination
published

Placed on file due to expiration of time limit

COMPLETION DATE: August 15, 1983

Amend the zoning petition in the first sentence of §11.921 by striking out the word "an" and inserting in its place the words "a citywide".

Amend. by C. J. Sullivan

3/21/83

DRAFT with
C. David Sullivan
Amendment

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 11, 1983

To the Honorable, the City Council:

In response to the Amended Order No. 3 of the City Council dated February 14, 1983, the Planning Board herein forwards a recommended possible Low and Moderate Income Household Inclusionary Housing Overlay District zoning ordinance.

The possible ordinance has been modified since the earlier version (Draft VI, dated 3/22/82) in response to comments and recommendations made to the Board as a result of a wide distribution and discussion of that earlier draft. The following are the principal changes from that earlier draft:

1. The ordinance is organized as an overlay district so it may be applied selectively in the City;

2. Educational, research, and health care facilities are included as development requiring the provision of inclusionary housing;

3. A gross floor area figure of 12,000 square feet has been substituted for numbers of units as the threshold unit of measure in housing developments which must provide inclusionary units;

4. It is made clear throughout the document that compliance with the provisions of the ordinance may be made through a schedule of payment or construction of the required units that is approved by the Superintendent of Buildings (rather than as previously written, simultaneously with the construction of the development as a whole).

With regard to the payment provision, the Board is of the opinion that a home rule petition is necessary to make it possible to restrict any payments made under the ordinance to a special fund to be used exclusively for the provision of low and moderate income housing units in Cambridge. Without such exclusive and restricted use the payment might be construed as a tax and likely therefore be declared illegal.

In forwarding this possible ordinance the Planning Board is not prepared to recommend its adoption city-wide. The ordinance is a complicated one with few precedents elsewhere in the country and nowhere else in the state of Massachusetts. Its precise impacts and

Create a new Section 11.90

11.90 Low and Moderate Income Household Inclusionary Housing Overlay District.

11.91 Purpose

This Section 11.90 is intended to require the provision of low and/or moderate income family housing as a component of most new housing developments in the City of Cambridge; to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and in commercial development and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.92 Applicability

11.921 This Low and Moderate Income HOusehold Inclusionary Overlay District shall be an overlay district on the Zoning Map established by Section 3.20.

The use of land within said district shall be controlled by the pertinent regulations within the base zoning district except as modified by the requirements of this Section 11.90 which shall supersede regulations imposed by the base zoning map designation.

11.922 The provision of this Section 11.90 shall apply to any residential, office, retail, and institutional development containing any one or combination of the following uses:

(a) Detached dwelling for one family (4.31 a)
(b) Two family dwelling (4.31 b)
(c) Townhouse development (4.31 d)
(d) Multifamily dwellings (4.31g)
(e) Existing dwelling converted for more than two families (4.31 h)
(f) Office and laboratory use (4.34)
(g) Retail business and consumer service establishments (4.35)
(h) Institutional Uses: Educational (4.33b), Non-commercial Research (4.33d), Health Care Facility (4.33d).

11.923 The use listed in the above Section 11.922 shall comply with the provisions of this Section 11.90 when they are created by (a) new construction; (b) conversion of a non-residential structure to residential use; and (c) conversion of a non-office or non-retail structure to office, retail or institutional use.

11.93 Quantity Requirements for Residential Uses

11.931 Any residential development subject to this Section 11.90 shall make provision for units suitable for, affordable by and available to low- and moderate-income households in an amount equal to at least one unit for each 12,000 square feet of gross floor area. Where the application of the above requirement results in

a fractional number, one additional inclusionary unit shall be provided. However, in lieu of the provision of the one additional unit either one of the following may be provided:

1) A prorata cash payment made in accordance with the requirements detailed in Section 11.951(d) below, which payment shall be equal to the product of the fraction of a unit required, times the cash payment required in lieu of a whole unit.

2) The provision of at least one low or moderate income unit having more than two bedrooms.

11.94 Quantity Requirements for Office, Retail, and Institutional Development

11.941 Any office, retail, or institutional development subject to this Section 11.90 shall make provision for residential dwelling units suitable for, affordable by and available to low and moderate income households in an amount determined by the following schedule:

(a) The first 30,000 square feet of gross floor area constructed after the effective date of this Section 11.90 on a lot as defined in 11.96 of this Section 11.90 shall be exempt from requirements of this Section 11.90.

(b) For all eligible gross floor area in excess of 30,000 square feet, inclusionary housing shall be provided at the rate of one unit for each 12,000 square feet of gross floor area. Where the application of the requirement results in a fraction of a unit, one full unit shall be provided. However, in lieu of the provision of the one full unit, either one of the following may be provided:

1) A prorata cash payment made in accordance with the requirements detailed in Section 11.951(d) below, which payment shall be equal to the product of the fraction of a unit required, times the cash payment required in lieu of a whole unit.

2) The provision of at least one low or moderate income unit having more than two bedrooms.

11.95 General Requirements for All Inclusionary Units

11.951 To fulfill the requirements of this Section 11.90 any one or combination of the following mechanisms may be employed:

(a) Provision of the unit(s) on site which may include participation in any federal, state or city program which will guarantee the provision of housing units for low and moderate income households.

(b) Provision of the units in new construction on scattered sites elsewhere in Cambridge provided the general intent of this Section 11.90, and specifically Subsection 11.953, is met.

(c) Acquisition and rehabilitation to current building code standards of existing vacant dwelling units or units undergoing a change in tenancy provided the general intent of this Section 11.90 and specifically subsection 11.953 is met.

(d) Cash payment to the City of Cambridge to be administered by the Community Development Department, to be used exclusively to make availabe housing units for low and moderate income households in a manner and at locations in conformance with policies adopted by the Cambridge City Council. The amount of such payment shall be $25,000, which amount shall be adjusted annually by the Community Development Department using the Consumer Price Index for the Boston metropolitan area as published by the United States Department of Labor, and which shall be paid for each inclusionary unit required.

The required payments shall constitute a lien on the property and shall be paid before the granting of a certificate of occupancy for the development or any part thereof, or according to a schedule of payment approved by the Superintendent of Buildings at the time of issuance of a building permit for the development.

11.952 The required low and moderate income units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.90 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where a multifamily dwelling is to be devoted exclusively to elderly residents the above restrictions in this Section 11.952 as to unit size and type of family shall not apply.

11.953 The required units shall be dispersed throughout the development and not concentrated in any one location.

11.954 For the purposes of this section, low and moderate income households shall be as defined by guidelines established from time to time by the Federal Department of Housing and Urban Development or any successor agency, or as defined in any program used under Section 11.951(a) above. All households occupying the low and moderate income units shall be certified as eligible by the Cambridge Housing Authority where the units are to be rented, by the Community Development Department, or any duly organized non-profit housing assistance corporation designated by it, where the units are to be sold; or as required by any subsidy program employed. Units shall be offered so that eligible households shall pay no more than thirty (30) percent of their eligible maximum household income for the units provided (monthly rent or mortgage and taxes for purchased units).

11.955 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units intended for low and moderate income households, or equivalent units located in or out of the development, will be permanently available for low and moderate income households.

Where the units are proposed to be sold to eligible low or moderate income households such assurance shall be made through any one or more of the following mechanisms:

(a) a right to repurchase each such unit for its original cost plus reasonable adjustments for inflation and owner improvements, by the City or any non-profit housing assistance corporation designated by it,

(b) a right to participate in the net cash profits realized from sale of the unit to a successor family not qualifying as a low or moderate income family, by the city or any non-profit housing assistance corporation designated by it where the right in Section 11.955(a) above have not been exercised. The city or its designated agent shall receive one half of all profits realized up to a maximum amount equal to the in-lieu payment detailed in Section 11.951(d), (as adjusted annually under Subsection 11.951(d)).

(c) sale to a qualifying low or moderate income family,

(d) co-tenancy agreements,

(e) limited equity cooperatives,

(f) any other similar mechanism.

Except as to any such conditions the issuance of a building permit shall be conclusive determination of the compliance with the provisions of Sections 11.93, 11.94, 11.951, 11.952, and 11.953.

No requirement in this Section 11.955 shall apply where it is in conflict with any rule, requirement or provision of a subsidy program employed under Section 11.951 provided the intent of this Section 11.955 is met.

11.956 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development, unless otherwise approved by the Superintendent of Buildings.

11.975 Timing

The units required under this Section 11.90, or the equivalent in lieu payments, shall be provided simultaneously with the construction of the affected development, or as otherwise may be provided by a detailed schedule of payment or

construction approved by the Superintendent of Buildings at the time of issuance of the required building permits for the development.

11.96 Property Subject to this Section

The provisions of this Section 11.90 shall apply to all affected development constructed on a lot subsequent to the effective date of this Section 11.90. For the purpose of this Section 11.90 a lot shall be a lot or series of adjacent lots in the same ownership at the time of the effective date of this Section 11.90 regardless of any subsequent change in ownership or subdivision of such lots. The provisions of Section 11.93 and 11.94 shall be applied to the cumulative number of units constructed after the effective date of Section 11.90 as determined by this Section 11.96.

11.97 Compliance

All deeds, agreements, site plans, and other documents necessary to comply with the provisions of this Section 11.90 shall be submitted to the Community Development Department for review prior to a formal application for a building permit. Within sixty-five (65) days of such submittal the Department shall make a report to the Superintendent of Buildings as to whether all requirements of this Section 11.90 have been met. Each appliation for a building permit for any development subject to this Section 11.90 shall be accompanied by such written report from the Community Development Department.

Where any development requires a Special Permit from the Planning Board, that Board shall enforce the provisions of this Section 11.90 as a condition of the Special Permit.

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF PUBLIC HEARING

The Cambridge Planning Board will hold a public hearing on Tuesday, May17,1983 at 9:00 P.M. in the Community Development Conference Room, 57 Inman Street, Cambridge, Massachusetts. The purpose of the hearing will be to review and receive comments on a petition by the City Council to amend the Zoning Ordinance of the City of Cambridge to create a new Section 11.90, Low and Moderate Income Household Inclusionary Housing Overlay District, and to amend the Zoning Map to create such an Overlay District over the entire city.

The ordinance would require the provision of one dwelling unit available to low or moderate income households for each 12,000 square feet of new residential development or for each 12,000 square feet of new commercial development above the first 30,000 square feet of space. A payment to the City of Cambridge in the amount of $25,000 may substitute for a required housing unit.

Copies of the petition are on file at the office of the City Clerk, City Hall and at the Community Development Office. For further information contact Lester Barber at 498-9034.

Publish in the Cambridge Chronicle Thursday April 28, 1983, and
Thursday May 5, 1983

CITY OF CAMBRIDGE

INTEROFFICE CORRESPONDENCE

To Arthur Parris, Chairman
Cambridge Planning Board

Date March 23, 1983

From Paul E. Healy, City Clerk

Reference

Subject Low and Moderate Income Household Inclusionary Housing Overlay District Zoning Ordinance

Please be advised that the City Council, on motion of Councillor David Sullivan at its meeting of March 21, 1983 has referred the enclosed Low and Moderate Income Household Inclusionary Housing Overlay District Zoning Ordinance to the Planning Board and Ordinance Committee for hearing and report. The Councillor further submitted an amendment to the proposed petition, adopted by the Council, which reads as follows:

> "11.921 This Low and Moderate Income Household Inclusionary Overlay District shall be a city wide overlay district on the Zoning Map established by Section 3.20."

I have enclosed a copy of the proposed zoning petition in its original form, and a copy incorporating the amendment into the text as adopted by the Council for your assistance, which amendment should be considered in your deliberations.

If you need any further information in this matter, please contact me.

PEH/mh

Enclosures

cc: Councillor Walter Sullivan, Chairman
Committee on Ordinances
Richard Horgan, Zoning Specialist
Building Dept.

(ORIGINAL VERSION)

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 11, 1983

To the Honorable, the City Council:

In response to the Amended Order No. 3 of the City Council dated February 14, 1983, the Planning Board herein forwards a recommended possible Low and Moderate Income Household Inclusionary Housing Overlay District zoning ordinance.

The possible ordinance has been modified since the earlier version (Draft VI, dated 3/22/82) in response to comments and recommendations made to the Board as a result of a wide distribution and discussion of that earlier draft. The following are the principal changes from that earlier draft:

1. The ordinance is organized as an overlay district so it may be applied selectively in the City;

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With regard to the payment provision, the Board is of the opinion that a home rule petition is necessary to make it possible to restrict any payments made under the ordinance to a special fund to be used exclusively for the provision of low and moderate income housing units in Cambridge. Without such exclusive and restricted use the payment might be construed as a tax and likely therefore be declared illegal.

In forwarding this possible ordinance the Planning Board is not prepared to recommend its adoption city-wide. The ordinance is a complicated one with few precedents elsewhere in the country and nowhere else in the state of Massachusetts. Its precise impacts and

possible pitfalls may not be discernible before its actual implementation. The Board therefore suggests a more cautious approach with the following comments supporting that notion. First, while the demand for housing in the City of Cambridge is in some significant measure induced by factors unique and localized in the city itself, the demand for new commercial development is much more a reflection of market demand for the entire metropolitan area, within which Cambridge is only a modest part. As a small component of the larger metropolitan area Cambridge must compete, often, even now, at some disadvantage, with Boston and other nearby communities and with the suburban industrial parks around Route 128. The imposition of an inclusionary housing requirement might, psychologically or financially, put Cambridge development at a disadvantage with its commercial rivals. In addition, those areas in Cambridge which are now experiencing some development interest (as for example Alewife, East Cambridge Waterfront, and Kendall Square) have been subject in the recent past to policy review by the City Council, have been rezoned to reflect those adopted policies, and have received numerous publicly provided encouragements and inducements to advance private development plans. To subject these areas to new requirements now after the private community has initiated development plans under the policies already incorporated into the zoning ordinance and elsewhere, might cause serious damage to the City's credibility with those persons responsible for committing large sums of money to long-term development programs in the Boston metropolitan area. Finally, full development of the commercial areas of the City is many years into the future. Should the inclusionary ordinance contained herein prove an effective and reasonable mechanism on a small scale, there will be much future development in the City to which it could be made applicable in the years ahead.

In light of the above comments, the Board would recommend the application of the inclusionary housing overlay to an area, such as the Cambridgeport Industrial District, where the public policies desirable for the area are still under discussion and City objectives have still not been fully defined. Applied on such a modest scale its impact and effectiveness could be tested and the groundwork laid for possible expansion and broadening to other appropriate areas of the City, including those for which City policy has only recently been established.

In concert with any adoption of an inclusionary housing zoning provision, the City should work with other communities on the state level to establish a program of financial incentives to communities who might wish to follow Cambridge's lead in the matter of providing affordable housing for its citizens.

Respectfully submitted,

for the Planning Board

Arthur C. Parris

Arthur C. Parris
Chairman

Create a new Section 11.90

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11.95 General Requirements for All Inclusionary Units

11.951 To fulfill the requirements of this Section 11.90 any one or combination of the following mechanisms may be employed:

(a) Provision of the unit(s) on site which may include participation in any federal, state or city program which will guarantee the provision of housing units for low and moderate income households.

(b) Provision of the units in new construction on scattered sites elsewhere in Cambridge provided the general intent of this Section 11.90, and specifically Subsection 11.953, is met.

(c) Acquisition and rehabilitation to current building code standards of existing vacant dwelling units or units undergoing a change in tenancy provided the general intent of this Section 11.90 and specifically subsection 11.953 is met.

(d) Cash payment to the City of Cambridge to be administered by the Community Development Department, to be used exclusively to make availabe housing units for low and moderate income households in a manner and at locations in conformance with policies adopted by the Cambridge City Council. The amount of such payment shall be $25,000, which amount shall be adjusted annually by the Community Development Department using the Consumer Price Index for the Boston metropolitan area as published by the United States Department of Labor, and which shall be paid for each inclusionary unit required.

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11.952 The required low and moderate income units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.90 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where a multifamily dwelling is to be devoted exclusively to elderly residents the above restrictions in this Section 11.952 as to unit size and type of family shall not apply.

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(b) a right to participate in the net cash profits realized from sale of the unit to a successor family not qualifying as a low or moderate income family, by the city or any non-profit housing assistance corporation designated by it where the right in Section 11.955(a) above have not been exercised. The city or its designated agent shall receive one half of all profits realized up to a maximum amount equal to the in-lieu payment detailed in Section 11.951(d), (as adjusted annually under Subsection 11.951(d)).

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3/1/83

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

March 14, 1983

To the Honorable, the City Council:

I transmit herewith report from the Cambridge Planning Board, in response to Amended Order No. 3 dated February 14, 1983, relative to the low and moderate income household inclusionary housing overlay district zoning ordinance.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

(VERSION WITH AMENDMENT INCORPORATED)

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

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possible pitfalls may not be discernible before its actual implementation. The Board therefore suggests a more cautious approach with the following comments supporting that notion. First, while the demand for housing in the City of Cambridge is in some significant measure induced by factors unique and localized in the city itself, the demand for new commercial development is much more a reflection of market demand for the entire metropolitan area, within which Cambridge is only a modest part. As a small component of the larger metropolitan area Cambridge must compete, often, even now, at some disadvantage, with Boston and other nearby communities and with the suburban industrial parks around Route 128. The imposition of an inclusionary housing requirement might, psychologically or financially, put Cambridge development at a disadvantage with its commercial rivals. In addition, those areas in Cambridge which are now experiencing some development interest (as for example Alewife, East Cambridge Waterfront, and Kendall Square) have been subject in the recent past to policy review by the City Council, have been rezoned to reflect those adopted policies, and have received numerous publicly provided encouragements and inducements to advance private development plans. To subject these areas to new requirements now after the private community has initiated development plans under the policies already incorporated into the zoning ordinance and elsewhere, might cause serious damage to the City's credibility with those persons responsible for committing large sums of money to long-term development programs in the Boston metropolitan area. Finally, full development of the commercial areas of the City is many years into the future. Should the inclusionary ordinance contained herein prove an effective and reasonable mechanism on a small scale, there will be much future development in the City to which it could be made applicable in the years ahead.

In light of the above comments, the Board would recommend the application of the inclusionary housing overlay to an area, such as the Cambridgeport Industrial District, where the public policies desirable for the area are still under discussion and City objectives have still not been fully defined. Applied on such a modest scale its impact and effectiveness could be tested and the groundwork laid for possible expansion and broadening to other appropriate areas of the City, including those for which City policy has only recently been established.

In concert with any adoption of an inclusionary housing zoning provision, the City should work with other communities on the state level to establish a program of financial incentives to communities who might wish to follow Cambridge's lead in the matter of providing affordable housing for its citizens.

Respectfully submitted,

for the Planning Board

Arthur C. Parris

Arthur C. Parris
Chairman

Create a new Section 11.90

11.90 Low and Moderate Income Household Inclusionary Housing Overlay District.

11.91 Purpose

This Section 11.90 is intended to require the provision of low and/or moderate income family housing as a component of most new housing developments in the City of Cambridge; to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and in commercial development and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.92 Applicability

11.921 This Low and Moderate Income HOusehold Inclusionary Overlay District shall be a city wide overlay district on the Zoning Map established by Section 3.20.

The use of land within said district shall be controlled by the pertinent regulations within the base zoning district except as modified by the requirements of this Section 11.90 which shall supersede regulations imposed by the base zoning map designation.

11.922 The provision of this Section 11.90 shall apply to any residential, office, retail, and institutional development containing any one or combination of the following uses:

(a) Detached dwelling for one family (4.31 a)
(b) Two family dwelling (4.31 b)
(c) Townhouse development (4.31 d)
(d) Multifamily dwellings (4.31g)
(e) Existing dwelling converted for more than two families (4.31 h)
(f) Office and laboratory use (4.34)
(g) Retail business and consumer service establishments (4.35)
(h) Institutional Uses: Educational (4.33b), Non-commercial Research (4.33d), Health Care Facility (4.33d).

11.923 The use listed in the above Section 11.922 shall comply with the provisions of this Section 11.90 when they are created by (a) new construction; (b) conversion of a non-residential structure to residential use; and (c) conversion of a non-office or non-retail structure to office, retail or institutional use.

11.93 Quantity Requirements for Residential Uses

11.931 Any residential development subject to this Section 11.90 shall make provision for units suitable for, affordable by and available to low- and moderate-income households in an amount equal to at least one unit for each 12,000 square feet of gross floor area. Where the application of the above requirement results in

a fractional number, one additional inclusionary unit shall be provided. However, in lieu of the provision of the one additional unit either one of the following may be provided:

1) A prorata cash payment made in accordance with the requirements detailed in Section 11.951(d) below, which payment shall be equal to the product of the fraction of a unit required, times the cash payment required in lieu of a whole unit.

2) The provision of at least one low or moderate income unit having more than two bedrooms.

11.94 Quantity Requirements for Office, Retail, and Institutional Development

11.941 Any office, retail, or institutional development subject to this Section 11.90 shall make provision for residential dwelling units suitable for, affordable by and available to low and moderate income households in an amount determined by the following schedule:

(a) The first 30,000 square feet of gross floor area constructed after the effective date of this Section 11.90 on a lot as defined in 11.96 of this Section 11.90 shall be exempt from requirements of this Section 11.90.

(b) For all eligible gross floor area in excess of 30,000 square feet, inclusionary housing shall be provided at the rate of one unit for each 12,000 square feet of gross floor area. Where the application of the requirement results in a fraction of a unit, one full unit shall be provided. However, in lieu of the provision of the one full unit, either one of the following may be provided:

1) A prorata cash payment made in accordance with the requirements detailed in Section 11.951(d) below, which payment shall be equal to the product of the fraction of a unit required, times the cash payment required in lieu of a whole unit.

2) The provision of at least one low or moderate income unit having more than two bedrooms.

11.95 General Requirements for All Inclusionary Units

11.951 To fulfill the requirements of this Section 11.90 any one or combination of the following mechanisms may be employed:

(a) Provision of the unit(s) on site which may include participation in any federal, state or city program which will guarantee the provision of housing units for low and moderate income households.

(b) Provision of the units in new construction on scattered sites elsewhere in Cambridge provided the general intent of this Section 11.90, and specifically Subsection 11.953, is met.

(c) Acquisition and rehabilitation to current building code standards of existing vacant dwelling units or units undergoing a change in tenancy provided the general intent of this Section 11.90 and specifically subsection 11.953 is met.

(d) Cash payment to the City of Cambridge to be administered by the Community Development Department, to be used exclusively to make availabe housing units for low and moderate income households in a manner and at locations in conformance with policies adopted by the Cambridge City Council. The amount of such payment shall be $25,000, which amount shall be adjusted annually by the Community Development Department using the Consumer Price Index for the Boston metropolitan area as published by the United States Department of Labor, and which shall be paid for each inclusionary unit required.

The required payments shall constitute a lien on the property and shall be paid before the granting of a certificate of occupancy for the development or any part thereof, or according to a schedule of payment approved by the Superintendent of Buildings at the time of issuance of a building permit for the development.

11.952 The required low and moderate income units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.90 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where a multifamily dwelling is to be devoted exclusively to elderly residents the above restrictions in this Section 11.952 as to unit size and type of family shall not apply.

11.953 The required units shall be dispersed throughout the development and not concentrated in any one location.

11.954 For the purposes of this section, low and moderate income households shall be as defined by guidelines established from time to time by the Federal Department of Housing and Urban Development or any successor agency, or as defined in any program used under Section 11.951(a) above. All households occupying the low and moderate income units shall be certified as eligible by the Cambridge Housing Authority where the units are to be rented, by the Community Development Department, or any duly organized non-profit housing assistance corporation designated by it, where the units are to be sold; or as required by any subsidy program employed. Units shall be offered so that eligible households shall pay no more than thirty (30) percent of their eligible maximum household income for the units provided (monthly rent or mortgage and taxes for purchased units).

11.955 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units intended for low and moderate income households, or equivalent units located in or out of the development, will be permanently available for low and moderate income households.

Where the units are proposed to be sold to eligible low or moderate income households such assurance shall be made through any one or more of the following mechanisms:

(a) a right to repurchase each such unit for its original cost plus reasonable adjustments for inflation and owner improvements, by the City or any non-profit housing assistance corporation designated by it,

(b) a right to participate in the net cash profits realized from sale of the unit to a successor family not qualifying as a low or moderate income family, by the city or any non-profit housing assistance corporation designated by it where the right in Section 11.955(a) above have not been exercised. The city or its designated agent shall receive one half of all profits realized up to a maximum amount equal to the in-lieu payment detailed in Section 11.951(d), (as adjusted annually under Subsection 11.951(d)).

(c) sale to a qualifying low or moderate income family,

(d) co-tenancy agreements,

(e) limited equity cooperatives,

(f) any other similar mechanism.

Except as to any such conditions the issuance of a building permit shall be conclusive determination of the compliance with the provisions of Sections 11.93, 11.94, 11.951, 11.952, and 11.953.

No requirement in this Section 11.955 shall apply where it is in conflict with any rule, requirement or provision of a subsidy program employed under Section 11.951 provided the intent of this Section 11.955 is met.

11.956 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development, unless otherwise approved by the Superintendent of Buildings.

11.975 Timing

The units required under this Section 11.90, or the equivalent in lieu payments, shall be provided simultaneously with the construction of the affected development, or as otherwise may be provided by a detailed schedule of payment or

construction approved by the Superintendent of Buildings at the time of issuance of the required building permits for the development.

11.96 Property Subject to this Section

The provisions of this Section 11.90 shall apply to all affected development constructed on a lot subsequent to the effective date of this Section 11.90. For the purpose of this Section 11.90 a lot shall be a lot or series of adjacent lots in the same ownership at the time of the effective date of this Section 11.90 regardless of any subsequent change in ownership or subdivision of such lots. The provisions of Section 11.93 and 11.94 shall be applied to the cumulative number of units constructed after the effective date of Section 11.90 as determined by this Section 11.96.

11.97 Compliance

All deeds, agreements, site plans, and other documents necessary to comply with the provisions of this Section 11.90 shall be submitted to the Community Development Department for review prior to a formal application for a building permit. Within sixty-five (65) days of such submittal the Department shall make a report to the Superintendent of Buildings as to whether all requirements of this Section 11.90 have been met. Each appliation for a building permit for any development subject to this Section 11.90 shall be accompanied by such written report from the Community Development Department.

Where any development requires a Special Permit from the Planning Board, that Board shall enforce the provisions of this Section 11.90 as a condition of the Special Permit.

3/1/83

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

March 14, 1983

To the Honorable, the City Council:

I transmit herewith report from the Cambridge Planning Board, in response to Amended Order No. 3 dated February 14, 1983, relative to the low and moderate income household inclusionary housing overlay district zoning ordinance.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

8 Ellery Street
Cambridge, Massachusetts 02138

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CAMBRIDGE, MASS.

March 23, 1983

Members,
City Council
Cambridge, Massachusetts

Members
Board of Zoning Appeal
Cambridge, Massachusetts

Dear Sirs,

My wife, Anne D. Ferry, and I, who are co-owners of a house at 8 Ellery Street, would like to support a petition submitted on March 14, 1983, requesting an amendment to the Zoning Ordinance, Section 5.33. We support this amendment because our property is in a similar abutting relationship to a business zone, and we therefore have an interest in supporting amendments to protect such property.

Sincerely,

David R. Ferry

David R. Ferry

Copy: Planning Board
City of Cambridge

Ms. Marilyn Wellons

Comm. from David R. Ferry in support of the petition of Marilyn Wellons, et al, to amend the Zoning Ordinances.

In City Council,

March 28, 1983

3/28/83

Referred to the

—PETITION—

Cambridge Redevelopment Authority

336 Main Street
Cambridge, Massachusetts 02142
617 492 6800

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MAY 5 4 35 PM '83
CAMBRIDGE, MASS.

May 5, 1983

Charles C. Nowiszewski
Chairman

Thomas J. Murphy
Vice Chairman

Frank S. Maragioglio
Treasurer

Gustave M. Solomons
Assistant Treasurer

Jacqueline S. Sullivan
Member

Joseph F. Tulimieri
Executive Director
and Secretary

Councillor Walter J. Sullivan
Chairman
Committee on Ordinances
City Hall
Cambridge, MA. 02139

Re: Proposed Inclusionary Housing Zoning Ordinance

Dear Councillor Sullivan:

Public notice has been given of your Committee's intention to hold a public hearing on Tuesday, May 17, 1983, with respect to the above-cited proposal to amend the Zoning Ordinances and to amend the Zoning Map to create an overlay district.

The Authority has reviewed this matter and requested that the enclosed materials be transmitted to you for consideration by the Committee. As indicated in those materials, the Authority respectfully requests that the Kendall Square and Wellington-Harrington urban renewal areas, and any other future development areas which may require land use plans approved by the City Council, Planning Board and the Authority, be specifically excluded from this proposed change.

Regarding the Kendall Square area, as you will note in the enclosed letters from Boston Properties, the Authority has long-standing agreements that obligate the developer to proceed with new building construction totalling in excess of 2,000,000 square feet. Further municipal obligations, at this time, could prove to be a detriment to both the pace of present activities and to full development.

Your acceptance of this letter as a part of the public record and the exclusion of urban renewal areas from the overlay zoning district is respectfully requested.

Sincerely yours,

Joseph F. Tulimieri
Executive Director

cc: Robert W. Healy(e)
Paul E. Healy(e)
Kathy A. Spiegelman(e)

JFT:eal

Enclosure

MORTIMER B. ZUCKERMAN
CHAIRMAN

April 4, 1983

Mr. Arthur C. Parris, Chairman
Planning Board
City of Cambridge
City Hall Annex
57 Inman Street
Cambridge, MA 02139

Re: Inclusionary Housing Zoning Ordinance

Dear Mr. Parris:

It is my understanding that you have again been asked to review and report on a proposed addition to the Cambridge Zoning Ordinance related to setting requirements for the construction of housing units, or in lieu thereof contributions to a fund for such a purpose, as an additional condition of meeting applicable zoning requirements for commercial development in the City of Cambridge.

As the developers of Cambridge Center, we have been proceeding under long-standing written and binding agreements with the Cambridge Redevelopment Authority that obligate us, among other things, to go forward with development on a previously agreed to schedule for development totalling in excess of 2,000,000 square feet, whether or not we have any tenant commitments for this space. Failure to meet our scheduled construction start dates under our agreements is a cause for loss of both substantial financial deposits (currently totaling $300,000) and, even more seriously, loss of all of our rights to further development under these agreements.

Let me also note that we have thus far gone forward pursuant to these agreements with construction of new office and research and development space in excess of 650,000 square feet, and are currently negotiating with additional prospective users for possible construction starts in late spring or early summer.

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MAY 5 4 35 PM '83
CAMBRIDGE, MASS.

Under these circumstances, and for the reasons as more fully reviewed in my previous letters to you of May 11, 1982, and June 18, 1982, (copies attached), sent when the Planning Board was considering this question last spring, we believe it is important that it be made clear, as soon as possible, that the MXD District currently provided for in Article 14 of the Cambridge Zoning Ordinance should and will be excluded from the effect of any change or addition to the Cambridge Zoning Ordinance of the type presently under consideration by the Planning Board.

My associates and I are available at your convenience to answer any questions you may have about this matter, and would welcome the opportunity to address this further with you on a timely basis.

Sincerely,

Mortimer B. Zuckerman
Chairman

MBZ/mag

Enclosure

cc: Mr. Robert Healy
Mr. Joseph F. Tulimieri
Mr. David Barrett

MORTIMER B. ZUCKERMAN
CHAIRMAN

May 11, 1982

Mr. Arthur C. Parris, Chairman
Planning Board
c/o Elizabeth McCarthy
Cambridge Community Development
57 Inman Street
Cambridge, MA 02139

Dear Mr. Parris:

I am writing to you regarding the proposed amendment to the zoning ordinance that is under discussion at the Planning Board, sometimes referred to as an ordinance that would provide for "inclusionary zoning," the substance of which would require developers to either provide housing for moderate and low income persons (in the case of residential development) or, in the case of commercial development, to make cash contributions to a fund to be used for that purpose.

As you may know, Boston Properties, through its affiliate, Cambridge Center Associates, entered into a development agreement in June of 1978 with the Cambridge Redevelopment Authority for the phased development of Parcels 3 and 4 of the Kendall Square Urban Renewal area. More recently, we have entered into an additional agreement under which we will be developing also in phases, Parcel 2 of the Kendall Square Urban Renewal area. Taken together, we are therefore, under these agreements, committed to the development of all of the area available for private development within the MXD District as defined in the existing Cambridge zoning ordinance.

As you may also know, these agreements commit us to the continued development of buildings within these parcels, on a schedule as set forth in those agreements, and our commitment is supported by substantial financial deposits we have made with the Redevelopment Authority which are subject to forfeiture if we do not fulfill our obligations to go forward with the development. These agreements have also already been certified

to the building department of the City of Cambridge as agreements binding upon us for the development of the specified amount of building floor area, all as more particularly set forth in the agreement.

Further, in furtherance of these agreements, we have already completed the first 250,000 square foot building in Parcels 3 and 4; have an additional building in excess of 225,000 square feet under construction, as well as the first 900 car parking garage, all within that area; and have begun the construction of the first building of approximately 65,000 square feet within Parcel 2.

In light of these facts, and our substantial commitments to the City of Cambridge and related financial deposits, it is essential that we make certain that any "inclusionary zoning" provision of the type contemplated by the Planning Board recognizes the pre-existing nature of our commitments by specifically excluding the MXD District from the operation of any such ordinance. This is a matter of obviously great concern to us, and also to the construction and permanent mortgage lenders currently considering financial commitments to us that are essential to the continued progress of the Cambridge Center development.

Under these circumstances, I would very much appreciate a reply from the Planning Board confirming that, in fact, the MXD District will be excluded from the operation of any proposed zoning change of the type under discussion. We have discussed this matter with the City Manager, and I believe he fully supports our position of this matter and I expect you will be receiving similar requests directly from the Cambridge Redevelopment Authority regarding the exclusion of the MXD District from such an ordinance.

We are available at your convenience to provide you with any additional information you may require regarding this matter, and I look forward to hearing from you on this in the near future.

Sincerely,

Mortimer B. Zuckerman

MBZ/ll
cc: Mr. Robert Healy
Mr. Joseph F. Tulimieri
Mr. David Barrett✓

MORTIMER B. ZUCKERMAN
CHAIRMAN

June 18, 1982

Mr. Arthur C. Parris, Chairman
Planning Board
City of Cambridge
City Hall Annex
57 Inman Street
Cambridge, MA 02139

RE: Inclusionary Zoning Proposal

Dear Mr. Parris:

We understand that the Planning Board held a hearing on Tuesday, June 15, 1982, to discuss the proposed inclusionary housing zoning ordinance. Although we were unable to attend this hearing, I would like to express our views on the proposed ordinance and to make specific suggestions that might help make such an ordinance workable for the City.

As described to you in my letter of May 11, 1982, (copy attached), our own concern relates to the quite specific issue of what we believe to be the necessity for explicitly recognizing in any such ordinance, the special nature of the MXD District and the inapplicability of any such ordinance to that district. There are two basic reasons we believe such recognition is necessary and appropriate.

First, a special planning context has been created for this district, and we have already completed construction of one major building and have three more under construction in accordance with approved master plans for this area.

Second, we have made substantial financial commitments to this development, both in terms of the buildings completed and under construction and as evidenced in executed agreements between ourselves and the Cambridge Redevelopment Authority that

pre-date any inclusionary zoning ordinance that might be enacted. These agreements, as you may know, encompass all of the areas to be developed by private developers within the MXD District, and obligate us to go forward on a committed schedule with this development.

We are dealing with both prospective tenants and prospective construction and permanent mortgage lenders and their attorneys in regard to present and future stages of this project, and they have expressed concern about the potential enactment of an ordinance of the type proposed that might, either explicitly or by implication from silence on the issue, appear to be applicable to the MXD District (whether or not any such applicability would be effective under law under the facts of the matter).

I am, therefore, again requesting by this letter a written response from the Planning Board confirming its recognition of the inapplicability of any such ordinance to the MXD District. This would remove any possible cloud that might otherwise interfere with, delay, or prevent the timely development of our Cambridge Center project, comprising the entire MXD District, and we do not believe it to be in the City's interest that this uncertainty remains any longer.

Sincerely yours,

Mortimer B. Zuckerman

MBZ/ll
Enclosure

cc: Mr. Robert Healy
Mr. Joseph Tulimieri
Mr. David Barrett

Cambridge Redevelopment Authority

336 Main Street
Cambridge, Massachusetts 02142
617 492 6800

rles C. Nowiszewski
irman

mas J. Murphy
Chairman

nk S. Maragioglio
surer

teve M. Solomons
stant Treasurer

queline S. Sullivan
nber

eph F. Tulimieri
cutive Director
Secretary

April 27, 1983

Mr. Arthur C. Parris
Chairman
Cambridge Planning Board
57 Inman Street
Cambridge, MA. 02139

Re: Proposed Inclusionary Housing Zoning Ordinance
Kendall Square Urban Renewal Area
Wellington-Harrington Urban Renewal Area
Project Nos. Mass. R-107 and R-108

Dear Mr. Parris:

We have been advised that above-cited proposed zoning amendment has been referred to you again by the City Council for a hearing and report. We have been further advised that the Department, in an effort to provide some relief for development activities undertaken prior to the time that a zoning ordinance is adopted, has suggested language that the action not be effective until ordination by the City Council.

With respect to the proposed zoning amendment, the Authority requested by letter, dated June 15, 1982, (copy attached), that your Board consider specific exclusion of urban renewal areas.

Regarding the Department's effort to provide relief, the Authority has been advised by its Counsel, Foley, Hoag & Eliot, that this effort may be inconsistent with existing statutory requirements (i.e. Chapter 40A of Massachusetts General Laws). A copy of that opinion is enclosed.

It is respectfully requested that the Kendall Square and Wellington-Harrington urban renewal areas and any other future development areas which may require land use plans approved by the City Council, Planning Board and the Authority be specifically excluded from the provisions of this proposed ordinance.

Sincerely yours,

Joseph F. Tulimieri
Executive Director

JFT:eal

Attachments

cc: Robert W. Healy(a)
Kathy A. Spiegelman(a)
Russell B. Higley, Esquire(a)
Joseph J. Cellucci(a)

Cambridge Redevelopment Authority

335 Main Street
Cambridge, Massachusetts 02142
617 492 6800

June 15, 1982

Mr. Arthur C. Parris
Chairman
Cambridge Planning Board
57 Inman Street
Cambridge, Massachusetts 02139

Re: Proposed Inclusionary Housing Zoning Ordinance
Kendall Square Urban Renewal Area
Wellington-Harrington Urban Renewal Area
Project Nos. Mass. R-107 and R-108

Dear Mr. Parris:

The Authority has reviewed the proposed zoning amendment as well as the May 11, 1982 letter to you from Mortimer B. Zuckerman, chairman of Boston Properties, and agrees that Cambridge Center should be excluded from any provisions of an inclusionary housing zoning ordinance.

It is the Authority's belief that the proposed amendment should not be applicable to development within any approved urban renewal area. In such an area, the City, through its Redevelopment Authority, Planning Board and City Council, already has defined the restrictions and conditions on development beyond conventional zoning -- both residential and non-residential -- and it would appear counter-productive now to impose an additional set of controls in order to redirect established land use policy.

In the particular case of Cambridge Center, as you know, the City approved a special MXD District prior to the Authority entering into its development agreement with Boston Properties in June, 1979. If new restrictions were to be made applicable to Cambridge Center at this time, the developer would be within his rights to demand renegotiation of the agreement with respect to any improvements. Such an occurrence could bring interminable delays in the development process and prove extremely costly to a project that is well underway.

Accordingly, it is requested that the Kendall Square and Wellington-Harrington Urban Renewal Areas and any other future development areas which may require land use plans

approved by the City Council, Planning Board and the Authority, be specifically excluded from the provisions of this proposed ordinance.

Sincerely yours,

Joseph F. Tulimieri
Executive Director

JFT:eal

cc: Robert W. Healy

FOLEY, HOAG & ELIOT

(A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS)

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CHARLES E. WEINSTEIN
BRANDON F. WHITE
TONI G. WOLFMAN

COUNSEL
ORRIN P. ROSENBERG

April 8, 1983

Mr. Robert S. Remer
Cambridge Redevelopment Authority
336 Main Street
Cambridge, Massachusetts 02142

Re: Inclusionary Housing Petition Amendment

Dear Bob:

I have reviewed the memorandum, dated April 1, 1983, from Kathy Spiegelman and the proposed amendment to the Inclusionary Housing Petition.

You will recall that a year ago I reviewed the proposed Zoning Ordinance amendment petition and recommended that it be made not applicable to development within an approved urban renewal project area. The reason for the recommendation is that in such an area, city agencies have already defined appropriate restrictions on future development and it would appear to be counterproductive to impose an additional set of burdens thereafter. Joe Tulimieri's letter to the Planning Board, dated June 15, 1982, made this clear and also pointed out the special adverse effect on the Cambridge Center MXD District which was already under development agreements. I believe that these points continue to be valid and suggest that the Authority continue to take the same position before the Planning Board and the City Council with respect to the proposed Zoning Ordinance amendment.

As to the presently proposed amendment to the petition, it appears to be an effort to provide some relief for development actions undertaken prior to the time the Zoning

Ordinance amendment is actually adopted. I believe that this effort may be inconsistent with existing statutory requirements applicable to so-called non-conforming uses.

The proposed amendment recites that the provisions of the petition (i.e., the proposed Zoning Ordinance amendment) shall be in effect only upon ordination by the City Council, and that any permit issued prior to such ordination shall conform to existing, applicable zoning regulations only. Section 6 of Massachusetts General Laws, Chapter 40A, deals with the matter of prior non-conforming uses. On the one hand, it recites, among other things, that a zoning ordinance shall not apply to structures lawfully begun, or to a building permit issued, before the first publication of notice of the required public hearing on such ordinance. On the other hand, it also recites that a zoning ordinance shall apply to a building permit issued after the first notice of such public hearing. Arguably, the amendment to the Zoning Ordinance amendment petition in its present form is inconsistent with this statutory provision.

Section 6 further states that a zoning ordinance shall provide that construction under a building permit shall conform to any subsequent amendment of the ordinance unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. Again it is arguable that the proposed amendment to the petition for the Zoning Ordinance amendment, reciting that permits "shall conform to existing, applicable zoning regulations only", is inconsistent with this statutory requirement.

Apart from these arguments as to possible inconsistency between the present proposal and the statutory requirements of Chapter 40A, it seems to me that the Authority should restate its position as outlined above in favor of making the Zoning Ordinance amendment, if adopted, inapplicable to approved urban renewal areas.

Sincerely,

Herbert L. Berman, P.C.

HLB/maa
cc: Joseph F. Tulimieri

Comm. from Joseph Tulimieri, Exec. Dir., Cambridge Redevelopment Authority Re: proposed amendment to the Zoning Ordinances regarding "Inclusionary Housing".

full
Copies sent to all Councillors + City Manager by way of Comm. / packages 5/13/83 mh

In City Council,

May 9, 1983

- 5/9/83 -
Referred to the
- Petition -
Copies to be sent
to
All Councillors
Request CRA - provide

Including drawing
folder

CAMBRIDGE CHAMBER OF COMMERCE BOARD OF DIRECTORS

Joseph P. Barrell
President
The Alewife Company, Inc.
2534 Massachusetts Avenue, Cambridge

Carl F. Barron
President
Putnam Furniture Leasing Company, Inc.
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John J. Campbell
Attorney
385 Broadway, Cambridge

Daniel C. Crane
Attorney
Finn & Crane
17 Dunster Street, Cambridge

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799 Concord Avenue, Cambridge

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Cambridge Tire Company
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Hotel Sonesta
5 Cambridge Parkway, Cambridge

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Assistant Vice President
Bolt, Beranek & Newman, Inc.
50 Moulton Street, Cambridge

May 17, 1983

CAMBRIDGE CHAMBER OF COMMERCE POSITION STATEMENT

The Cambridge Chamber of Commerce, comprised of over 700 members, would like to register its strong position of opposition to the proposed Inclusionary Housing Zoning Amendment. This decision was made by a unanimous vote of its Board of Directors on May 11, 1983.

Inclusionary Zoning is, in our opinion, a special tax on any new residential, office and retail development in Cambridge. Any effort, by the City, to impose such a tax would appear to be counterproductive to ongoing and future development. Projects that are currently underway, in which zoning has been set and agreements already made, would be delayed extensively by additional restrictions and costs. This proposed zoning, if enacted, may also create a rethinking by developers, businesses, etc., of their proposed expansion plans in this City. It may even cause some businesses to leave Cambridge, as some have suggested.

In the financial community, banks and other investment lenders would be more than reluctant to lend money which would in part fund a tax. Return on investment is always crucial in lending.

Perhaps, the initiation of financial or other incentives to those interested in developing housing in Cambridge could be pursued. Businesses in Cambridge already carry their share of the costs of running this City, and, in addition, do much the public is unaware of in relation to support for community organizations, charitable giving, providing jobs, etc..

Therefore, we urge the Committee on Ordinances and the Planning Board to look unfavorably on the Inclusionary Housing Zoning Amendment, and are willing to work with both toward other housing solutions. We would be willing to meet whenever necessary to discuss possibilities.

Thank you.

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Thank you.

Received by Petitions May 17, 1983 at Planning

HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND
COMMUNITY AFFAIRS

2 GARDEN STREET
CAMBRIDGE, MASSACHUSETTS 02138
617-495-4955

May 19, 1983

Planning Board
City of Cambridge
City Hall Annex
57 Inman Street
Cambridge, MA 02139

Re: Inclusionary Zoning

Dear Members:

I wish to record Harvard's opposition to the "Inclusionary Zoning" amendment to the Zoning Ordinance.

This amendment, as proposed, would present significant practical and financial difficulties for the University, particularly since it would apply to all educational uses, including dormitories. It would seem to constitute an impermissible zoning restriction upon the use of our property for educational purposes. Our counsel advises us that the proposal does not fall within the special powers to regulate such uses afforded to Cambridge by Chapter 565 of the Acts of 1979.

It is also their view that it constitutes an impermissible tax upon the University.

For these reasons, among others, we wish to be recorded in opposition.

Very truly yours,

Lewis A. Armistead

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OFFICE OF CITY CLERK
MAY 20 2 22 PM '83
CAMBRIDGE, MASS.

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May 20, 1983

Mr. Paul E. Healy
City Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healy:

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We wish to be recorded in opposition to the proposal; the details are set forth more fully in the enclosed letter.

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enclosure:

HARVARD COLLEGE

OFFICE OF THE DEAN

4 UNIVERSITY HALL
CAMBRIDGE, MASSACHUSETTS 02138

May 23, 1983

Cambridge City Council
City Hall
Cambridge, MA 02139

Dear Councillors:

I write in response to a question raised in last week's City Council meeting regarding current Harvard College policy for off campus residency.

Harvard College is seeking to maintain the overall size of its undergraduate population at the levels of recent years (around 6,500). The College continues to emphasize the value of the residential experience, and statistics show that the number of students living off campus is at an historic low. In the fall of 1952 there were about 600 non-resident students; in the fall of 1977 about 500 non-resident students; and in the fall of 1982 about 380 non-resident students. We estimate the number of undergraduates (men and women) currently living in Cambridge to be 227. (Eleven of these are living with their parents.)

A recent study of non-residency by a Faculty Council subcommittee concluded that the College should strive to insure that all students who wish to live on campus are able to do so. The College has therefore made two changes in policy. First, in order to encourage a few students to move off campus, it has decided that such students may retain affiliation with a residential House if they lived in that House for two terms or more. (The current limit is four terms or more.) Second, students moving off campus will now be guaranteed on campus housing if their plans should change.

It is difficult to predict what the effect of these decisions will be. The hope, of course, is that some students may decide to move off campus, thereby creating space for others, currently living off campus. (We have a number of students anxious to receive on campus housing.) It is unlikely that there will be significant net changes in the size of the off campus population as a result of these changes. We do hope to change the <u>composition</u> of the on and off campus populations.

Cambridge City Council

May 23, 1983

It is perhaps worth stating that the College is very dependent on maintaining the size of the residential population in order to collect sufficient revenue. We must maintain the current size of the residential population.

If you should have any further questions about this matter, please feel free to call me or Tom Dingman, Assistant Dean of Harvard College at 495-1555.

With best wishes,

Sincerely yours,

John B. Fox, Jr.
Dean of Harvard College

JBF:mln

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May 20, 1983

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enclosure:

City of Cambridge

In City Council May 23, 1983

The Ordinance *Committee*
Comprised of the entire membership of the City Council

to which was referred the petition of the City Council to amend the Zoning Ordinances of the City of Cambridge, to create a new Section 11.90, "Low and Moderate Income Household Inclusionary Housing Overlay District", and to create such an overlay district over the entire City, met on Tuesday, May 17, 1983 at 6:30 p.m. in the City Council Chamber.

Councillor Walter J. Sullivan, Chairman, presided and called for the proponents to appear and be heard.

Kathy Spiegelman of the Community Development Department outlined the proposed amendment in great detail and stated that the proposal would allow a blending of residential with working areas and provide low and moderate housing in concert with business development. The proposal would have city-wide development but that the Planning Board recommended adoption in restricted areas. She further stated that Riverfront and the Alewife area would present problems since the development of these areas has already begun and would be equivalent to changing houses in mid stream, that the impact would begin before a decision was made to develop in Cambridge for those developers who were considering such a move.

Recorded in favor also was a spokesman from the Rent Control Coalition who stressed the need for more housing and stated that the proposal of the Planning Board was not strong enough.

George St. George of 348 Windsor Street recorded himself in favor and referred to a recent C.H.A. announcement and the response by hundreds of applicants demonstrated the need.

The Committee heard from Dan Wuenschel of the C.H.A. who recorded his support and referred to their recent endeavors regarding 11 Everett Street and 55 Magazine Street and their future plans regarding housing at 2050 Massachusetts Avenue. He stated that he had 2,000 applicants for housing on a waiting list, that recent applications for Section 8 Housing nearly caused a riot because of the large number of applicants.

The Committee heard from Daniel Mahoney of 4 Cogswell Avenue who recorded himself in favor and stated that the proposal would not discourage developers.

A representative from the Cambridge Civil Association recorded that organization in favor and stated that a good program with bonus incentives would encourage developers that heights under 1200 square feet should be exempt.

Ms. Segal of 24 Highland Street recorded herself in favor as did George Saba of 329 Broadway.

The Chair declared the hearing for the proponents closed at seven o'clock and thirty-five minutes p. m. and requested the opposition to appear.

In response to the Call of the Chair, Attorney Daniel Crane of 8 Poplar Road, registered his opposition and stated that a developer would go elsewhere if he has the opportunity and that future development would be discouraged in Cambridge. He stated that Rent Control was the cause of low residential development, that people will fund housing outside of the City and that the free market should be allowed to operate.

Councillor David Sullivan stated that since 1969 there was no prohibition on new development under the present law.

The Committee heard from David Hughes, representing the Chamber of Commerce who stated that the proposal was counter productive and recorded the Chamber in opposition.

A discussion ensued regarding the San Francisco legislation and Mr. Hughes stated that their approach was not based on an ordinance but on an advisory opinion given to developers. He further stated that bonus provisions for developers help in certain parts of the country.

Councillor David Sullivan noted that the Chamber had not produced a single constructive housing proposal for low and moderate housing.

Mr. Hughes countered that the developer must be assured of a good fair return on their investment.

The Committee heard from Mr. Goyette who recorded himself in opposition and stated that subsidized housing creates disparity and that passage of the amendment would put great pressure on the housing supply, that rent control will bring in other subsidies.

Don Wilson recorded his opposition on the ground that Cambridge would suffer in compiling with other cities.

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Peter Sonnabend, representing Hotel Sonesta recorded himself against and stated that their present development would never have been started if the proposal was in effect. He urged incentives in the area of tax breaks and bonus provisions for developers.

Hugh Lyons, 12 Marcella Street recorded his opposition also.

The following filed their opposition to the proposed zoning amendment by communication:

1. Joseph F. Tulimieri, Executive Director, Cambridge Redevelopment Authority, 336 Main Street, Cambridge, MA.

2. Mortimer B. Zuckerman, Chairman, Boston Properties, 8 Arlington Street, Boston, MA.

3. Lewis A. Armistead, Office of Government and Community Affairs, Harvard University, 2 Garden Street, Cambridge, MA.

4. John F. Magee, President and Chief Executive Officer, Arthur D. Little, Inc., Acorn Park, Cambridge, MA.

5. Martin Annis, President, American Science and Engineering, Inc., Fort Washington, Cambridge, MA.

6. Eugene H. Clapp, Director of Operations, Myerson Tooth Corporation, 66-90 Hamilton Street, Cambridge, MA.

7. Carl F. Barron, Putnam Furniture Leasing Company, Inc., 614 Mass. Avenue, Cambridge, MA.

8. Peter E. Madsen, Vice-President, Graham Gund Associates, Inc., 12 Arrow Street, Cambridge, MA.

9. Miles J. Cares, 40 Pearl Street, Cambridge, MA.

Also filing their opposition at the hearing were:

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Com/Energy Cambridge Realty
Com/Energy Research Park Realty

11. Joseph A. Martignetti for: Cafe Cambridge, Inc.
Martignetti Brother Realty Trust

12. James M. Laughlin for: Commonwealth Gas Company
303 Third Street, Cambridge, MA.

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16. Peter J. Sonnabend, Attorney representing Sonesta Hotels.

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21. Joseph Fantasia for: Fantasia Restaurant.

22. Ivory Fischman for: FAR group.

23. Richard R. Beaty for: Inhram, Rettig and Beaty, Real Estate.

24. Art Klipfel for: UNIHAB.

25. Charles Webb for: Charles Webb, Inc.

No other persons appearing at the Call of the Chair, the hearing was closed at eight o'clock and twenty-three minutes p. m. and on motion of the Chair, without objection, the proposed amendment was referred to the City Council without recommendation for their meeting of May 23, 1983.

For the Committee,

_____

Councillor Walter J. Sullivan,
Chairman.

City of Cambridge

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23. Richard R. Beaty for: Inhram, Rettig and Beaty, Real Estate.

24. Art Klipfel for: UNIHAB.

25. Charles Webb for: Charles Webb, Inc.

No other persons appearing at the Call of the Chair, the hearing was closed at eight o'clock and twenty-three minutes p. m. and on motion of the Chair, without objection, the proposed amendment was referred to the City Council without recommendation for their meeting of May 23, 1983.

For the Committee,

_____

Councillor Walter J. Sullivan,
Chairman.

Create a new Section 11.90 Revised text

11.90 Low and Moderate Income Household Inclusionary Housing Overlay District.

RECEIVED
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11.91 Purpose

This Section 11.90 is intended to require the provision of low and/or moderate income family housing as a component of most new housing developments in the City of Cambridge; to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and in commercial development and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.92 Applicability

11.921 This Low and Moderate Income HOusehold Inclusionary Overlay District shall be a city wide overlay district on the Zoning Map established by Section 3.20.

The use of land within said district shall be controlled by the pertinent regulations within the base zoning district except as modified by the requirements of this Section 11.90 which shall supersede regulations imposed by the base zoning map designation.

11.922 The provision of this Section 11.90 shall apply to any residential, office, retail, and institutional development containing any one or combination of the following uses:

(a) Detached dwelling for one family (4.31 a)
(b) Two family dwelling (4.31 b)
(c) Townhouse development (4.31 d)
(d) Multifamily dwellings (4.31g)
(e) Existing dwelling converted for more than two families (4.31 h)
(f) Office and laboratory use (4.34)
(g) Retail business and consumer service establishments (4.35)
(h) Institutional Uses: Educational (4.33b), Non-commercial Research (4.33d), Health Care Facility (4.33d).

11.923 The use listed in the above Section 11.922 shall comply with the provisions of this Section 11.90 when they are created by (a) new construction; (b) conversion of a non-residential structure to residential use; and (c) conversion of a non-office or non-retail structure to office, retail or institutional use.

11.93 Quantity Requirements for Residential Uses

11.931 Any residential development subject to this Section 11.90 shall make provision for units suitable for, affordable by and available to low- and moderate-income households in an amount equal to at least one unit for each 12,000 square feet of gross floor area. Where the application of the above requirement results in

HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND
COMMUNITY AFFAIRS

2 GARDEN STREET
CAMBRIDGE, MASSACHUSETTS 02138
617-495-4955

March 30, 1983

Councillor Walter J. Sullivan
Chairman, Ordinance Committee
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Institutional Zoning - Proposed Amendments to Regulate "Affiliate Housing" of Educational Institutions

Dear Mr. Chairman:

I wish to record Harvard's opposition to the proposed amendments regarding "Affiliate Housing".

Attached, for your information, is a copy of our letter to the Planning Board dated March 29.

Very truly yours,

Lewis A. Armistead

attachment:

HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND
COMMUNITY AFFAIRS

2 GARDEN STREET
CAMBRIDGE, MASSACHUSETTS 02138
617-495-4955

March 29, 1983

Planning Board
City of Cambridge
Cambridge, Massachusetts 02139

Re: Institutional Zoning - Proposed Amendments to Regulate "Affiliate Housing" of Educational Institutions

Dear Members:

For reasons, among others, set forth in my letter to you of October 18, 1982 (copy enclosed) reacting to Councillor Sullivan's original proposal, Harvard opposes both the amendment now proposed by Mayor Vellucci and that reintroduced by Councillor Sullivan.

We have reviewed Councillor Sullivan's amendment to his proposal and the accompanying memorandum which he submitted at your hearing on March 15. As we said then, we think the amendment represents a step backwards, both practically and legally.

One of Harvard's fundamental objections to the original proposal has always been that it would impermissibly regulate the identity of the owner and not the use of property. Even if regulation of ownership can be permissible where the effect is to regulate use, we have been troubled by the assumption and unsupported assertion that there are "use implications of University ownership or control coupled with occupancy primarily by affiliates." We do not think there are any such use implications unique to educational institutions which justify different treatment under zoning. Obviously, giving preference to affiliates to "a significant extent" is even less an institutional use than occupancy "primarily" by affiliates.

Even under the original proposal, an educational institution could have given preference to its affiliates in any building not primarily occupied by affiliates. The stated assumption of that proposal, with which we disagreed, was that it would define on an objective basis the point at

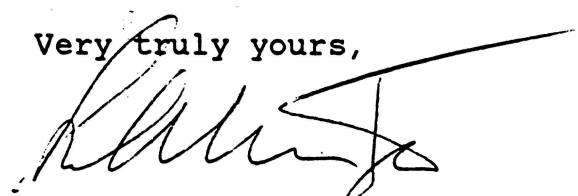
which a property becomes so institutional as to be justifiably regulated as such. Even under that proposal, Harvard affiliates could have been given preference in leasing up to 5 units in a 10-unit Harvard "open housing" building. Now, perhaps because we have said that the percentage, currently less than 30%, of Harvard's open housing occupied by affiliates has been steadily declining, the proposal has been amended so that none, or at most one or two of the units in the same building could be saved for affiliates, depending upon the subjective interpretation of "a significant extent". Moreover, the supposed "grandfather" protection under the amendment is illusory; even if 4 units in the same building happened to be occupied by affiliates now, they could not be reserved for affilates in the future.

The fact is that under the amendment an educational institution, unlike any other owner, could not prefer its own affiliates to "a significant extent." Not only would this extend far beyond regulation of "use" under zoning, it would be an unfair discrimination for which we have been unable to discern any rational basis.

Finally, we would point out that a variance is not a practical remedy if the affiliate housing proposal is adopted in any form. A variance requires a finding of hardship unique to the subject property; and for any property meeting zoning requirements except for the identity of its owner, such a finding could not be made. It is not disputed that few if any variances for "affiliate" housing could withstand challenge. This only serves to highlight the inappropriateness of requiring a use variance for residential use of residential property in a residential zoning district simply because of the identity of the owner. If some aspect of residential use is to be prohibited, it should be specified and made applicable to all owners.

We strongly urge that you recommend unfavorable action on both of the "affiliate housing" proposals now before you.

Very truly yours,



Lewis A. Armistead

HARVARD UNIVERSITY

Office of Government and
Community Affairs

2 Garden Street
Cambridge, Massachusetts 02138
617-495-4955

October 18, 1982

Planning Board
City of Cambridge
Cambridge, MA 02139

Re: Institutional Zoning; Proposed Amendment to Regulate "Affiliate Housing" of Educational Institutions

Dear Members:

This will record Harvard's opposition to the proposed amendment to the Zoning Ordinance which would extend the institutional zoning regulations to any dwelling owned or controlled by an educational institution and occupied primarily by its employees or students.

As you may know, a similar proposal was originally included in early drafts of the institutional zoning regulations. However, we argued and the Department of Community Development staff ultimately agreed, that the only appropriate objectives of zoning are the regulation of uses of and improvements to property. Nothing permits regulation or discrimination under zoning based upon the identity of the owners of the property and certainly not based upon the educational or employment status of the occupants. This point has recently been emphasized by the Massachusetts Supreme Judicial Court in its decision in CHR General, Inc. v. City of Newton, decided September 1, 1982:

> A "fundamental principle of zoning [is that] it deals basically with the use, without regard to the ownership, of the property involved or who may be the operator of the use."

Accordingly, as proposed (and enacted) the institutional use regulations did not regulate or restrict residential housing owned by educational institutions other than dormitories and fraternity and sorority houses.

A further problem with the proposed amendment is that educational institutions would be singled out from other institutions for regulation of their affiliate housing. No zoning considerations justify distinguishing a professor's house from a home or a rectory. Such a distinction would be not only legally impermissible but also inconsistent with the policy of treating all institutions equally which was repeatedly expressed at the time the institutional use regulations were originally proposed.

By Chapter 565 of the Acts of 1979, the General Court constituted Cambridge the only Massachusetts city or town with the power to override the provisions of the Zoning Act protecting educational and religious institutions from use regulation under zoning. In doing so, the General Court expressly limited that power to certain residential zoning districts. It is doubtful that it was intended and ironic that it is now proposed that this power be used to regulate otherwise proper residential uses.

Finally, it is obvious that whatever the legalisms may be, this proposal would be counterproductive to the City's and Harvard's common objective of having Harvard provide where possible for the housing needs of its employees and students, thereby avoiding undue pressures upon the limited existing housing stock.

We urge that you report unfavorably upon the proposed amendment.

Very truly yours,

Lewis A. Armistead

COM/ENERGY CAMBRIDGE REALTY
COM/ENERGY RESEARCH PARK REALTY
DARVEL REALTY TRUST
675 MASSACHUSETTS AVENUE
P.O. BOX 190
CAMBRIDGE, MASSACHUSETTS 02139

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CAMBRIDGE, MASS.

May 19, 1983

Mayor Alfred E. Vellucci
City of Cambridge
Cambridge, MA 02139

Dear Mayor Vellucci:

This letter is relative to the Proposed Inclusionary Housing Zoning Amendment presently the subject of a hearing on Tuesday, May 17, 1983, before the City of Cambridge Committee on Ordinances and the Planning Board.

Darvel Realty Trust, COM/Energy Research Park Realty and COM/Energy Cambridge Realty are currently developing or planning a number of real estate projects. These projects will mean added revenue to the City of Cambridge, an increase in employment, a broadening of the property tax base and, in general, will make the City of Cambridge a more desirable place in which to live and work. We feel that the enactment of this ordinance would seriously impact our companies' current and future plans.

It is our opinion that the drastic provisions of this proposed amendment would seriously curtail current and future development of our city by imposing a fee (in essence an added tax) intended to provide benefits to the general public while adding an additional burden to owners, builders and developers. Add to this the recent increase in building permit fees, the tendency would be for developers to look elsewhere for future projects.

We strongly urge the rejection of this proposal.

Very truly yours,

Robert S. Parker
Treasurer

RSP:mal

cc: Walter Sullivan - Committee on Ordinances
City Clerk

Comm. from Robert S. Parker, Treasurer, Com/ Energy Cambridge Realty in opposition to the proposed Inclusionary Housing zoning amendment.

In City Council,

May 23, 1983

5/23/83

Referred to the Petition -

HARVARD UNIVERSITY

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OFFICE OF GOVERNMENT AND
COMMUNITY AFFAIRS

2 GARDEN STREET
CAMBRIDGE, MASSACHUSETTS 02138
617-495-4955

May 20, 1983

Mr. Paul E. Healy
City Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healy:

I enclose a copy of our letter to the Planning Board regarding the proposed "Inclusionary Zoning" amendment to the Zoning Ordinance.

We wish to be recorded in opposition to the proposal; the details are set forth more fully in the enclosed letter.

Very truly yours,

Lewis A. Armistead

enclosure:

Create a new Section 11.90 Revised Sept

11.90 Low and Moderate Income Household Inclusionary Housing Overlay District.

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11.92 Applicability

11.921 This Low and Moderate Income HOusehold Inclusionary Overlay District shall be a city wide overlay district on the Zoning Map established by Section 3.20.

The use of land within said district shall be controlled by the pertinent regulations within the base zoning district except as modified by the requirements of this Section 11.90 which shall supersede regulations imposed by the base zoning map designation.

11.922 The provision of this Section 11.90 shall apply to any residential, office, retail, and institutional development containing any one or combination of the following uses:

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11.923 The use listed in the above Section 11.922 shall comply with the provisions of this Section 11.90 when they are created by (a) new construction; (b) conversion of a non-residential structure to residential use; and (c) conversion of a non-office or non-retail structure to office, retail or institutional use.

11.93 Quantity Requirements for Residential Uses

11.931 Any residential development subject to this Section 11.90 shall make provision for units suitable for, affordable by and available to low- and moderate-income households in an amount equal to at least one unit for each 12,000 square feet of gross floor area. Where the application of the above requirement results in

a fractional number, one additional inclusionary unit shall be provided. However, in lieu of the provision of the one additional unit either one of the following may be provided:

1) A prorata cash payment made in accordance with the requirements detailed in Section 11.951(d) below, which payment shall be equal to the product of the fraction of a unit required, times the cash payment required in lieu of a whole unit.

2) The provision of at least one low or moderate income unit having more than two bedrooms.

11.94 Quantity Requirements for Office, Retail, and Institutional Development

11.941 Any office, retail, or institutional development subject to this Section 11.90 shall make provision for residential dwelling units suitable for, affordable by and available to low and moderate income households in an amount determined by the following schedule:

(a) The first 30,000 square feet of gross floor area constructed after the effective date of this Section 11.90 on a lot as defined in 11.96 of this Section 11.90 shall be exempt from requirements of this Section 11.90.

(b) For all eligible gross floor area in excess of 30,000 square feet, inclusionary housing shall be provided at the rate of one unit for each 12,000 square feet of gross floor area. Where the application of the requirement results in a fraction of a unit, one full unit shall be provided. However, in lieu of the provision of the one full unit, either one of the following may be provided:

1) A prorata cash payment made in accordance with the requirements detailed in Section 11.951(d) below, which payment shall be equal to the product of the fraction of a unit required, times the cash payment required in lieu of a whole unit.

2) The provision of at least one low or moderate income unit having more than two bedrooms.

11.95 General Requirements for All Inclusionary Units

11.951 To fulfill the requirements of this Section 11.90 any one or combination of the following mechanisms may be employed:

(a) Provision of the unit(s) on site which may include participation in any federal, state or city program which will guarantee the provision of housing units for low and moderate income households.

(b) Provision of the units in new construction on scattered sites elsewhere in Cambridge provided the general intent of this Section 11.90, and specifically Subsection 11.953, is met.

(c) Acquisition and rehabilitation to current building code standards of existing vacant dwelling units or units undergoing a change in tenancy provided the general intent of this Section 11.90 and specifically subsection 11.953 is met.

(d) Cash payment to the City of Cambridge to be administered by the Community Development Department, to be used exclusively to make availabe housing units for low and moderate income households in a manner and at locations in conformance with policies adopted by the Cambridge City Council. The amount of such payment shall be $25,000, which amount shall be adjusted annually by the Community Development Department using the Consumer Price Index for the Boston metropolitan area as published by the United States Department of Labor, and which shall be paid for each inclusionary unit required.

The required payments shall constitute a lien on the property and shall be paid before the granting of a certificate of occupancy for the development or any part thereof, or according to a schedule of payment approved by the Superintendent of Buildings at the time of issuance of a building permit for the development.

11.952 The required low and moderate income units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.90 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where a multifamily dwelling is to be devoted exclusively to elderly residents the above restrictions in this Section 11.952 as to unit size and type of family shall not apply.

11.953 The required units shall be dispersed throughout the development and not concentrated in any one location.

11.954 For the purposes of this section, low and moderate income households shall be as defined by guidelines established from time to time by the Federal Department of Housing and Urban Development or any successor agency, or as defined in any program used under Section 11.951(a) above. All households occupying the low and moderate income units shall be certified as eligible by the Cambridge Housing Authority where the units are to be rented, by the Community Development Department, or any duly organized non-profit housing assistance corporation designated by it, where the units are to be sold; or as required by any subsidy program employed. Units shall be offered so that eligible households shall pay no more than thirty (30) percent of their eligible maximum household income for the units provided (monthly rent or mortgage and taxes for purchased units).

11.955 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units intended for low and moderate income households, or equivalent units located in or out of the development, will be permanently available for low and moderate income households.

Where the units are proposed to be sold to eligible low or moderate income households such assurance shall be made through any one or more of the following mechanisms:

(a) a right to repurchase each such unit for its original cost plus reasonable adjustments for inflation and owner improvements, by the City or any non-profit housing assistance corporation designated by it,

(b) a right to participate in the net cash profits realized from sale of the unit to a successor family not qualifying as a low or moderate income family, by the city or any non-profit housing assistance corporation designated by it where the right in Section 11.955(a) above have not been exercised. The city or its designated agent shall receive one half of all profits realized up to a maximum amount equal to the in-lieu payment detailed in Section 11.951(d), (as adjusted annually under Subsection 11.951(d)).

(c) sale to a qualifying low or moderate income family,

(d) co-tenancy agreements,

(e) limited equity cooperatives,

(f) any other similar mechanism.

Except as to any such conditions the issuance of a building permit shall be conclusive determination of the compliance with the provisions of Sections 11.93, 11.94, 11.951, 11.952, and 11.953.

No requirement in this Section 11.955 shall apply where it is in conflict with any rule, requirement or provision of a subsidy program employed under Section 11.951 provided the intent of this Section 11.955 is met.

11.956 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development, unless otherwise approved by the Superintendent of Buildings.

11.975 Timing

The units required under this Section 11.90, or the equivalent in lieu payments, shall be provided simultaneously with the construction of the affected development, or as otherwise may be provided by a detailed schedule of payment or

construction approved by the Superintendent of Buildings at the time of issuance of the required building permits for the development.

11.96 Property Subject to this Section

The provisions of this Section 11.90 shall apply to all affected development constructed on a lot subsequent to the effective date of this Section 11.90. For the purpose of this Section 11.90 a lot shall be a lot or series of adjacent lots in the same ownership at the time of the effective date of this Section 11.90 regardless of any subsequent change in ownership or subdivision of such lots. The provisions of Section 11.93 and 11.94 shall be applied to the cumulative number of units constructed after the effective date of Section 11.90 as determined by this Section 11.96.

11.97 Compliance

All deeds, agreements, site plans, and other documents necessary to comply with the provisions of this Section 11.90 shall be submitted to the Community Development Department for review prior to a formal application for a building permit. Within sixty-five (65) days of such submittal the Department shall make a report to the Superintendent of Buildings as to whether all requirements of this Section 11.90 have been met. Each application for a building permit for any development subject to this Section 11.90 shall be accompanied by such written report from the Community Development Department.

Where any development requires a Special Permit from the Planning Board, that Board shall enforce the provisions of this Section 11.90 as a condition of the Special Permit.

Amend the petition by adding a second part as follows:

2. The provisions of this petition shall be in effect only upon ordination by the City Council. Any permit issued prior to such ordination shall conform to existing, applicable zoning regulations only.

CITY OF CAMBRIDGE

INTEROFFICE CORRESPONDENCE

To Arthur Parris, Chairman
Cambridge Planning Board

Date March 23, 1983

From Paul E. Healy, City Clerk

Reference

Subject Low and Moderate Income Household Inclusionary Housing Overlay District Zoning Ordinance

Please be advised that the City Council, on motion of Councillor David Sullivan at its meeting of March 21, 1983 has referred the enclosed Low and Moderate Income Household Inclusionary Housing Overlay District Zoning Ordinance to the Planning Board and Ordinance Committee for hearing and report. The Councillor further submitted an amendment to the proposed petition, adopted by the Council, which reads as follows:

> "11.921 This Low and Moderate Income Household Inclusionary Overlay District shall be a city wide overlay district on the Zoning Map established by Section 3.20."

I have enclosed a copy of the proposed zoning petition in its original form, and a copy incorporating the amendment into the text as adopted by the Council for your assistance, which amendment should be considered in your deliberations.

If you need any further information in this matter, please contact me.

PEH/mh

Enclosures

cc: Councillor Walter Sullivan, Chairman
Committee on Ordinances
Richard Horgan, Zoning Specialist
Building Dept.

(ORIGINAL VERSION)

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 11, 1983

To the Honorable, the City Council:

In response to the Amended Order No. 3 of the City Council dated February 14, 1983, the Planning Board herein forwards a recommended possible Low and Moderate Income Household Inclusionary Housing Overlay District zoning ordinance.

The possible ordinance has been modified since the earlier version (Draft VI, dated 3/22/82) in response to comments and recommendations made to the Board as a result of a wide distribution and discussion of that earlier draft. The following are the principal changes from that earlier draft:

1. The ordinance is organized as an overlay district so it may be applied selectively in the City;

2. Educational, research, and health care facilities are included as development requiring the provision of inclusionary housing;

3. A gross floor area figure of 12,000 square feet has been substituted for numbers of units as the threshold unit of measure in housing developments which must provide inclusionary units;

4. It is made clear throughout the document that compliance with the provisions of the ordinance may be made through a schedule of payment or construction of the required units that is approved by the Superintendent of Buildings (rather than as previously written, simultaneously with the construction of the development as a whole).

With regard to the payment provision, the Board is of the opinion that a home rule petition is necessary to make it possible to restrict any payments made under the ordinance to a special fund to be used exclusively for the provision of low and moderate income housing units in Cambridge. Without such exclusive and restricted use the payment might be construed as a tax and likely therefore be declared illegal.

In forwarding this possible ordinance the Planning Board is not prepared to recommend its adoption city-wide. The ordinance is a complicated one with few precedents elsewhere in the country and nowhere else in the state of Massachusetts. Its precise impacts and

possible pitfalls may not be discernible before its actual implementation. The Board therefore suggests a more cautious approach with the following comments supporting that notion. First, while the demand for housing in the City of Cambridge is in some significant measure induced by factors unique and localized in the city itself, the demand for new commercial development is much more a reflection of market demand for the entire metropolitan area, within which Cambridge is only a modest part. As a small component of the larger metropolitan area Cambridge must compete, often, even now, at some disadvantage, with Boston and other nearby communities and with the suburban industrial parks around Route 128. The imposition of an inclusionary housing requirement might, psychologically or financially, put Cambridge development at a disadvantage with its commercial rivals. In addition, those areas in Cambridge which are now experiencing some development interest (as for example Alewife, East Cambridge Waterfront, and Kendall Square) have been subject in the recent past to policy review by the City Council, have been rezoned to reflect those adopted policies, and have received numerous publicly provided encouragements and inducements to advance private development plans. To subject these areas to new requirements now after the private community has initiated development plans under the policies already incorporated into the zoning ordinance and elsewhere, might cause serious damage to the City's credibility with those persons responsible for committing large sums of money to long-term development programs in the Boston metropolitan area. Finally, full development of the commercial areas of the City is many years into the future. Should the inclusionary ordinance contained herein prove an effective and reasonable mechanism on a small scale, there will be much future development in the City to which it could be made applicable in the years ahead.

In light of the above comments, the Board would recommend the application of the inclusionary housing overlay to an area, such as the Cambridgeport Industrial District, where the public policies desirable for the area are still under discussion and City objectives have still not been fully defined. Applied on such a modest scale its impact and effectiveness could be tested and the groundwork laid for possible expansion and broadening to other appropriate areas of the City, including those for which City policy has only recently been established.

In concert with any adoption of an inclusionary housing zoning provision, the City should work with other communities on the state level to establish a program of financial incentives to communities who might wish to follow Cambridge's lead in the matter of providing affordable housing for its citizens.

Respectfully submitted,

for the Planning Board

Arthur C. Parris

Arthur C. Parris
Chairman

Create a new Section 11.90

11.90 Low and Moderate Income Household Inclusionary Housing Overlay District.

11.91 Purpose

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(c) Acquisition and rehabilitation to current building code standards of existing vacant dwelling units or units undergoing a change in tenancy provided the general intent of this Section 11.90 and specifically subsection 11.953 is met.

(d) Cash payment to the City of Cambridge to be administered by the Community Development Department, to be used exclusively to make availabe housing units for low and moderate income households in a manner and at locations in conformance with policies adopted by the Cambridge City Council. The amount of such payment shall be $25,000, which amount shall be adjusted annually by the Community Development Department using the Consumer Price Index for the Boston metropolitan area as published by the United States Department of Labor, and which shall be paid for each inclusionary unit required.

The required payments shall constitute a lien on the property and shall be paid before the granting of a certificate of occupancy for the development or any part thereof, or according to a schedule of payment approved by the Superintendent of Buildings at the time of issuance of a building permit for the development.

11.952 The required low and moderate income units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.90 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where a multifamily dwelling is to be devoted exclusively to elderly residents the above restrictions in this Section 11.952 as to unit size and type of family shall not apply.

11.953 The required units shall be dispersed throughout the development and not concentrated in any one location.

11.954 For the purposes of this section, low and moderate income households shall be as defined by guidelines established from time to time by the Federal Department of Housing and Urban Development or any successor agency, or as defined in any program used under Section 11.951(a) above. All households occupying the low and moderate income units shall be certified as eligible by the Cambridge Housing Authority where the units are to be rented, by the Community Development Department, or any duly organized non-profit housing assistance corporation designated by it, where the units are to be sold; or as required by any subsidy program employed. Units shall be offered so that eligible households shall pay no more than thirty (30) percent of their eligible maximum household income for the units provided (monthly rent or mortgage and taxes for purchased units).

11.955 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units intended for low and moderate income households, or equivalent units located in or out of the development, will be permanently available for low and moderate income households.

Where the units are proposed to be sold to eligible low or moderate income households such assurance shall be made through any one or more of the following mechanisms:

(a) a right to repurchase each such unit for its original cost plus reasonable adjustments for inflation and owner improvements, by the City or any non-profit housing assistance corporation designated by it,

(b) a right to participate in the net cash profits realized from sale of the unit to a successor family not qualifying as a low or moderate income family, by the city or any non-profit housing assistance corporation designated by it where the right in Section 11.955(a) above have not been exercised. The city or its designated agent shall receive one half of all profits realized up to a maximum amount equal to the in-lieu payment detailed in Section 11.951(d), (as adjusted annually under Subsection 11.951(d)).

(c) sale to a qualifying low or moderate income family,

(d) co-tenancy agreements,

(e) limited equity cooperatives,

(f) any other similar mechanism.

Except as to any such conditions the issuance of a building permit shall be conclusive determination of the compliance with the provisions of Sections 11.93, 11.94, 11.951, 11.952, and 11.953.

No requirement in this Section 11.955 shall apply where it is in conflict with any rule, requirement or provision of a subsidy program employed under Section 11.951 provided the intent of this Section 11.955 is met.

11.956 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development, unless otherwise approved by the Superintendent of Buildings.

11.975 Timing

The units required under this Section 11.90, or the equivalent in lieu payments, shall be provided simultaneously with the construction of the affected development, or as otherwise may be provided by a detailed schedule of payment or

construction approved by the Superintendent of Buildings at the time of issuance of the required building permits for the development.

11.96 Property Subject to this Section

The provisions of this Section 11.90 shall apply to all affected development constructed on a lot subsequent to the effective date of this Section 11.90. For the purpose of this Section 11.90 a lot shall be a lot or series of adjacent lots in the same ownership at the time of the effective date of this Section 11.90 regardless of any subsequent change in ownership or subdivision of such lots. The provisions of Section 11.93 and 11.94 shall be applied to the cumulative number of units constructed after the effective date of Section 11.90 as determined by this Section 11.96.

11.97 Compliance

All deeds, agreements, site plans, and other documents necessary to comply with the provisions of this Section 11.90 shall be submitted to the Community Development Department for review prior to a formal application for a building permit. Within sixty-five (65) days of such submittal the Department shall make a report to the Superintendent of Buildings as to whether all requirements of this Section 11.90 have been met. Each application for a building permit for any development subject to this Section 11.90 shall be accompanied by such written report from the Community Development Department.

Where any development requires a Special Permit from the Planning Board, that Board shall enforce the provisions of this Section 11.90 as a condition of the Special Permit.

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

March 14, 1983

To the Honorable, the City Council:

I transmit herewith report from the Cambridge Planning Board, in response to Amended Order No. 3 dated February 14, 1983, relative to the low and moderate income household inclusionary housing overlay district zoning ordinance.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

(VERSION WITH AMENDMENT INCORPORATED)

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

March 11, 1983

To the Honorable, the City Council:

In response to the Amended Order No. 3 of the City Council dated February 14, 1983, the Planning Board herein forwards a recommended possible Low and Moderate Income Household Inclusionary Housing Overlay District zoning ordinance.

The possible ordinance has been modified since the earlier version (Draft VI, dated 3/22/82) in response to comments and recommendations made to the Board as a result of a wide distribution and discussion of that earlier draft. The following are the principal changes from that earlier draft:

1. The ordinance is organized as an overlay district so it may be applied selectively in the City;

2. Educational, research, and health care facilities are included as development requiring the provision of inclusionary housing;

3. A gross floor area figure of 12,000 square feet has been substituted for numbers of units as the threshold unit of measure in housing developments which must provide inclusionary units;

4. It is made clear throughout the document that compliance with the provisions of the ordinance may be made through a schedule of payment or construction of the required units that is approved by the Superintendent of Buildings (rather than as previously written, simultaneously with the construction of the development as a whole).

With regard to the payment provision, the Board is of the opinion that a home rule petition is necessary to make it possible to restrict any payments made under the ordinance to a special fund to be used exclusively for the provision of low and moderate income housing units in Cambridge. Without such exclusive and restricted use the payment might be construed as a tax and likely therefore be declared illegal.

In forwarding this possible ordinance the Planning Board is not prepared to recommend its adoption city-wide. The ordinance is a complicated one with few precedents elsewhere in the country and nowhere else in the state of Massachusetts. Its precise impacts and

possible pitfalls may not be discernible before its actual implementation. The Board therefore suggests a more cautious approach with the following comments supporting that notion. First, while the demand for housing in the City of Cambridge is in some significant measure induced by factors unique and localized in the city itself, the demand for new commercial development is much more a reflection of market demand for the entire metropolitan area, within which Cambridge is only a modest part. As a small component of the larger metropolitan area Cambridge must compete, often, even now, at some disadvantage, with Boston and other nearby communities and with the suburban industrial parks around Route 128. The imposition of an inclusionary housing requirement might, psychologically or financially, put Cambridge development at a disadvantage with its commercial rivals. In addition, those areas in Cambridge which are now experiencing some development interest (as for example Alewife, East Cambridge Waterfront, and Kendall Square) have been subject in the recent past to policy review by the City Council, have been rezoned to reflect those adopted policies, and have received numerous publicly provided encouragements and inducements to advance private development plans. To subject these areas to new requirements now after the private community has initiated development plans under the policies already incorporated into the zoning ordinance and elsewhere, might cause serious damage to the City's credibility with those persons responsible for committing large sums of money to long-term development programs in the Boston metropolitan area. Finally, full development of the commercial areas of the City is many years into the future. Should the inclusionary ordinance contained herein prove an effective and reasonable mechanism on a small scale, there will be much future development in the City to which it could be made applicable in the years ahead.

In light of the above comments, the Board would recommend the application of the inclusionary housing overlay to an area, such as the Cambridgeport Industrial District, where the public policies desirable for the area are still under discussion and City objectives have still not been fully defined. Applied on such a modest scale its impact and effectiveness could be tested and the groundwork laid for possible expansion and broadening to other appropriate areas of the City, including those for which City policy has only recently been established.

In concert with any adoption of an inclusionary housing zoning provision, the City should work with other communities on the state level to establish a program of financial incentives to communities who might wish to follow Cambridge's lead in the matter of providing affordable housing for its citizens.

Respectfully submitted,

for the Planning Board

Arthur C. Parris

Arthur C. Parris
Chairman

Create a new Section 11.90

11.90 Low and Moderate Income Household Inclusionary Housing Overlay District.

11.91 Purpose

This Section 11.90 is intended to require the provision of low and/or moderate income family housing as a component of most new housing developments in the City of Cambridge; to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and in commercial development and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.92 Applicability

11.921 This Low and Moderate Income HOusehold Inclusionary Overlay District shall be a city wide overlay district on the Zoning Map established by Section 3.20.

The use of land within said district shall be controlled by the pertinent regulations within the base zoning district except as modified by the requirements of this Section 11.90 which shall supersede regulations imposed by the base zoning map designation.

11.922 The provision of this Section 11.90 shall apply to any residential, office, retail, and institutional development containing any one or combination of the following uses:

(a) Detached dwelling for one family (4.31 a)
(b) Two family dwelling (4.31 b)
(c) Townhouse development (4.31 d)
(d) Multifamily dwellings (4.31g)
(e) Existing dwelling converted for more than two families (4.31 h)
(f) Office and laboratory use (4.34)
(g) Retail business and consumer service establishments (4.35)
(h) Institutional Uses: Educational (4.33b), Non-commercial Research (4.33d), Health Care Facility (4.33d).

11.923 The use listed in the above Section 11.922 shall comply with the provisions of this Section 11.90 when they are created by (a) new construction; (b) conversion of a non-residential structure to residential use; and (c) conversion of a non-office or non-retail structure to office, retail or institutional use.

11.93 Quantity Requirements for Residential Uses

11.931 Any residential development subject to this Section 11.90 shall make provision for units suitable for, affordable by and available to low- and moderate-income households in an amount equal to at least one unit for each 12,000 square feet of gross floor area. Where the application of the above requirement results in

a fractional number, one additional inclusionary unit shall be provided. However, in lieu of the provision of the one additional unit either one of the following may be provided:

1) A prorata cash payment made in accordance with the requirements detailed in Section 11.951(d) below, which payment shall be equal to the product of the fraction of a unit required, times the cash payment required in lieu of a whole unit.

2) The provision of at least one low or moderate income unit having more than two bedrooms.

11.94 Quantity Requirements for Office, Retail, and Institutional Development

11.941 Any office, retail, or institutional development subject to this Section 11.90 shall make provision for residential dwelling units suitable for, affordable by and available to low and moderate income households in an amount determined by the following schedule:

(a) The first 30,000 square feet of gross floor area constructed after the effective date of this Section 11.90 on a lot as defined in 11.96 of this Section 11.90 shall be exempt from requirements of this Section 11.90.

(b) For all eligible gross floor area in excess of 30,000 square feet, inclusionary housing shall be provided at the rate of one unit for each 12,000 square feet of gross floor area. Where the application of the requirement results in a fraction of a unit, one full unit shall be provided. However, in lieu of the provision of the one full unit, either one of the following may be provided:

1) A prorata cash payment made in accordance with the requirements detailed in Section 11.951(d) below, which payment shall be equal to the product of the fraction of a unit required, times the cash payment required in lieu of a whole unit.

2) The provision of at least one low or moderate income unit having more than two bedrooms.

11.95 General Requirements for All Inclusionary Units

11.951 To fulfill the requirements of this Section 11.90 any one or combination of the following mechanisms may be employed:

(a) Provision of the unit(s) on site which may include participation in any federal, state or city program which will guarantee the provision of housing units for low and moderate income households.

(b) Provision of the units in new construction on scattered sites elsewhere in Cambridge provided the general intent of this Section 11.90, and specifically Subsection 11.953, is met.

(c) Acquisition and rehabilitation to current building code standards of existing vacant dwelling units or units undergoing a change in tenancy provided the general intent of this Section 11.90 and specifically subsection 11.953 is met.

(d) Cash payment to the City of Cambridge to be administered by the Community Development Department, to be used exclusively to make availabe housing units for low and moderate income households in a manner and at locations in conformance with policies adopted by the Cambridge City Council. The amount of such payment shall be $25,000, which amount shall be adjusted annually by the Community Development Department using the Consumer Price Index for the Boston metropolitan area as published by the United States Department of Labor, and which shall be paid for each inclusionary unit required.

The required payments shall constitute a lien on the property and shall be paid before the granting of a certificate of occupancy for the development or any part thereof, or according to a schedule of payment approved by the Superintendent of Buildings at the time of issuance of a building permit for the development.

11.952 The required low and moderate income units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.90 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where a multifamily dwelling is to be devoted exclusively to elderly residents the above restrictions in this Section 11.952 as to unit size and type of family shall not apply.

11.953 The required units shall be dispersed throughout the development and not concentrated in any one location.

11.954 For the purposes of this section, low and moderate income households shall be as defined by guidelines established from time to time by the Federal Department of Housing and Urban Development or any successor agency, or as defined in any program used under Section 11.951(a) above. All households occupying the low and moderate income units shall be certified as eligible by the Cambridge Housing Authority where the units are to be rented, by the Community Development Department, or any duly organized non-profit housing assistance corporation designated by it, where the units are to be sold; or as required by any subsidy program employed. Units shall be offered so that eligible households shall pay no more than thirty (30) percent of their eligible maximum household income for the units provided (monthly rent or mortgage and taxes for purchased units).

11.955 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units intended for low and moderate income households, or equivalent units located in or out of the development, will be permanently available for low and moderate income households.

Where the units are proposed to be sold to eligible low or moderate income households such assurance shall be made through any one or more of the following mechanisms:

(a) a right to repurchase each such unit for its original cost plus reasonable adjustments for inflation and owner improvements, by the City or any non-profit housing assistance corporation designated by it,

(b) a right to participate in the net cash profits realized from sale of the unit to a successor family not qualifying as a low or moderate income family, by the city or any non-profit housing assistance corporation designated by it where the right in Section 11.955(a) above have not been exercised. The city or its designated agent shall receive one half of all profits realized up to a maximum amount equal to the in-lieu payment detailed in Section 11.951(d), (as adjusted annually under Subsection 11.951(d)).

(c) sale to a qualifying low or moderate income family,

(d) co-tenancy agreements,

(e) limited equity cooperatives,

(f) any other similar mechanism.

Except as to any such conditions the issuance of a building permit shall be conclusive determination of the compliance with the provisions of Sections 11.93, 11.94, 11.951, 11.952, and 11.953.

No requirement in this Section 11.955 shall apply where it is in conflict with any rule, requirement or provision of a subsidy program employed under Section 11.951 provided the intent of this Section 11.955 is met.

11.956 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development, unless otherwise approved by the Superintendent of Buildings.

11.975 Timing

The units required under this Section 11.90, or the equivalent in lieu payments, shall be provided simultaneously with the construction of the affected development, or as otherwise may be provided by a detailed schedule of payment or

construction approved by the Superintendent of Buildings at the time of issuance of the required building permits for the development.

11.96 Property Subject to this Section

The provisions of this Section 11.90 shall apply to all affected development constructed on a lot subsequent to the effective date of this Section 11.90. For the purpose of this Section 11.90 a lot shall be a lot or series of adjacent lots in the same ownership at the time of the effective date of this Section 11.90 regardless of any subsequent change in ownership or subdivision of such lots. The provisions of Section 11.93 and 11.94 shall be applied to the cumulative number of units constructed after the effective date of Section 11.90 as determined by this Section 11.96.

11.97 Compliance

All deeds, agreements, site plans, and other documents necessary to comply with the provisions of this Section 11.90 shall be submitted to the Community Development Department for review prior to a formal application for a building permit. Within sixty-five (65) days of such submittal the Department shall make a report to the Superintendent of Buildings as to whether all requirements of this Section 11.90 have been met. Each application for a building permit for any development subject to this Section 11.90 shall be accompanied by such written report from the Community Development Department.

Where any development requires a Special Permit from the Planning Board, that Board shall enforce the provisions of this Section 11.90 as a condition of the Special Permit.

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

March 14, 1983

To the Honorable, the City Council:

I transmit herewith report from the Cambridge Planning Board, in response to Amended Order No. 3 dated February 14, 1983, relative to the low and moderate income household inclusionary housing overlay district zoning ordinance.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

5.

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

April 4, 1983

To the Honorable, the City Council:

I transmit herewith communication from Kathy Spiegelman, Assistant City Manager for Community Development, relative to an amendment to the Inclusionary Housing Petition.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

Agenda Item Number Six

Re: an amendment to the Inclusionary Housing Petition as prepared by the Community Development Dept.

4/4/83

Referred to the Planning Board to be considered with the Amendment as submitted by Ald. Collinson 3/28/83

In City Council,

April 4, 1983

Copy sent to the Planning Board 4/5/83

Cambridge Redevelopment Authority

336 Main Street
Cambridge, Massachusetts 02142
617 492 6800

RECEIVED BY
OFFICE OF CITY CLERK
MAY 5 4 35 PM '83
CAMBRIDGE, MASS.

May 5, 1983

Charles C. Nowiszewski
Chairman

Thomas J. Murphy
Vice Chairman

Frank S. Maragioglio
Treasurer

Gustave M. Solomons
Assistant Treasurer

Jacqueline S. Sullivan
Member

Joseph F. Tulimieri
Executive Director
and Secretary

Councillor Walter J. Sullivan
Chairman
Committee on Ordinances
City Hall
Cambridge, MA. 02139

Re: Proposed Inclusionary Housing Zoning Ordinance

Dear Councillor Sullivan:

Public notice has been given of your Committee's intention to hold a public hearing on Tuesday, May 17, 1983, with respect to the above-cited proposal to amend the Zoning Ordinances and to amend the Zoning Map to create an overlay district.

The Authority has reviewed this matter and requested that the enclosed materials be transmitted to you for consideration by the Committee. As indicated in those materials, the Authority respectfully requests that the Kendall Square and Wellington-Harrington urban renewal areas, and any other future development areas which may require land use plans approved by the City Council, Planning Board and the Authority, be specifically excluded from this proposed change.

Regarding the Kendall Square area, as you will note in the enclosed letters from Boston Properties, the Authority has long-standing agreements that obligate the developer to proceed with new building construction totalling in excess of 2,000,000 square feet. Further municipal obligations, at this time, could prove to be a detriment to both the pace of present activities and to full development.

Your acceptance of this letter as a part of the public record and the exclusion of urban renewal areas from the overlay zoning district is respectfully requested.

Sincerely yours,

Joseph F. Tulimieri
Executive Director

cc: Robert W. Healy(e)
Paul E. Healy(e)
Kathy A. Spiegelman(e)

JFT:eal

Enclosure

2

MORTIMER B. ZUCKERMAN
CHAIRMAN

April 4, 1983

Mr. Arthur C. Parris, Chairman
Planning Board
City of Cambridge
City Hall Annex
57 Inman Street
Cambridge, MA 02139

Re: Inclusionary Housing Zoning Ordinance

Dear Mr. Parris:

It is my understanding that you have again been asked to review and report on a proposed addition to the Cambridge Zoning Ordinance related to setting requirements for the construction of housing units, or in lieu thereof contributions to a fund for such a purpose, as an additional condition of meeting applicable zoning requirements for commercial development in the City of Cambridge.

As the developers of Cambridge Center, we have been proceeding under long-standing written and binding agreements with the Cambridge Redevelopment Authority that obligate us, among other things, to go forward with development on a previously agreed to schedule for development totalling in excess of 2,000,000 square feet, whether or not we have any tenant commitments for this space. Failure to meet our scheduled construction start dates under our agreements is a cause for loss of both substantial financial deposits (currently totaling $300,000) and, even more seriously, loss of all of our rights to further development under these agreements.

Let me also note that we have thus far gone forward pursuant to these agreements with construction of new office and research and development space in excess of 650,000 square feet, and are currently negotiating with additional prospective users for possible construction starts in late spring or early summer.

Under these circumstances, and for the reasons as more fully reviewed in my previous letters to you of May 11, 1982, and June 18, 1982, (copies attached), sent when the Planning Board was considering this question last spring, we believe it is important that it be made clear, as soon as possible, that the MXD District currently provided for in Article 14 of the Cambridge Zoning Ordinance should and will be excluded from the effect of any change or addition to the Cambridge Zoning Ordinance of the type presently under consideration by the Planning Board.

My associates and I are available at your convenience to answer any questions you may have about this matter, and would welcome the opportunity to address this further with you on a timely basis.

Sincerely,

Mortimer B. Zuckerman
Chairman

MBZ/mag

Enclosure

cc: Mr. Robert Healy
Mr. Joseph F. Tulimieri
Mr. David Barrett

MORTIMER B. ZUCKERMAN
CHAIRMAN

May 11, 1982

Mr. Arthur C. Parris, Chairman
Planning Board
c/o Elizabeth McCarthy
Cambridge Community Development
57 Inman Street
Cambridge, MA 02139

Dear Mr. Parris:

I am writing to you regarding the proposed amendment to the zoning ordinance that is under discussion at the Planning Board, sometimes referred to as an ordinance that would provide for "inclusionary zoning," the substance of which would require developers to either provide housing for moderate and low income persons (in the case of residential development) or, in the case of commercial development, to make cash contributions to a fund to be used for that purpose.

As you may know, Boston Properties, through its affiliate, Cambridge Center Associates, entered into a development agreement in June of 1978 with the Cambridge Redevelopment Authority for the phased development of Parcels 3 and 4 of the Kendall Square Urban Renewal area. More recently, we have entered into an additional agreement under which we will be developing also in phases, Parcel 2 of the Kendall Square Urban Renewal area. Taken together, we are therefore, under these agreements, committed to the development of all of the area available for private development within the MXD District as defined in the existing Cambridge zoning ordinance.

As you may also know, these agreements commit us to the continued development of buildings within these parcels, on a schedule as set forth in those agreements, and our commitment is supported by substantial financial deposits we have made with the Redevelopment Authority which are subject to forfeiture if we do not fulfill our obligations to go forward with the development. These agreements have also already been certified

to the building department of the City of Cambridge as agreements binding upon us for the development of the specified amount of building floor area, all as more particularly set forth in the agreement.

Further, in furtherance of these agreements, we have already completed the first 250,000 square foot building in Parcels 3 and 4; have an additional building in excess of 225,000 square feet under construction, as well as the first 900 car parking garage, all within that area; and have begun the construction of the first building of approximately 65,000 square feet within Parcel 2.

In light of these facts, and our substantial commitments to the City of Cambridge and related financial deposits, it is essential that we make certain that any "inclusionary zoning" provision of the type contemplated by the Planning Board recognizes the pre-existing nature of our commitments by specifically excluding the MXD District from the operation of any such ordinance. This is a matter of obviously great concern to us, and also to the construction and permanent mortgage lenders currently considering financial commitments to us that are essential to the continued progress of the Cambridge Center development.

Under these circumstances, I would very much appreciate a reply from the Planning Board confirming that, in fact, the MXD District will be excluded from the operation of any proposed zoning change of the type under discussion. We have discussed this matter with the City Manager, and I believe he fully supports our position of this matter and I expect you will be receiving similar requests directly from the Cambridge Redevelopment Authority regarding the exclusion of the MXD District from such an ordinance.

We are available at your convenience to provide you with any additional information you may require regarding this matter, and I look forward to hearing from you on this in the near future.

Sincerely,

Mortimer B. Zuckerman

MBZ/11
cc: Mr. Robert Healy
Mr. Joseph F. Tulimieri
Mr. David Barrett✓

MORTIMER B. ZUCKERMAN
CHAIRMAN

June 18, 1982

Mr. Arthur C. Parris, Chairman
Planning Board
City of Cambridge
City Hall Annex
57 Inman Street
Cambridge, MA 02139

RE: Inclusionary Zoning Proposal

Dear Mr. Parris:

We understand that the Planning Board held a hearing on Tuesday, June 15, 1982, to discuss the proposed inclusionary housing zoning ordinance. Although we were unable to attend this hearing, I would like to express our views on the proposed ordinance and to make specific suggestions that might help make such an ordinance workable for the City.

As described to you in my letter of May 11, 1982, (copy attached), our own concern relates to the quite specific issue of what we believe to be the necessity for explicitly recognizing in any such ordinance, the special nature of the MXD District and the inapplicability of any such ordinance to that district. There are two basic reasons we believe such recognition is necessary and appropriate.

First, a special planning context has been created for this district, and we have already completed construction of one major building and have three more under construction in accordance with approved master plans for this area.

Second, we have made substantial financial commitments to this development, both in terms of the buildings completed and under construction and as evidenced in executed agreements between ourselves and the Cambridge Redevelopment Authority that

pre-date any inclusionary zoning ordinance that might be enacted. These agreements, as you may know, encompass all of the areas to be developed by private developers within the MXD District, and obligate us to go forward on a committed schedule with this development.

We are dealing with both prospective tenants and prospective construction and permanent mortgage lenders and their attorneys in regard to present and future stages of this project, and they have expressed concern about the potential enactment of an ordinance of the type proposed that might, either explicitly or by implication from silence on the issue, appear to be applicable to the MXD District (whether or not any such applicability would be effective under law under the facts of the matter).

I am, therefore, again requesting by this letter a written response from the Planning Board confirming its recognition of the inapplicability of any such ordinance to the MXD District. This would remove any possible cloud that might otherwise interfere with, delay, or prevent the timely development of our Cambridge Center project, comprising the entire MXD District, and we do not believe it to be in the City's interest that this uncertainty remains any longer.

Sincerely yours,

Mortimer B. Zuckerman

MBZ/ll
Enclosure

cc: Mr. Robert Healy
Mr. Joseph Tulimieri
Mr. David Barrett

Cambridge Redevelopment Authority

336 Main Street
Cambridge, Massachusetts 02142
617 492 6800

rles C. Nowiszewski
irman

mas J. Murphy
e Chairman

nk S. Maragioglio
asurer

teve M. Solomons
istant Treasurer

queline S. Sullivan
mber

eph F. Tulimieri
cutive Director
Secretary

April 27, 1983

Mr. Arthur C. Parris
Chairman
Cambridge Planning Board
57 Inman Street
Cambridge, MA. 02139

Re: Proposed Inclusionary Housing Zoning Ordinance
Kendall Square Urban Renewal Area
Wellington-Harrington Urban Renewal Area
Project Nos. Mass. R-107 and R-108

Dear Mr. Parris:

We have been advised that above-cited proposed zoning amendment has been referred to you again by the City Council for a hearing and report. We have been further advised that the Department, in an effort to provide some relief for development activities undertaken prior to the time that a zoning ordinance is adopted, has suggested language that the action not be effective until ordination by the City Council.

With respect to the proposed zoning amendment, the Authority requested by letter, dated June 15, 1982, (copy attached), that your Board consider specific exclusion of urban renewal areas.

Regarding the Department's effort to provide relief, the Authority has been advised by its Counsel, Foley, Hoag & Eliot, that this effort may be inconsistent with existing statutory requirements (i.e. Chapter 40A of Massachusetts General Laws). A copy of that opinion is enclosed.

It is respectfully requested that the Kendall Square and Wellington-Harrington urban renewal areas and any other future development areas which may require land use plans approved by the City Council, Planning Board and the Authority be specifically excluded from the provisions of this proposed ordinance.

Sincerely yours,

Joseph F. Tulimieri
Executive Director

JFT:eal

Attachments

cc: Robert W. Healy(a)
Kathy A. Spiegelman(a)
Russell B. Higley, Esquire(a)
Joseph J. Cellucci(a)

Cambridge Redevelopment Authority

335 Main Street
Cambridge, Massachusetts 02142
617 492 6800

June 15, 1982

Mr. Arthur C. Parris
Chairman
Cambridge Planning Board
57 Inman Street
Cambridge, Massachusetts 02139

Re: Proposed Inclusionary Housing Zoning Ordinance
Kendall Square Urban Renewal Area
Wellington-Harrington Urban Renewal Area
Project Nos. Mass. R-107 and R-108

Dear Mr. Parris:

The Authority has reviewed the proposed zoning amendment as well as the May 11, 1982 letter to you from Mortimer B. Zuckerman, chairman of Boston Properties, and agrees that Cambridge Center should be excluded from any provisions of an inclusionary housing zoning ordinance.

It is the Authority's belief that the proposed amendment should not be applicable to development within any approved urban renewal area. In such an area, the City, through its Redevelopment Authority, Planning Board and City Council, already has defined the restrictions and conditions on development beyond conventional zoning -- both residential and non-residential -- and it would appear counter-productive now to impose an additional set of controls in order to redirect established land use policy.

In the particular case of Cambridge Center, as you know, the City approved a special MXD District prior to the Authority entering into its development agreement with Boston Properties in June, 1979. If new restrictions were to be made applicable to Cambridge Center at this time, the developer would be within his rights to demand renegotiation of the agreement with respect to any improvements. Such an occurrence could bring interminable delays in the development process and prove extremely costly to a project that is well underway.

Accordingly, it is requested that the Kendall Square and Wellington-Harrington Urban Renewal Areas and any other future development areas which may require land use plans

approved by the City Council, Planning Board and the Authority, be specifically excluded from the provisions of this proposed ordinance.

Sincerely yours,

Joseph F. Tulimieri
Executive Director

JFT:eal

cc: Robert W. Healy

FOLEY, HOAG & ELIOT

(A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS)

ONE POST OFFICE SQUARE

BOSTON, MASSACHUSETTS 02109

TELEPHONE: (617) 482-1390

CABLE ADDRESS "FOLEYHOAG"

TELECOPIER (617) 482-7347

TELEX 940693

1920 N STREET N.W.

WASHINGTON, D.C. 20036

TELEPHONE (202) 785-8800

HENRY E. FOLEY 1902-1979

LEWIS H. WEINSTEIN
HERBERT L. BERMAN, P.C.
HANS F. LOEBER, P.C.
JEROME PRESTON, JR.
H. KENNETH FISH, P.C.
LAURENCE S. FORDHAM, P.C.
LOYD H. STARRETT, P.C.
DAVID L. WELTMAN, P.C.
VERNE W. VANCE, JR.
NORMAN H. WOLFE
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DAVID B. ELLIS, P.C.
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RICHARD A. FISHER
KENNETH T. LOPATKA
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PETER M. ROSENBLUM
BANCROFT LITTLEFIELD, JR.
SANDRA L. LYNCH
JOSEPH W. ANBASH
IAN M. STARR
PAUL D. MOORE

OF COUNSEL
GARRETT S. HOAG
FERNAND A. BOUDREAU

JEFFREY B. ABRAMSON
JEFFREY N. BARR
RICHARD D'A. BELIN
THOMAS P. BILLINGS
STEPHEN P. BURGAT
LAURIE BURT
STEFANIE D. CANTOR
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MICHAEL A. COLLOTTA
ELISE R. EPNER
CYNTHIA R. FARINA
KEVIN J. FITZGERALD
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ROBERT D. GOLDSTEIN
SEAN M. GORMAN
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STEVEN W. PHILLIPS
DAVID R. PIERSON
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ROBERT S. SANOFF
DINAH A. SCIVER
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JAMES A. SMITH
MARTHA B. SOSMAN
ROBERT W. SWEET, JR.
MARC R. TENIN
CHARLES C. WEINSTEIN
BRANDON F. WHITE
TONI G. WOLFMAN

COUNSEL
ORRIN P. ROSENBERG

April 8, 1983

Mr. Robert S. Remer
Cambridge Redevelopment Authority
336 Main Street
Cambridge, Massachusetts 02142

Re: Inclusionary Housing Petition Amendment

Dear Bob:

I have reviewed the memorandum, dated April 1, 1983, from Kathy Spiegelman and the proposed amendment to the Inclusionary Housing Petition.

You will recall that a year ago I reviewed the proposed Zoning Ordinance amendment petition and recommended that it be made not applicable to development within an approved urban renewal project area. The reason for the recommendation is that in such an area, city agencies have already defined appropriate restrictions on future development and it would appear to be counterproductive to impose an additional set of burdens thereafter. Joe Tulimieri's letter to the Planning Board, dated June 15, 1982, made this clear and also pointed out the special adverse effect on the Cambridge Center MXD District which was already under development agreements. I believe that these points continue to be valid and suggest that the Authority continue to take the same position before the Planning Board and the City Council with respect to the proposed Zoning Ordinance amendment.

As to the presently proposed amendment to the petition, it appears to be an effort to provide some relief for development actions undertaken prior to the time the Zoning

Ordinance amendment is actually adopted. I believe that this effort may be inconsistent with existing statutory requirements applicable to so-called non-conforming uses.

The proposed amendment recites that the provisions of the petition (i.e., the proposed Zoning Ordinance amendment) shall be in effect only upon ordination by the City Council, and that any permit issued prior to such ordination shall conform to existing, applicable zoning regulations only. Section 6 of Massachusetts General Laws, Chapter 40A, deals with the matter of prior non-conforming uses. On the one hand, it recites, among other things, that a zoning ordinance shall not apply to structures lawfully begun, or to a building permit issued, before the first publication of notice of the required public hearing on such ordinance. On the other hand, it also recites that a zoning ordinance shall apply to a building permit issued after the first notice of such public hearing. Arguably, the amendment to the Zoning Ordinance amendment petition in its present form is inconsistent with this statutory provision.

Section 6 further states that a zoning ordinance shall provide that construction under a building permit shall conform to any subsequent amendment of the ordinance unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. Again it is arguable that the proposed amendment to the petition for the Zoning Ordinance amendment, reciting that permits "shall conform to existing, applicable zoning regulations only", is inconsistent with this statutory requirement.

Apart from these arguments as to possible inconsistency between the present proposal and the statutory requirements of Chapter 40A, it seems to me that the Authority should restate its position as outlined above in favor of making the Zoning Ordinance amendment, if adopted, inapplicable to approved urban renewal areas.

Sincerely,

Herbert L. Berman, P.C.

HLB/maa
cc: Joseph F. Tulimieri

HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND COMMUNITY AFFAIRS

2 GARDEN STREET
CAMBRIDGE, MASSACHUSETTS 02138
617-495-4955

RECEIVED BY
OFFICE OF CITY CLERK
MAY 20 2 22 PM '83
CAMBRIDGE, MASS.

May 20, 1983

Mr. Paul E. Healy
City Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Healy:

I enclose a copy of our letter to the Planning Board regarding the proposed "Inclusionary Zoning" amendment to the Zoning Ordinance.

We wish to be recorded in opposition to the proposal; the details are set forth more fully in the enclosed letter.

Very truly yours,

Lewis A. Armistead

enclosure:

HARVARD UNIVERSITY

OFFICE OF GOVERNMENT AND
COMMUNITY AFFAIRS

2 GARDEN STREET
CAMBRIDGE, MASSACHUSETTS 02138
617-495-4955

May 19, 1983

Planning Board
City of Cambridge
City Hall Annex
57 Inman Street
Cambridge, MA 02139

Re: Inclusionary Zoning

Dear Members:

I wish to record Harvard's opposition to the "Inclusionary Zoning" amendment to the Zoning Ordinance.

This amendment, as proposed, would present significant practical and financial difficulties for the University, particularly since it would apply to all educational uses, including dormitories. It would seem to constitute an impermissible zoning restriction upon the use of our property for educational purposes. Our counsel advises us that the proposal does not fall within the special powers to regulate such uses afforded to Cambridge by Chapter 565 of the Acts of 1979.

It is also their view that it constitutes an impermissible tax upon the University.

For these reasons, among others, we wish to be recorded in opposition.

Very truly yours,

Lewis A. Armistead

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CAMBRIDGE, MASS.

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OFFICE OF CITY CLERK
MAY 17 4 26 PM '83
CAMBRIDGE, MASS.

4

Acorn Park
Cambridge, Massachusetts 02140
617 864-5770 Telex 921436

Arthur D. Little, Inc.

John F. Magee
President
and Chief Executive Officer

May 13, 1983

Councillor Walter J. Sullivan
Chairman
Committee on Ordinances
Cambridge City Hall
Massachusetts Avenue
Cambridge, Massachusetts 02139

Dear Mr. Sullivan:

I am writing to express my vigorous opposition to the proposed amendment to Chapter 40A, Section 5, of the General Laws being referred to as Low and Moderate Income Household Inclusionary Overlay District.

This is another form of taxation assessed directly against those who plan to make significant investments in the City of Cambridge, and another way to create additional revenue through taxation. The city should try to attract or encourage those who might invest in the city's tax base with additional job opportunities that development or enlargement will create.

Housing in the low and moderate income range is, of course, a problem in the city, but it does not seem to me wise or prudent to attack the problem by measures which would dissuade existing or future investors from expanding or initiating investment and related employment in Cambridge.

Sincerely,

John Magee

/af

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

March 14, 1983

To the Honorable, the City Council:

I transmit herewith report from the Cambridge Planning Board, in response to Amended Order No. 3 dated February 14, 1983, relative to the low and moderate income household inclusionary housing overlay district zoning ordinance.

Very truly yours,

Robert W. Healy
City Manager

RWH/b

5

Martin Annis
President

American Science and Engineering, Inc.
Fort Washington
Cambridge, Massachusetts 02139
617 868-1600

May 16, 1983

Mr. Walter Sullivan, Chairman
Ordinance Committee
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Walter,

I am writing to you as President of American Science & Engineering, Inc. to express my concern with the proposed Inclusionary Housing Zoning Amendment. I feel that this amendment selectively and unfairly taxes a company which is already spending its own money to do something for the community. Such an amendment would affect in a negative way AS&E's planned expansion and development in Cambridge.

I am strongly opposed to such an amendment and wish to register with you and the Ordinance Committee my concerns and objections to this amendment.

Warmest regards,

Martin

cc: Arthur Parris, Chairman
Planning Board

/ljv

May 19, 1983 at Hearing

6

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MAY 17 10 29 AM '83
CAMBRIDGE, MASS.

Myerson KENSON Myerson Tooth Corporation, 66-90 Hamilton St., Cambridge, MA 02139 617-876-6501

May 13, 1983

Walter J. Sullivan, Chairman
Commission on Ordinances
City of Cambridge
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Mass. 02139

Dear Mr. Sullivan,

I am totally opposed to the Inclusionary Zoning Petition being presented next Tuesday. I am sorry that I cannot attend to voice my opposition.

Please contact me if you need further clarification or assistance in fighting this petition.

Sincerely,

MYERSON TOOTH CORPORATION

Eugene H. Clapp
Director of Operations

EHC/llb

Recd 4:31 pm 5/16/83

Putnam FURNITURE LEASING COMPANY, INC.

"WE RENT FINE FURNITURE"

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CITY CLERK'S OFFICE
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?

EXECUTIVE OFFICES

614 Massachusetts Avenue
Cambridge, Massachusetts 02139
617-354-3358

SHOWROOMS

614 Massachusetts Avenue
Cambridge, Massachusetts 02139
617-354-3358

11 Acton Road
Chelmsford, Massachusetts 01824
617-256-9251

1280 Oaklawn Avenue
Cranston, Rhode Island 02920
1-401-463-6360

447 Wethersfield Avenue
Hartford, Connecticut 06114
1-203-249-4015

23 Daniel Street
Milford, Connecticut 06460
1-203-877-2791

May 13, 1983

Cambridge City Council
City Hall
Mass Avenue
Cambridge, MA 02139

RE: Inclusionary Housing Zoning Amendment

HONORABLE MEMBERS OF THE CITY COUNCIL:

I would appreciate your recording my strong opposition to the above-noted zoning amendment.

I am very definitely interested in the well-being of the entire City of Cambridge. Whether anyone has money or not, personally, the concept of making it difficult for building developers to construct either housing or commercial property within the City of Cambridge on a profitable basis is the height of folly. It would "kill the goose that lays the golden eggs". The city needs tax money to pay its obligations, and, in addition, for whatever social purposes that fall within its province. These funds come from tax payers. The idea of "soak the rich and give to the poor" is as fallacious and obsolete as the dodo bird. If the city needs money, especially in these days, when I hear so many city officials talking about the adverse impact of "2½" there must be some consistency between properly raising money and spending it. To drive developers out of this city, or to divert their funds to cities which do not penalize (but actually welcome) increases in the tax base) is something that must be very seriously considered.

I hope that all the members of the Honorable City Council do not subscribe to the fallacious philosophy that all taxpayers have no alternative but "to pay". Those developers who would like to be tax payers within the City of Cambridge do have a choice -- they can go elsewhere, where they are welcome, without being penalized for having the nerve to spend their money.

I also believe that it is absolutely wrong to create the impression that it is immoral or improper to try to make a legitimate profit. The City of Cambridge has been blessed with a number of developers over the past few years who have spent their money, taken their risks, to invest in what they hope is a forward-looking city. A dying city, or one throttled by ultra-restrictive measures would certainly not continue the fortunate heavy increase in the tax income to the city that should help all of us out in the immediate and near future in the form of increased income to the city.

Based upon the above, and being very realistic, I trust that very serious consideration be given to rejecting a proposed ordinance that has absolutely no merit, but serious and adverse implications for the future of this city as very few other matters have had.

Sincerely,

Earl F. Barron

MEMBER
FURNITURE
RENTAL
ASSOCIATION
OF AMERICA

Graham Gund Associates, Inc.

Architects and urban planners
12 Arrow Street Cambridge Massachusetts 02138
Telephone 617 661-0910

17 May 1983

Cambridge City Council
City Hall
Cambridge, MA 02139

RE: Housing Overlay District

Mr. Mayor and Members of the City Council:

We are the architect and developer of the forthcoming renovation of the Bulfinch Courthouse Complex in East Cambridge into offices, shops, and the new home of the Cambridge Multi-Cultural Arts Center. We will start construction in the next two weeks and complete the facility in the summer of 1984.

From our point of view, compliance with the proposed ordinance would be extremely onerous. We have chosen to support the public sector interests in the project via the arts, and our subsidy of CMAC is substantial. It would be simply infeasible to go further and attempt to provide housing as well.

While we recognize that there is a desire for more moderately priced housing for residents of the city, it is not clear that an ordinance which imposes categorical requirements on all commercial developments could ever be fair.

Substantial community involvement is also a significant factor in many other Cambridge projects, producing great public benefits. In the case of Bulfinch Square and numerous other meritorious projects, there is no further economic benefit to go around.

Sincerely,

GRAHAM GUND ASSOCIATES, INC., Architect
BULFINCH SQUARE LIMITED PARTNERSHIP, Developer

Peter E. Madsen, AIA
Vice President

MILES J. CARES
40 PEARL STREET
CAMBRIDGE, MASS

9

ALFRED E. VELLUCCI, MAYOR
CITY HALL
CAMBRIDGE, MASS.

DEAR MAYOR VELLUCCI:

A CONFLICT IN SCHEDULES PREVENTS MY APPEARING BEFORE THE SPECIAL ORDINANCE COMMITTEE MEETING THIS EVENING. I AM INCLOSING A COPY OF REMARKS WHICH I HOPE TO MAKE BEFORE THE PLANNING BOARD LATER IN THE EVENING. I HOPE THAT YOU WILL ACCEPT THESE REMARKS AS TESTIMONY BEFORE THE COMMITTEE AND WILL CONSIDER THEM BEFORE TAKING ACTION ON THE INCLUSIONARY ZONING PROPOSAL.

I REGRET NOT BEING ABLE TO APPEAR IN PERSON AND APPRECIATE THE OPPORTUNITY TO COMMUNICATE WITH YOU IN THIS MATTER.

I REMAIN, SINCERELY

Miles J Cares

MILES J. CARES

MILES J. CARES
40 PEARL STREET
CAMBRIDGE, MASS

PLANNING BOARD

CITY OF CAMBRIDGE

CAMBRIDGE, MASS

DEAR MEMBERS OF THE PLANNING BOARD:

MY NAME IS MILES J. CARES. I LIVE AT 40 PEARL STREET AND AM A REGISTERED VOTER IN CAMBRIDGE. I AM ALSO PART OWNER OF A RESTAURANT LOCATED A 10 BROOKLINE STREET, ALSO IN CAMBRIDGE.

I MUST OPPOSE THE SO-CALLED "INCLUSIONARY ZONING" PROPOSAL AS IT IS PRESENTLY FORMULATED. ALTHOUGH I AM NOT NECESSARILY OPPOSED TO THE CONCEPT I MUST OBJECT TO THE FORM. I CITE THE FOLLOWING:

I. THE PROPOSAL IS ANOTHER MEASURE BEING PERSUED IN ISOLATION. IT DOES NOT IDENTIFY NOR CONTRIBUTE TO AN OVERALL HOUSING PLAN FOR THE CITY.

II. IT USES A CONCEPT OF NEGATIVE RATHER THAN POSITIVE RE-ENFORCEMENT. BY ITS NATURE THE CONCEPT IS PUNITIVE.ULTIMATELY THE CONSUMER PAYS THE BILL. AN INCENTIVE PROGRAM AS OUTLINED IN A FURTHER SECTION MAY PRODUCE A MORE PRACTICAL SOLUTION.

III. THE PROPOSAL FORCES THE PRIVATE SECTOR TO DO WHAT THE PUBLIC IS UNWILLING TO DO---PROVIDE LOW AND MODERATE INCOME HOUSING.

IV.. IT VERTUALLY FORCES SMALL PROPERTY OWNERS AND INDEPENDENT DEVELOPERS OUT OF CAMBRIDGE.THE CONSTRUCTION COSTS OR THE NON-CONFORMING HOUSING TAX (PENALTY) MAKES IT ALMOST IMPOSSIBLE FOR THE SMALL ENTREPENEUR TO REALIZE AN ADEQUATE RETURN ON THE INVESTMENT. THIS WILL MAKE FINANCING FOR INDEPENDENTS DIFFICULT AT BEST AND MORE THAN LIKELY IMPOSSIBLE. THEY WILL BE FORCED TO SELL OUT TO LARGE LAND DEVELOPERS WHICH MAY BE TO THE DETREMENT OF THE NEIGHBORHOODS.

V... THE PROPOSAL WILL NOT SOLVE THE VERY PROBLEM WHICH SOME FEEL SHOULD BE ADDRESSED-- DIVERSIFICATION OF LOW AND MODERATE INCOME HOUSING THROUGHOUT THE CITY. THE NEIGHBORHOODS WHICH HAVE HISTORICALLY AVOIDED PUBLIC HOUSING WILL CONTINUE TO DO SO BY THE SAME SELF-IMPOSSED ZONING RESTRICTIONS WHICH THESE NEIGHBORHOODS HAVE PRCTICED FOR YEARS. IF WE ARE TRUELY SEEKING DIVERSIFICATION AN OVERALL COMPREHENSIVE HOUSING PLAN IS ESSENTIAL.

AT THIS POINT I WILL RE-ITERATE... I AM NOT OPPOSED TO THE FUNDAMENTAL OBJECTIVE OF PROVIDING HOUSING FOR LOW AND MODERATE INCOME RESIDENTS OF CAMBRIDGE. IT MUST BE THE RESPONSIBLITY OF ALL THE RESIDENTS AND ALL THE BUSINESSES, NOT JUST A SELECT FEW... TO ACCOMPLISH THIS WE NEED MORE THAN TOKENISM, MORE THAN POLITICAL EXPEDIENCY, AND MORE THAT SCATTER-GUN APPROACHES.FIRST AND FOREMOST WE MUST DEFINE THE NEED. THIS REQUIRES MORE THAN SIMPLY RECOGNIZING THAT THAT AFFORDABLE HOUSING IN CAMBRIDGE IS INADEQUATE. WE ALL KNOW THAT.WHAT WE NEED TO KNOW IS HOW MANY UNITS ARE REQUIRED,HOW MANY WE CAN PROVIDE AND HOW MANY WE CAN SUPPORT. THE CITY OF CAMBRIDGE CANNOT SOLVE THE HOUSING PROBLEMS OF GREATER BOSTON,MASSACHUSETTS, THE NORTHEAST,THE UNITED STATES OR THE WORLD.WE CAN NOT WALL IN OUR CITY AND POST GUARDS AT THE BORDERS. WE CAN NEVER SOLVE THE PROBLEM BY OURSELVES BUT WE CANNOT IN GOOD CONSCIENCE IGNORE IT. IT THEREFORE BEHOOVES US TO DEFINE OUR GOALS,RECOGNIZE OUR LIMITS AND WORK TOWARD THEM REALISTICALLY. IN SHORT WE NEED A COMPREHENSIVE HOUSING PLAN.

TOWARD THAT END PERHAPS THE TIME HAS COME TO INSTITUTE A MAYORS COMMISSION ON HOUSING COMPRISED OF LOW AND MODERATE INCOME RESIDENTS,HOME AND CONDOMINIUM OWNERS,TENENTS,LANDLORDS,BUSINESS AND COMUNITY LEADERS,AND ELECTED OR APPOINTED MEMBERS OF CITY GOVERNMENT TO SHARE IDEAS AND TO DETERMINE IF THERE ARE SUFFICIENT AREAS OF AGREEMENT AMOUNG SUCH A DIVERSIFIED GROUP TO FORM THE BASE FOR A HOUSING PROGRAM. I SHOULD LIKE TO BELIEVE THAT REASONABLE AND RATIONAL PEOPLE CAN WORK TOGETHER FOR THE GENERAL GOOD.

Opposed

10

Jim Rappoli — Darvel Realty Trust
Com/Energy Cambridge Realty
Com/Energy Research Park Realty

11

Joseph A. Martignetti (OPPOSED) — Cafe Cambridge, Inc.
Martignetti Brothers Realty Trust.

12

James M. Caughlin — Commonwealth Gas Co.
303 Third St Cambridge.

13

Paul Olsen - Cabot, Cabot & Forbes Co.

OPPOSED

Ed Murphy Sears Roebuck & Co 14

John Penney J.H.A. Penney Co 270 Sidney St 15

Peter J. Sonnabend Atty representing Sonesta Hotels

Helen F. Moulton Ellis & Andrews Inc. Representing Cambridge Realtors 16

Michael G. McCarthy Arthur D. Little Inc. Acorn Park Cambridge 18

Gerald L. Hathorne { Manager, Corporate Real Estate 575 Technology Square 19
Polaroid Corporation Cambridge, MA 02139

Sandra Lagrega W. T. Phelan & Co Inc. 11 Dunster St. Camb.

Page One

The Committee met at 6 50 pm

C. W. J. Sullivan presided and called for the proponents to appear and be heard

Kathy Seligman of Community Development outlined the proposed amendment in great detail and stated that the proposal would allow a blending of residential with working areas and provide low and moderate housing in concert with business development. The proposal would have city-wide development that the Planning recommended adoption in restricted areas

She further stated that Riverfront and the Alewife Area would present problems since the development of these areas has already begun and would be equivalent to changing horses in mid stream that the impact could begin before a decision was made to develop in Cambridge for those developers who were considering such a move

Recorded in favor a spokesman from the Rent Control Coalition who stressed the need for more housing and stated that the

Page 3

The proposal of the Planning Board was not strong enough George St George of 348 Windsor Street recorded himself in favor and ~~stated that~~ referred to a recent CHA announcement and the response by hundreds of applicants demonstrated the need.

The Committee heard from Don Wuenchne of the CHA who recorded his support and ~~indicated that~~ referred to their recent endeavors regarding 11 Everett St and 55 Magazine St and their future plans regarding housing at 2050 Mass Avenue

Page 4

He stated that he had seen applicants for housing on a waiting list that recent applications for Section 8 Housing nearly caused a riot because of the large number of applicants

The Committee heard from Daniel Mahoney of 4 Coggswell Avenue who recorded himself in favor and stated that the proposal would not discourage developers

A representative from the Cambridge Civic Assn recorded that organization in favor and stated that a good program with bonus incentives would

Page 6

would encourage developers that lots
under 1200 sq. ft should be exempt
Mr Segal of 24 Highland Records
herself in favor as did George Saba
of 329 Broadway

The Chair declared the hearing for
the proponent closed at 7:35 pm
and requested the opposition
to appear

In response to the call of the Chair
Atty Daniel Crane of 8 Poplar Road
registered his opposition and stated
that a developer would go elsewhere
if he has the opportunity and
that future development ~~would~~ should
would be discouraged in Cambr

Page 7

He stated that Rent Control was the cause of low residential development that people will find housing outside of the City and that the free market should be allowed to operate

C D Sullivan stated that since 1969 there was no prohibition on new development under the present law.

The Committee heard from David Hughes representing the Chamber of Commerce who stated that the proposal was counter productive and recorded the Chamber in

in opposition.

A discussion ensued regarding the San Francisco legislation and Mr Hughes stated that their approach was not based on an ordinance but on an advisory opinion given to developers. He further stated that Bonus provisions for developers help in certain parts of the country

C. P. Sullivan noted that the Chamber had not produced a single constructive housing proposal for low and moderate housing

Mr Hughes countered that the

developer must be assured of a good fair return on their investment

The Committee heard from Mr Foyette who recorded himself in opposition and stated that subsidized housing creates disparity and that passage of the amendment would put great ~~pressure~~ pressure on the housing supply that rent control will bring in other subsidies

Don Wilson recorded his opposition on the ground that Cambridge would suffer in compiling with other cities

10

Harold Sanders of 10 Bolton St
Cambridge recorded his opposition
as did Peter E. Madsen of
Graham Gund Associates Inc.
Peter Sonnabend representing Hotel
Sonesta recorded himself against
and stated that their present
development would never have been
started if the proposal was in
effect. He urged incentives in
the area of tax breaks and
bonus provisions for developers
High Lyons 12 Marcella St
recorded his opposition

12

No other persons appearing at the call of the Chair, the hearing was closed at 8:23 pm and on motion of the Chair without objection, the proposed amendment was referred to the City Council without recommendation for their meeting of May 23, 1983

For the Committee

Councilman Walter T. Sullivan
Chairman

Cambridge Redevelopment Authority

336 Main Street
Cambridge, Massachusetts 02142
617 492 6800

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CAMBRIDGE, MASS.

May 5, 1983

Charles C. Nowiszewski
Chairman

Thomas J. Murphy
Vice Chairman

Frank S. Maragioglio
Treasurer

Gustave M. Solomons
Assistant Treasurer

Jacqueline S. Sullivan
Member

Joseph F. Tulimieri
Executive Director
and Secretary

Councillor Walter J. Sullivan
Chairman
Committee on Ordinances
City Hall
Cambridge, MA. 02139

Re: Proposed Inclusionary Housing Zoning Ordinance

Dear Councillor Sullivan:

Public notice has been given of your Committee's intention to hold a public hearing on Tuesday, May 17, 1983, with respect to the above-cited proposal to amend the Zoning Ordinances and to amend the Zoning Map to create an overlay district.

The Authority has reviewed this matter and requested that the enclosed materials be transmitted to you for consideration by the Committee. As indicated in those materials, the Authority respectfully requests that the Kendall Square and Wellington-Harrington urban renewal areas, and any other future development areas which may require land use plans approved by the City Council, Planning Board and the Authority, be specifically excluded from this proposed change.

Regarding the Kendall Square area, as you will note in the enclosed letters from Boston Properties, the Authority has long-standing agreements that obligate the developer to proceed with new building construction totalling in excess of 2,000,000 square feet. Further municipal obligations, at this time, could prove to be a detriment to both the pace of present activities and to full development.

Your acceptance of this letter as a part of the public record and the exclusion of urban renewal areas from the overlay zoning district is respectfully requested.

Sincerely yours,

Joseph F. Tulimieri
Executive Director

cc: Robert W. Healy(e)
Paul E. Healy(e)
Kathy A. Spiegelman(e)

JFT:eal

Enclosure

MORTIMER B. ZUCKERMAN
CHAIRMAN

April 4, 1983

Mr. Arthur C. Parris, Chairman
Planning Board
City of Cambridge
City Hall Annex
57 Inman Street
Cambridge, MA 02139

Re: Inclusionary Housing Zoning Ordinance

Dear Mr. Parris:

It is my understanding that you have again been asked to review and report on a proposed addition to the Cambridge Zoning Ordinance related to setting requirements for the construction of housing units, or in lieu thereof contributions to a fund for such a purpose, as an additional condition of meeting applicable zoning requirements for commercial development in the City of Cambridge.

As the developers of Cambridge Center, we have been proceeding under long-standing written and binding agreements with the Cambridge Redevelopment Authority that obligate us, among other things, to go forward with development on a previously agreed to schedule for development totalling in excess of 2,000,000 square feet, whether or not we have any tenant commitments for this space. Failure to meet our scheduled construction start dates under our agreements is a cause for loss of both substantial financial deposits (currently totaling $300,000) and, even more seriously, loss of all of our rights to further development under these agreements.

Let me also note that we have thus far gone forward pursuant to these agreements with construction of new office and research and development space in excess of 650,000 square feet, and are currently negotiating with additional prospective users for possible construction starts in late spring or early summer.

Under these circumstances, and for the reasons as more fully reviewed in my previous letters to you of May 11, 1982, and June 18, 1982, (copies attached), sent when the Planning Board was considering this question last spring, we believe it is important that it be made clear, as soon as possible, that the MXD District currently provided for in Article 14 of the Cambridge Zoning Ordinance should and will be excluded from the effect of any change or addition to the Cambridge Zoning Ordinance of the type presently under consideration by the Planning Board.

My associates and I are available at your convenience to answer any questions you may have about this matter, and would welcome the opportunity to address this further with you on a timely basis.

Sincerely,

Mortimer B. Zuckerman
Chairman

MBZ/mag

Enclosure

cc: Mr. Robert Healy
Mr. Joseph F. Tulimieri
Mr. David Barrett

MORTIMER B. ZUCKERMAN
CHAIRMAN

May 11, 1982

Mr. Arthur C. Parris, Chairman
Planning Board
c/o Elizabeth McCarthy
Cambridge Community Development
57 Inman Street
Cambridge, MA 02139

Dear Mr. Parris:

I am writing to you regarding the proposed amendment to the zoning ordinance that is under discussion at the Planning Board, sometimes referred to as an ordinance that would provide for "inclusionary zoning," the substance of which would require developers to either provide housing for moderate and low income persons (in the case of residential development) or, in the case of commercial development, to make cash contributions to a fund to be used for that purpose.

As you may know, Boston Properties, through its affiliate, Cambridge Center Associates, entered into a development agreement in June of 1978 with the Cambridge Redevelopment Authority for the phased development of Parcels 3 and 4 of the Kendall Square Urban Renewal area. More recently, we have entered into an additional agreement under which we will be developing also in phases, Parcel 2 of the Kendall Square Urban Renewal area. Taken together, we are therefore, under these agreements, committed to the development of all of the area available for private development within the MXD District as defined in the existing Cambridge zoning ordinance.

As you may also know, these agreements commit us to the continued development of buildings within these parcels, on a schedule as set forth in those agreements, and our commitment is supported by substantial financial deposits we have made with the Redevelopment Authority which are subject to forfeiture if we do not fulfill our obligations to go forward with the development. These agreements have also already been certified

to the building department of the City of Cambridge as agreements binding upon us for the development of the specified amount of building floor area, all as more particularly set forth in the agreement.

Further, in furtherance of these agreements, we have already completed the first 250,000 square foot building in Parcels 3 and 4; have an additional building in excess of 225,000 square feet under construction, as well as the first 900 car parking garage, all within that area; and have begun the construction of the first building of approximately 65,000 square feet within Parcel 2.

In light of these facts, and our substantial commitments to the City of Cambridge and related financial deposits, it is essential that we make certain that any "inclusionary zoning" provision of the type contemplated by the Planning Board recognizes the pre-existing nature of our commitments by specifically excluding the MXD District from the operation of any such ordinance. This is a matter of obviously great concern to us, and also to the construction and permanent mortgage lenders currently considering financial commitments to us that are essential to the continued progress of the Cambridge Center development.

Under these circumstances, I would very much appreciate a reply from the Planning Board confirming that, in fact, the MXD District will be excluded from the operation of any proposed zoning change of the type under discussion. We have discussed this matter with the City Manager, and I believe he fully supports our position of this matter and I expect you will be receiving similar requests directly from the Cambridge Redevelopment Authority regarding the exclusion of the MXD District from such an ordinance.

We are available at your convenience to provide you with any additional information you may require regarding this matter, and I look forward to hearing from you on this in the near future.

Sincerely,

Mortimer B. Zuckerman

MBZ/ll
cc: Mr. Robert Healy
Mr. Joseph F. Tulimieri
Mr. David Barrett

MORTIMER B. ZUCKERMAN
CHAIRMAN

June 18, 1982

Mr. Arthur C. Parris, Chairman
Planning Board
City of Cambridge
City Hall Annex
57 Inman Street
Cambridge, MA 02139

RE: Inclusionary Zoning Proposal

Dear Mr. Parris:

We understand that the Planning Board held a hearing on Tuesday, June 15, 1982, to discuss the proposed inclusionary housing zoning ordinance. Although we were unable to attend this hearing, I would like to express our views on the proposed ordinance and to make specific suggestions that might help make such an ordinance workable for the City.

As described to you in my letter of May 11, 1982, (copy attached), our own concern relates to the quite specific issue of what we believe to be the necessity for explicitly recognizing in any such ordinance, the special nature of the MXD District and the inapplicability of any such ordinance to that district. There are two basic reasons we believe such recognition is necessary and appropriate.

First, a special planning context has been created for this district, and we have already completed construction of one major building and have three more under construction in accordance with approved master plans for this area.

Second, we have made substantial financial commitments to this development, both in terms of the buildings completed and under construction and as evidenced in executed agreements between ourselves and the Cambridge Redevelopment Authority that

pre-date any inclusionary zoning ordinance that might be enacted. These agreements, as you may know, encompass all of the areas to be developed by private developers within the MXD District, and obligate us to go forward on a committed schedule with this development.

We are dealing with both prospective tenants and prospective construction and permanent mortgage lenders and their attorneys in regard to present and future stages of this project, and they have expressed concern about the potential enactment of an ordinance of the type proposed that might, either explicitly or by implication from silence on the issue, appear to be applicable to the MXD District (whether or not any such applicability would be effective under law under the facts of the matter).

I am, therefore, again requesting by this letter a written response from the Planning Board confirming its recognition of the inapplicability of any such ordinance to the MXD District. This would remove any possible cloud that might otherwise interfere with, delay, or prevent the timely development of our Cambridge Center project, comprising the entire MXD District, and we do not believe it to be in the City's interest that this uncertainty remains any longer.

Sincerely yours,

Mortimer B. Zuckerman

MBZ/ll
Enclosure

cc: Mr. Robert Healy
Mr. Joseph Tulimieri
Mr. David Barrett

Cambridge Redevelopment Authority

336 Main Street
Cambridge, Massachusetts 02142
617 492 6800

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eph F. Tulimieri
cutive Director
Secretary

April 27, 1983

Mr. Arthur C. Parris
Chairman
Cambridge Planning Board
57 Inman Street
Cambridge, MA. 02139

Re: Proposed Inclusionary Housing Zoning Ordinance
Kendall Square Urban Renewal Area
Wellington-Harrington Urban Renewal Area
Project Nos. Mass. R-107 and R-108

Dear Mr. Parris:

We have been advised that above-cited proposed zoning amendment has been referred to you again by the City Council for a hearing and report. We have been further advised that the Department, in an effort to provide some relief for development activities undertaken prior to the time that a zoning ordinance is adopted, has suggested language that the action not be effective until ordination by the City Council.

With respect to the proposed zoning amendment, the Authority requested by letter, dated June 15, 1982, (copy attached), that your Board consider specific exclusion of urban renewal areas.

Regarding the Department's effort to provide relief, the Authority has been advised by its Counsel, Foley, Hoag & Eliot, that this effort may be inconsistent with existing statutory requirements (i.e. Chapter 40A of Massachusetts General Laws). A copy of that opinion is enclosed.

It is respectfully requested that the Kendall Square and Wellington-Harrington urban renewal areas and any other future development areas which may require land use plans approved by the City Council, Planning Board and the Authority be specifically excluded from the provisions of this proposed ordinance.

Sincerely yours,

Joseph F. Tulimieri
Executive Director

JFT:eal

Attachments

cc: Robert W. Healy(a)
Kathy A. Spiegelman(a)
Russell B. Higley, Esquire(a)
Joseph J. Cellucci(a)

Cambridge Redevelopment Authority

335 Main Street
Cambridge, Massachusetts 02142
617 492 6800

June 15, 1982

Mr. Arthur C. Parris
Chairman
Cambridge Planning Board
57 Inman Street
Cambridge, Massachusetts 02139

Re: Proposed Inclusionary Housing Zoning Ordinance
Kendall Square Urban Renewal Area
Wellington-Harrington Urban Renewal Area
Project Nos. Mass. R-107 and R-108

Dear Mr. Parris:

The Authority has reviewed the proposed zoning amendment as well as the May 11, 1982 letter to you from Mortimer B. Zuckerman, chairman of Boston Properties, and agrees that Cambridge Center should be excluded from any provisions of an inclusionary housing zoning ordinance.

It is the Authority's belief that the proposed amendment should not be applicable to development within any approved urban renewal area. In such an area, the City, through its Redevelopment Authority, Planning Board and City Council, already has defined the restrictions and conditions on development beyond conventional zoning -- both residential and non-residential -- and it would appear counter-productive now to impose an additional set of controls in order to redirect established land use policy.

In the particular case of Cambridge Center, as you know, the City approved a special MXD District prior to the Authority entering into its development agreement with Boston Properties in June, 1979. If new restrictions were to be made applicable to Cambridge Center at this time, the developer would be within his rights to demand renegotiation of the agreement with respect to any improvements. Such an occurrence could bring interminable delays in the development process and prove extremely costly to a project that is well underway.

Accordingly, it is requested that the Kendall Square and Wellington-Harrington Urban Renewal Areas and any other future development areas which may require land use plans

approved by the City Council, Planning Board and the Authority, be specifically excluded from the provisions of this proposed ordinance.

Sincerely yours,

Joseph F. Tulimieri
Executive Director

JFT:eal

cc: Robert W. Healy

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COUNSEL
ORRIN P. ROSENBERG

April 8, 1983

Mr. Robert S. Remer
Cambridge Redevelopment Authority
336 Main Street
Cambridge, Massachusetts 02142

Re: Inclusionary Housing Petition Amendment

Dear Bob:

I have reviewed the memorandum, dated April 1, 1983, from Kathy Spiegelman and the proposed amendment to the Inclusionary Housing Petition.

You will recall that a year ago I reviewed the proposed Zoning Ordinance amendment petition and recommended that it be made not applicable to development within an approved urban renewal project area. The reason for the recommendation is that in such an area, city agencies have already defined appropriate restrictions on future development and it would appear to be counterproductive to impose an additional set of burdens thereafter. Joe Tulimieri's letter to the Planning Board, dated June 15, 1982, made this clear and also pointed out the special adverse effect on the Cambridge Center MXD District which was already under development agreements. I believe that these points continue to be valid and suggest that the Authority continue to take the same position before the Planning Board and the City Council with respect to the proposed Zoning Ordinance amendment.

As to the presently proposed amendment to the petition, it appears to be an effort to provide some relief for development actions undertaken prior to the time the Zoning

Ordinance amendment is actually adopted. I believe that this effort may be inconsistent with existing statutory requirements applicable to so-called non-conforming uses.

The proposed amendment recites that the provisions of the petition (i.e., the proposed Zoning Ordinance amendment) shall be in effect only upon ordination by the City Council, and that any permit issued prior to such ordination shall conform to existing, applicable zoning regulations only. Section 6 of Massachusetts General Laws, Chapter 40A, deals with the matter of prior non-conforming uses. On the one hand, it recites, among other things, that a zoning ordinance shall not apply to structures lawfully begun, or to a building permit issued, before the first publication of notice of the required public hearing on such ordinance. On the other hand, it also recites that a zoning ordinance shall apply to a building permit issued after the first notice of such public hearing. Arguably, the amendment to the Zoning Ordinance amendment petition in its present form is inconsistent with this statutory provision.

Section 6 further states that a zoning ordinance shall provide that construction under a building permit shall conform to any subsequent amendment of the ordinance unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. Again it is arguable that the proposed amendment to the petition for the Zoning Ordinance amendment, reciting that permits "shall conform to existing, applicable zoning regulations only", is inconsistent with this statutory requirement.

Apart from these arguments as to possible inconsistency between the present proposal and the statutory requirements of Chapter 40A, it seems to me that the Authority should restate its position as outlined above in favor of making the Zoning Ordinance amendment, if adopted, inapplicable to approved urban renewal areas.

Sincerely,

Herbert L. Berman, P.C.

HLB/maa
cc: Joseph F. Tulimieri

CITY OF CAMBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex Inman & Broadway

To Robert W. Healy, City Manager

From KAS Kathy A. Spiegelman, Assistant City Manager for Community Development **Date** April 1, 1983

Subject Amendment to the Inclusionary Housing Petition

Potential disruption to the development process in Cambridge may result during the period needed to consider the proposed Inclusionary Housing Amendment; in particular construction projects about to seek building permits may be set back many months should they be required to advance money, or develop plans for such payment or actual housing construction to meet the requirements of the proposed ordinance while it is being deliberated before the Planning Board and City Council.

To permit an equitable and orderly advancement of building projects about to commence, the enclosed amendment to the petition would make the Inclusionary Housing requirements effective only at ordination of the petition and not at the first public hearing notice as is normally the case with proposed zoning amendments.

Enclosure

CITY OF CAMBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex Inman & Broadway

To Robert W. Healy, City Manager

From Kathy A. Spiegelman, Assistant City Manager for Community Development **Date** April 1, 1983

Subject Amendment to the Inclusionary Housing Petition

Potential disruption to the development process in Cambridge may result during the period needed to consider the proposed Inclusionary Housing Amendment; in particular construction projects about to seek building permits may be set back many months should they be required to advance money, or develop plans for such payment or actual housing construction to meet the requirements of the proposed ordinance while it is being deliberated before the Planning Board and City Council.

To permit an equitable and orderly advancement of building projects about to commence, the enclosed amendment to the petition would make the Inclusionary Housing requirements effective only at ordination of the petition and not at the first public hearing notice as is normally the case with proposed zoning amendments.

Enclosure

Amend the petition by adding a second part as follows:

2. The provisions of this petition shall be in effect only upon ordination by the City Council. Any permit issued prior to such ordination shall conform to existing, applicable zoning regulations only.

Amend the petition by adding a second part as follows:

2. The provisions of this petition shall be in effect only upon ordination by the City Council. Any permit issued prior to such ordination shall conform to existing, applicable zoning regulations only.

Hearing notice

Inclusionary Housing

April 28, 1983

May 5, 1983

On the arts scene

The accent is on local artists at the Stebbins

By Nick Tate
Special to the Chronicle

"Artists don't really have that many spaces to show," says Cambridge artist Marjorie Forte. "You would think in this area, which is so concerned with the arts, that there would be more galleries and opportunities; but there aren't."

While this may very well be true, Forte is not about to just sit back and complain. She, along with designer Jean Benton, has decided to do something about the lack of exhibiting galleries in the area. Together, both Forte and Benton have taken over as directors of the newly renovated Edna Stebbins Gallery (Zero Church Street, Cambridge). This Harvard Square gallery, which has the unique distinction of being solely dedicated to museum quality exhibits, will focus on local artists — both established and unknown.

"The purpose of the gallery," as perceived by Benton, "is to single out one or two artists at a time." In this way, the gallery will bring a variety of individually concentrated shows to the Cambridge community.

Falling under the umbrela of the First Parish of Cambridge, the gallery was first established by Livingston and Edna Stebbins in the early '50s, as a place for local artists to show their works. As time passed however, and the Stebbinses passed on, the space was left essentially to itself.

It was two years ago, while Forte was organizing a show of her art in the gallery (designed by Benton), that the new directors first thought about renovating the space. It wasn't until January of this year however, that they actually set about redesigning the 20-by-20 space, turning it into a bright, intimate gallery.

Doing all the work themselves (from actually putting the paint on the walls to "beating the bushes," to contract artists) Forte and Benton intend to make the Edna Stebbins Gallery a place which will have equal appeal for both the "academics" and the Cambridge community.

Exhibited works are not to be chosen for reasons of marketability, say the new directors, but rather for their value as "quality," highly professional art. "One thing we don't really care about," says Benton, "is an artist's resume," or a long list of past gallery exhibits. "We really just care about what's to be put on the wall."

Presently on the gallery wall are the prints and paintings of award-winning Cambridge artist, Jame Chermayeff. The subtle two-dimensional works (mostly silkscreens and watercolors) are highly impressionistic sketches of 19th century New England. Relying heavily on understatement, Chermayeff infuses her seascapes and still-lifes with a kind of fragile vitality, which is both fleeting and permanent.

Other scheduled shows, many of which are to be accompanied by artist talks, will feature the sculptures of Dorothy Oray, the paper collages of May Reisz, and the works of Lily Ann Rosenberg — whose mosaic murals incorporate clay pieces created by Cambridge residents.

"We have a wonderful space and a wonderful location," says Forte of the Harvard Square gallery. "Everything's going for it." She is quick to add however, that though she and Benton have far-sighted intentions for the gallery, "we're taking things one step at a time."

The Edna Stebbins Gallery hours are Tuesday through Saturday, 11 am to 3 pm.



CHILD'S PLAY—The Harrington School Chorus presents Engelbert Humperdinck's classic opera, "Hansel and Gretel," on Thursday, April 28, at 10 am at the Harrington School Auditorium as a special staging for the elderly. Above, the Dew Fairy (Colleen Campbell) dances while Hansel (Mario Borges) and Gretel (Cindy Sousa) sleep. The production is sponsored by the office of Mayor Alfred Vellucci, the public schools' music department, the Harrington School Administration and school music teacher Helen Guenther. (Photo by James A. Smith Jr.)



'SEA OTTER,' a bronze cast sculpture by Beverly Semans, is part of the exhibit "Nature: Four Views" which can be viewed at the Cambridge Art Association through May 19 at the CAA gallery, 25R Lowell St.

Previews

By David Wiegand

Strings attached

The **Cambridge Arts Council** will present a combination lecture-concert by **Ana Maria Rosado**, described as "Puerto Rico's First Lady of the Guitar," on Monday, May 2, at the Central Square Branch of the Cambridge Public Library, 45 Pearl St. Admission is free.

A graduate of the University of Paris and the renowned Ecole Normale de Musique, Rosado is one of the leading young artists of the Caribbean and is currently on a US tour. Her lecture-concert will cover works by Falla, Giuliani, John Dowland, J.S. Bach and Robert de Visee.



ANA MARIA ROSADO, Puerto Rico's first lady of the guitar, performs at the Central Square Branch Library on Monday, May 3, at 7:30 pm. Admission is free to the lecture-concert sponsored by the Cambridge Arts Council.

Moore the merrier

The **Cambridge Center for Adult Education**, 42 Brattle St., presents three one-act plays by **Mel Moore**, directed by **Evelyn Moore**, creators of the Emmy-award winning play, "The Black Dyad," produced by WGBH-Channel 2.

The plays will be presented on Saturdays and Sundays, May 7, 8, 14, 15, 21 and 22. Saturday performances are at 8 pm and Sunday performances are at 4 pm. Admission is $4 general and $3 for students and seniors.

"Reunion" is the story of two white women and one black women who relive their 20-year friendship and, in conversation, wonder whether they have really been friends in all those years.

"Pam and Marsha" is the story of two women with very different attitudes towards human relationships.

"Colette" is a monologue in which the title character talks about her fantasies about men, often reaching for the unattainable.

Mostly Mozart

Peter Shaffer's Tony-Award-winning play, "**Amadeus**", opens Friday at Boston's Shubert Theatre for a three-week run, starring John Wood as the composer, Antonio Salieri, and John Pankow as Wolfgang Amadeus Mozart. Mark Hamill was set for the Mozart role, but has joined the New York cast of the show instead.

The play details Mozart's struggles to earn appreciation for his musical talents and his often-bitter relationship with Salieri, a talented and established composer whose music, nonetheless, never earned the degree of acclaim afforded to Mozart's compositions. The play deals with the long-standing "rumor" that Salieri, in fact, murdered Mozart.

For ticket information, call the Shubert at 426-4520.

'Crooked Eclipses'

The **Boston Theater Group** will open its newest work, "**Crooked Eclipses: A Theatrical Meditation on Shakespeare's Sonnets**", on Thursday, May 12, at the Harvard Divinity School Chapel, 45 Francis Ave.

Performances are scheduled for May 12, 13, 14, 19, 20, 26 and 27 at 7:30 and 9:30 pm. A 3 pm performance is

(Continued on page 15)

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SAMANTHA EGGAR JOHN VERNON — CURTAINS ...the ultimate nightmare. — R — 1:45-3:45-5:45-7:50-9:50 Fri-Sat-11:50PM
BURT LANCASTER PETER RIEGERT — LOCAL HERO — PG — 1:20-3:30-5:40-7:50-10:00 Fri-Sat-12:05AM
CATHERINE DENEUVE DAVID BOWIE — the Hunger — R — 1:40-3:40-5:40-7:35-9:35 Fri-Sat-11:40PM
MATT DILLON in FRANCIS FORD COPPOLA'S — The Outsiders — PG — 1:00-3:10-5:15-7:20-9:30 Fri-Sat-11:30PM Fri 4/29 Only-No 7:20 Show-Sneak Preview-7:30PM
ROBERT MACNAUGHTON HOPE LANGE — I AM THE CHEESE — PG — 1:30-3:30-5:30-7:30-9:30 Fri-Sat-11:35PM
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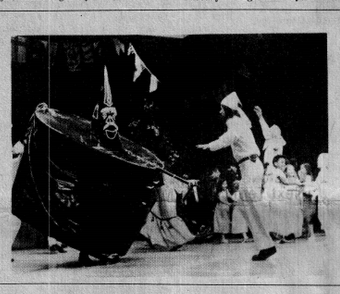

REVELING—The Padstow Hobby Horse, an ancient ritual May Day figure from Cornwall, is a popular part of the Spring Revels which will be presented this year on May 13, 14 and 15 at Sanders Theatre, Cambridge. For ticket information, call 876-7777.

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City kids find fun in learning at the MCZ

By Ed Rader
Special to the Chronicle

The children from Mrs. Materazze's class were having a fine time trying on the animal bones for size, puzzling over which ones go where. One girl, who seemed convinced she had some sort of jawbone in her hand, was struggling to make her face as long as she thought her mystery animal's might be. Of course their science teacher, Mrs. Nichols, couldn't let them spend the whole period just playing with the bones. Soon the third graders from Cambridge's Peabody School left their classroom to find the animals the bones belonged to. It was high time they learned to track down giraffes, lions, gorillas, and penguins.

Mrs. Materazze's class was visiting Harvard's Museum of Comparative Zoology, gaining hands-on knowledge of the animal world and the environment. Their monthly visit to the museum is part of a program entitled, "Studies in the Life Sciences", run jointly by the Peabody and Agassiz Schools and the Harvard University Museum. The program, now in its pilot year, involves eight fourth and third grade classes at the two schools. Arlene Nichols, the museum's staff teacher, visits each class twice a month.

The program is particularly important in light of the fact that science instruction in the elementary grades was drastically curtailed by Proposition 2½. There are no science teachers for grades kindergarten through six, leaving the introduction of the sciences in the hands of the classroom teacher.

Nichols feels that the School Department's priorities are unfortunate.

"It's important for children to start getting background in the sciences at an early age," she says. "They need to see that science is fun and important. If we don't get them hooked at this age, they won't sign up for those high school science courses."

Margaret Materazze, who's class was observed scampering about the museum's huge stuffed animal collection, is very pleased with the program. She thinks it is a wonderful way for the students to learn about the life sciences even if they did have a regular science teacher in the school, and that it makes a "good complement and supplement" to what she has time to teach them in the classroom. "The kids are always asking me when we go to the museum," she says. "They come here with so much to begin with, and this gives them incentive to explore more."

Not that there aren't mixed feelings from the kids about what they find on their explorations around the museums. A detailed display of the skeleton of a bat caused one little boy to remark, "these things give me the stomach ache," and a diarama depicting some of North America's small mammals in their woodland habitat moved one girl to ask poignantly, "Oh, why did they have to kill these?"

Carl, on the other hand, has no such qualms. He loves the program because "I learn stuff at this museum" and says that his introduction to the study of archeology at the museum "gave me the idea to go out and dig bones."

Nichols, who has worked as a scientist at Boston University Medical School and is the author of a curriculum in environmental education for urban schools, finds the Cambridge schoolchildren she deals with different from those she taught in Boston for a while.

"They're right there — interested in the world around them," she says. "You don't have to spend all your time motivating them."

At least she doesn't. Nichols likes to make learning fun, whether it's in the museum or during her visits to the classrooms. Whenever possible, she brings the kids outside to observe first hand the lessons of nature and the environment. During a recent visit to a fourth grade class at the Agassiz, Nichols had the children stand outside quietly with their eyes closed and asked them to identify as many sounds as they could that weren't identified with man. The students, she reports, were able to identify more distinct sounds than she could. "It's their young ears," she says. After that "game" one student was designated as the "owl" and blindfolded. The others were assigned the roles of various other field animals and given little noisemakers, all of them different. It was up to the "owl" to decide what animal was moving and when. The point, says Nichols, was to teach an appreciation for the finely honed senses of animals. The kids got a sense of that, and got to play outside as well.

"Studies in the Life Sciences" is funded by a combination of grants from the Harvard Office of Government and Community Affairs, the Cambridge Trust Bank and a private philanthropist who prefers to remain anonymous. Although it enjoys wide support from parents and teachers, it is by no means certain that the program will be continued next year, much less expanded.

Even the most casual observer can see that the students thoroughly enjoy their visits to the museum and that a lot of learning goes on there. Some of Mrs. Materazze's third graders did a better job of matching the bones to the animal they belonged to than this reporter did.



COMPARE AND CONTRAST—Museum of Comparative Zoology-Cambridge School Program Teacher Arlene Nichols uses the museum's resources to help Cambridge students learn about animals and their history. From the left are Dylan King, Sandy Joseph, Gavin Kleespies, Nichols, John Guzman, Siri Larsen, Emily Abt and Jennifer Tarter. (Photo by A.H. Coleman)

College gets jobs grant

The Bay State Skills Corporation has awarded Cambridge College $94,000 to implement a twelve-month training program for computerized manufacturing management.

The program is designed to provide hard technical skills in computerized manufacturing to persons unemployed as a result of reductions-in-force by state and municipal governments.

The program will begin in September, 1983. Inquiries should be directed to the Office of Programs in Information, Cambridge College, 15 Mifflin Place, Cambridge, MA 02138.

Learning center plans career day on May 4

The Community Learning Center, the city's adult basic education center, will be holding a fourth annual Career Day for Cambridge adults on Wednesday, May 4. The program will run from 9 am to 1 pm and again from 6 pm to 9:30 pm at the Learning Center at 614 Massachusetts Avenue, Central Square.

The program will give Cambridge adults a chance to meet with representatives from area industries, hospitals, training programs, and schools. Cambridge adults who are out of work or who are working on an adult high school diploma will have a chance to meet in small groups and deal with work and training problems in a variety of areas. Among the speakers who'll be at the Learning Center that day are Shirley Rocha and Vincent Byrne of Western Electric, Cliff Scott, a personnel director for Tufts University, Camille Mucci of John Hancock Insurance, Maxine Peck, director of the Dental Assisting Program at Boston University Dental School, and John Koczeroski, Dean of Part-time Evening Studies at Wentworth Institute.

"We'll also be providing workshops in Spanish and Haitian Creole," noted Stuart Gedal, the Learning Center counselor who is coordinating the program.

The Community Learning Center is located at 614 Massachusetts Avenue in Central Square, right next to Dunkin' Donuts. The center is on the third floor, and there is handicapped access via elevator. The center provides classes for Cambridge adults in basic reading, writing, and math, as well as preparation for the GED and Cambridge Adult Diploma. There are English as a Second Language classes for immigrants. If you are interested in coming to Career Day, call the Center at 547-1589 to sign up in advance, or come by. The center is open from 9 am to 9:30 pm Monday through Thursday, and from 9 am to 5 pm on Fridays.

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INVITATION FOR BIDS
The **Cambridge Housing Authority** will receive sealed bids at 270 Green Street, Cambridge, Massachusetts 02139, on Friday, May 6, 1983 at 10:00 a.m. for: **the installation of interior storm basement windows** (approximately 60 windows 16" x 36" and 30 windows 24" x 34") in full basements of apartments.
Specifications and contractual documents are available at 270 Green Street, Cambridge, Massachusetts, **Attn: Management Department**. The estimated value of the job is less than $5,000.00. A bid deposit will be required in an amount equal to 5% of the bid price, and in a form acceptable to the Authority. The site inspection for all prospective bidders will be at 10:00 a.m., on Friday, April 29, 1983. Call Walter Baptiste at 864-3020, extension 47 for location.
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COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court No. 150636
Summons by Publication
Martha Roseleure Aubourg Plaintiff
vs.
Marc Pierre Gerlet Aubourg Defendant
To the above-named Defendant:
A complaint has been presented to this Court by your spouse, Martha Roseleure Aubourg, seeking a divorce and custody of the minor child, Rose Carla.
You are required to serve upon Dane M. Shulman, Esq., plaintiff's attorney, whose address is 1596 Blue Hill Ave., Mattapan, MA your answer on or before June 6, 1983. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.
Witness Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
13 April 1983
Paul J. Cavanaugh
Register of Probate
(C)Apr.21,28,May5

DEPARTMENT OF TRAFFIC & PARKING
By force of the power vested in me by Special Act of the Legislature 1951 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation:
Regulation No. 83-3
Regulation No. 66-1 Schedule 6D "Parking Prohibited At All Times On Certain Streets, Tow Away Zone (except HP & V Plates) is hereby amended by adding the following:
Cambridge Street, south side, from 12 feet west to 36 feet east of the E.C.L. Ext. of Trowbridge Street.
This regulation shall take effect May 12, 1983.
PROMULGATED
DATE
April 11, 1983
George Teso
Traffic Director
(C)Apr.14,21,28

NOTICE OF A PUBLIC HEARING
The Planning Board will hold a public hearing on May 17, 1983 at 8:30 p.m. in the Community Development Department Conference Room, 57 Inman Street, Cambridge, MA, on a **petition by Lesley Institute**, 225 Longwood Avenue, Boston, Ma., for a Special Permit to alter an existing non-conforming structure and re-construct an on-grade parking lot within the Floodplain Overlay District at 87 Rindge Avenue Extension, Cambridge, Ma.
Copies of the application are on file at the office of the City Clerk, City Hall and the Community Development Department. Questions concerning the petition may be addressed to Elizabeth McCarthy at 498-9034.
The Hearing on this Petition previously scheduled for May 3, 1983 has been cancelled.
(C)Apr.28,May5

LEGAL NOTICE
SOMERVILLE/CAMBRIDGE ELDER SERVICES, INC.
ONE DAVIS SQUARE
SOMERVILLE, MASSACHUSETTS 02144
Somerville/Cambridge Elder Services, the Area Agency on Aging, is soliciting proposals for the delivery of services to Somerville and Cambridge residents who are age 60 or older, pursuant to provisions under Title III B of the Older Americans Act and the Area Plan for FY 84.
Somerville/Cambridge Elder Services has prepared an application kit which includes service objectives designated for potential bidding, the necessary elements of a proposal, and the criteria followed in the selection of successful proposals. Inquiries should be directed to Jane Gilmore, Grants Manager, at the above address. (628-2601).
The deadline for all proposals, 5:00 P.M. - June 1, 1983.
(C)Apr.28

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
NOTICE OF Administration Without Sureties
Estate of **Nelia Maity**
late of **Montevideo, Uruguay**
in the County of **Middlesex**
NOTICE
A petition has been presented in the above-captioned matter praying the **Raquel H. Ferguson** of Cambridge, in the County of Middlesex, be appointed administratrix of said estate without giving surety on her bond.
If you desire to object to the allowance of said petition, you or your Attorney should file a written appearance in said Court at Cambridge on or before May 19, 1983.
Witness, Sheila McGovern, Esquire First Judge of said Court at Cambridge, the 21st day of April in the year of our Lord one thousand nine hundred and Eighty-three.
Paul J. Cavanaugh
Register of Probate Court
(C)Apr.28

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
DIVISION OF WATER POLLUTION CONTROL
ONE WINTER STREET
BOSTON, MASSACHUSETTS 02108
Pursuant to Chapter 21, section 43 of the General Laws, and 314 CMR 8.02, notice is given of the following applications for sewer extension or connection permits and proposed actions thereon:
City of **Cambridge**
Applicant: **Graham Gund**
Purpose: **Connection of offices and a restaurant to the City of Cambridge sewer system**
Proposed action: Tentative Determination to Issue
The above applications, and applicable laws, regulations and procedures are available for inspection at the above address. Comments on the proposed actions must be sent to the above address within 21 days of this notice.
Thomas C. McMahon, Director
(C)Apr.28

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Superior Court No. 83-1432
First Columbia Management, Inc.
vs
Flora Abbasi, et als
ORDER OF NOTICE
To Flora Abbasi and Fariba Abbasi, of parts unknown
Whereas a complaint has been begun against you in our Superior Court within and for the County of Middlesex, wherein the plaintiff, First Columbia Management, Inc., a Virginia corporation having an usual place of business in Cambridge, County of Middlesex alleges that the said defendants, Flora Abbasi and Fariba Abbasi are indebted to it for monies due and owing.
Upon the foregoing complaint it is ordered by the Court that the plaintiff notify the said Flora Abbasi and Fariba Abbasi that on July 25, 1983 which day is the return day of this order, or within twenty days from the said return day, they do cause their written appearance to be entered and their written answer or other lawful pleadings to be served upon G. Emil Wolf, plaintiff's attorney, whose address is Ten Post Office Square, Suite 610, Boston, MA 02109 and also file their written appearance and written answer in the office of the clerk of said Court at Cambridge in said County and further that they defend against the said complaint according to law, if they intend to make any defense, otherwise the said complaint may be adjudged and orders and judgements may be entered thereon in their absense by publication of an attested copy hereof in the Cambridge Chronicle, a newspaper published in Cambridge, once a week for three successive weeks. The last publication to be two months at least before the said July 25, 1983.
By the Court,
(Zabel, J.)
Michael M. Brennan
Deputy Assistant Clerk
Entered- April 20, 1983
A true copy, ATTEST: Michael M. Brennan
Deputy Assistant Clerk
(C)Apr.28,May5,12

COMMONWEALTH OF MASSACHUSETTS
LAND COURT DEPARTMENT OF THE TRIAL COURT
(Seal) Case No. 110131
To **James Perrino, Trustee of Two Hundred Seven Trust**, of Cambridge, Middlesex County, and said Commonwealth: and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:
Leader Federal Savings and Loan Association, a duly existing corporation having a usual place of business in Lexington, Middlesex County, and said Commonwealth, claiming to be the holder of a mortgage covering real property in said Cambridge, Unit 207, No. 29 Concord Avenue, given by **Harold Da Bois** to Plaintiff, dated December 19, 1979, recorded with Middlesex County (Southern District) Registry of Deeds, Book 13864, Page 275, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.
If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the thirtieth day of May 1983, or you may be forever barred from claiming that such foreclosure is invalid under said act.
Witness, William I. Randall, Chief Justice of said Court this twelfth day of April 1983.
John G. Kelleher
Recorder
(C)Apr.28

NOTICE OF PUBLIC HEARING ON PROPOSED USE OF FEDERAL REVENUE SHARING FUNDS
In accordance with the requirements of Public Law 94488 (State and Local Fiscal Assistance Amendments of 1976) the City Manager invites all citizens of Cambridge to attend a public hearing to discuss the **"proposed use" Federal Revenue Sharing Funds**, totaling $3,185,315 in the 1983-84 City Budget. The fund balance for the Revenue Sharing Account as of June 30, 1982 is $595,748. This hearing will be held in the Ackermann Room, City Hall, 795 Massachusetts Avenue on April 29, 1983 at 4:00 P.M. All citizens are asked to present their suggestions to the City Manager orally or in writing at this hearing. For those who cannot attend the hearing, written proposals may be mailed to the attention of Louis DePasquale, Budget Director.
Robert W. Healy
City Manager
(C)Apr.28

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
To **Matthew H. Houston and Myles G. Houston** of Cambridge, and **Lorena B. Oliveira** and **Mary B. Houston** of Lowell, all in the county of Middlesex and **Robert A. Houston** of parts unknown and to all other persons interested.
A petition has been presented to said Court by **Christine M. Houston** of Cambridge and **Peter Carbone** and **Andrew Carbone** of Somerville by their guardian, **John Carbone** (Middlesex No. 548636) all in the county of Middlesex representing that they hold as tenants in common two undivided sevenths part or shares of certain land lying in Cambridge in said County of Middlesex and briefly described as follows:
Setting forth that they desire that all of said land may be sold at private sale for not less than forty thousand dollars, and praying that partition may be made of all the land aforesaid according to law, and to that end that a commissioner be appointed to make such partition and be ordered to make sale and conveyance of all, or any part of said land which the Court finds cannot be advantageously divided either at private sale or public auction, and be ordered to distribute the net proceeds thereof.
If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the sixteenth day of June 1983, the return day of this citation.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this 7th day of April 1983.
Paul J. Cavanaugh
Register
(C)Apr.14,21,28

The City of Cambridge, Massachusetts, acting through its School Committee will receive sealed bids for:
Asbestos Removal From Various Schools
Bids will be received at the Office of Oliver S. Brown, Assistant Superintendent, 159 Thorndike Street, Cambridge, Massachusetts 02141.
Attention is directed to Massachusetts General Laws, Chapter 149, Sections 44A through 44L as most recently amended, which require parties desiring to submit general bids to submit completed prequalification form and application to bid. All forms will be made available without cost or deposit by the School Department.
The majority of this project is concerned with Asbestos Removal trade. Consequently, the School Department will consider bids from contractors who specialize in such trade providing such contractors file the prequalification form, application to bid, each at the specified time and place.
Copies of completed prequalification forms and updates and the application to bid shall be submitted to the School Department, 159 Thorndike Street, Cambridge, Massachusetts 02141, no later than 10:00 A.M. May 17, 1983.
Bids shall be submitted by prequalified contractors not later than Friday, June 3, 1983 by 10:00 A.M.
All material shall be issued and received at the Office of the Manager of Procurement, 159 Thorndike Street, Cambridge, Massachusetts 02141.
A Bidder's Conference shall be held on Thursday, May 26, 1983 at 10:00 A.M. at the Office of the Superintendent for Planning and Management.
The successful bidder will be required to furnish a Contractor's Performance Bond and a labor and materials or Payment Bond. The amounts of the Contractor's Performance Bond and Payment Bond shall be for the full amount of the Contract and shall include such premiums in the bid price. Such bonds shall be of a surety company qualified to do business under the Laws of the Commonwealth of Massachusetts, and shall be in a form acceptable to the Owner.
The Awarding Authority reserves the right to reject any or all bids and to waive any informalities in the bidding if it be in the public interest to do so.
All work on this project must meet the requirements of all applicable state and local codes, laws and ordinances, as well as the requirements of the Specifications. Contractors shall schedule their work; material deliveries, and provide protection as required to cause as little interference as possible with the Owner's normal use of the building.
No bidder may withdraw his bid for at least thirty (30) days after the day and date set for the receipt of General Bids.
Sections 44A through 44H of Chapter 149 of the General Laws of the Commonwealth of Massachusetts, Any inconsistency between the Invitation to Bid, Information for Bidders, Bid Forms, Conditions or any other Contract Document and these statutes, or any other applicable statutes, by-laws or regulations existing on the date on which a bid is submitted, shall not be grounds for invalidating the bidding procedure, but where required by law, such statute, by-law or regulation shall be deemed to govern.
Attention is called to the City's Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program as contained within the bidding documents.
Attention is called to the fact that not less than the minimum wage rates as set forth in state and federal laws must be paid on this project.
Oliver S. Brown
Assistant Superintendent
(C)Apr.21,28

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS
Notice is hereby given that the Board of License Commissioners has scheduled a hearing on Tuesday afternoon, May 3, 1983, at three o'clock, in the Barbara Ackermann Room, Room 200, City Hall, **on the promulgation of revised Procedures for all classifications of liquor license filings and Disciplinary Hearings Procedures.**
Members of the general public are invited to present their views in favor of or in opposition to these Procedures by appearing in person or submitting written comments to the Cambridge License Commission, Cambridge City Hall, Cambridge, Mass. 02139.
Mary E. Colnan
Anthony G. Paolillo
Thomas V. Scott
License Commission
(C)Apr.21,28

CITY OF CAMBRIDGE PURCHASING DEPARTMENT
Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. THURSDAY MAY 12, 1983 at which time and place they will be publicly opened and ready for furnishing the following to the City of Cambridge:
Pest Control Service
Rubbish Removal Service
Paper Products
Plumbing Supplies
See proposal for bid deposit.
The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.
Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.
Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item'", and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.
Barbara L. Duffy
Purchasing Agent
(C)Apr.28,May5

CAMBRIDGE HOUSING AUTHORITY
OFFICE OF PLANNING AND DEVELOPMENT
INVITATION TO BID
The Cambridge Housing Authority, Cambridge, Ma., (the Owner will receive **sealed bids for the Bertram Modernization and Plumbing Repair of Lincoln Way (200-3)** in accordance with documents prepared by Josef Bruck, AIA, Architect, 91 Orchard St., Somerville, Ma. 02144.
This work will involve the repair of ceramic tile, plumbing, installation of new accessories, installation and wiring of new, wall-mounted light fixtures, installation and wiring of new ground-fault interrupter duplex outlets, and painting of 60 bathrooms in occupied units.
Attention is called to Mass. General Laws, Chapter 149, Sections 44A through 44C as most recently amended, which requires parties desiring to submit general bids to have submitted an Application to Bid by 3:00 p.m., March 24, 1983 and to have been determined to be an eligible bidder.
Plans and specifications will be available, after 10:00 a.m., Tuesday, May 3, 1983. The site will be open for inspection at 10:00 a.m., Thursday, May 12, 1983.
Contractors are to meet at Door No. 9 of Lincoln Way, located on Walden Street, bordered by Raymond, Sheridan, and Wood Street. The scope of the sub-category of plumbing includes the installation of new lavatories, traps, and associated accessories (where scheduled) including all related new piping and connections to existing piping.
Filed sub-bids on the trades listed below should be submitted not later than: 10:00 a.m., Thursday, May 19, 1983, Division 15 Plumbing.
General bids shall be submitted by prequalific contractors not later than: 10:00 a.m., Thursday, June 2, 1983.
Bids shall be received at the Office of Planning and Development, Cambridge Housing Authority, 10th Floor, 675 Mass. Avenue, Cambridge, Ma. 02139 at the times designated above. Bids may be mailed to 270 Green Street, Cambridge, Ma. 02139. The CHA assumes no responsibility for mailed bids not received by 5:00 p.m. of the day prior to the day of the Bid opening. Bidders may obtain plans and specifications at the office of Planning and Development, 10th floor, 675 Mass. Avenue, between the hours of 9:00 a.m. and 5:00 p.m. by depositing twenty-five dollars ($25.00) per set, which shall be refundable immediately after the bid opening upon return of the documents in usable condition.
The Contract Documents may be examined at the plan room of Dodge Construction Reports, 858 Park Square Building, Boston; at the Office of the Master Builders Association, 383 Dorchester Avenue, South Boston; and at Construction Data Corporation, 91 Blanchard Road, Cambridge, Mass.
A list of eligible general contractors is available at the offices of Planning and Development at the above address.
Every general bid and every filed sub-bid shall be accompanied by a bid deposit payable to the CHA in the form of cash, certified check, bid bond, or treasurer's or cashier's check issued by a responsible bank or trust company, in an amount not less than 5% of the bid or sub-bid. Bids are subject to the provision of M.G.L., Chapter 20, Section 39M, and Chapter 149, Section 44a to 1 inclusive.
The successful bidder will be required to furnish a Performance Bond and also a Labor and Material or Payment Bond as set forth in the specifications, each in the full amount of the contract.
The Awarding Authority reserves the right to reject any or all bids and to waive any information in the bidding if it be in the public interest to do so. The Cambridge Housing Authority is called to the City's Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program as contained in the bidding documents.
Attention is called to the fact that not less than the minimum wage rates as set forth in state and federal laws must be paid on this project.
Oliver S. Brown
Assistant Superintendent
(C)Apr.21,28

CITY OF CAMBRIDGE BOARD OF LICENSE COMMISSIONERS
Notice is hereby given that the Board of License Commissioners has scheduled a hearing on Tuesday afternoon, May 3, 1983, at three o'clock, in the Barbara Ackerman Room, Room 200, City Hall, **on the promulgation of revised Procedures for all classifications of liquor license filings and Disciplinary Hearings Procedures.**
Members of the general public are invited to present their views in favor of or in opposition to these Procedures by appearing in person or submitting written comments to the Cambridge License Commission, Cambridge City Hall, Cambridge, Mass. 02139.
Mary E. Colnan
Anthony G. Paolillo
Thomas V. Scott
License Commission
(C)Apr.21,28

DEPARTMENT OF TRAFFIC & PARKING
By force of the power vested in me by Special Act of the Legislature 1951 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.
Regulation No. 83-4
Regulation No. 66-1 Schedule 10 "Parking Time Limited On Certain Sides of Certain Streets is hereby amended by adding the following:
Cambridge Street, south side, No. 1010 to No. 1020, Municipal Parking Lot No. 11, between 8 AM and 11 PM for 2 hours except Sundays.
Salvatore Macarelli Way, both sides from Warren Street and Marion Street; between 8 AM and 11 PM for 4 hours except Sundays.
Springfield Street, east side, No. 15-25, Municipal Parking Lot No. 14, between 8 AM and 11 PM for 2 hours except Sundays.
Massachusetts Avenue, west side, No. 1718, Municipal Parking Lot No. 15, between 8 AM and 11 PM for 2 hours except Sundays.
This regulation shall take effect May 12, 1983.
PROMULGATED
DATE
April 19, 1983
George Teso
Traffic Director
(C)Apr.28,May5,12

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
THE PROBATE AND FAMILY COURT DEPARTMENT
Middlesex ss. Division
Docket No. 437332
NOTICE OF FIDUCIARY'S ACCOUNT
To all persons interested in the estate of **Max F. Milliken** late of Cambridge, in said County, deceased.
You are hereby notified pursuant to Mass. R.Civ.P. Rule 72 that the Eighth thru tenth account(s) of **Cambridge Trust Company** as Trustee (the fiduciary) have been presented to said Court for allowance.
If you desire to preserve your right to file an objection to said account(s), you or your attorney must file a written appearance in said Court at Cambridge on or before the twelfth day of May, 1983, the return day of this citation. You may upon written request by registered or certified mail to the fiduciary, or to the attorney for the fiduciary, obtain without cost a copy of said account(s). If you desire to object to any item of said account(s), you must, in addition to filing a written appearance as aforesaid, file within thirty days after said return day or within such other time as the Court upon motion may order a written statement of each such item together with the grounds for each objection thereto, a copy to be served upon the fiduciary pursuant to Mass. R.Civ.P. Rule 5.
Witness, Sheila E. McGovern, Esquire, First Justice of said Court, this Nineteenth day of April, 1983.
Paul J. Cavanaugh
Register
(C)Apr.28

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss. Probate Court
To **Joseph Wah-Ming So** and to absentee whose last known address was 74-41 45th Avenue, Elmhurst, Queens, New York having property in the County of Middlesex, to the Treasurer and Receiver General of said Commonwealth, to all persons claiming an interest in the property hereinafter described and to all whom it may concern.
A petition has been presented to said Court, praying that **Sheila Doran So** of Boston in the County of Suffolk or some other suitable person, be appointed receiver of the following described property of said absentee, as follows: Condominium unit No. 4447 Homer Avenue, Cambridge $61,500. less Mortgage of $40,000; BayBank Middlesex $1,500. Shawmut Bank $5,000.
If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the twelfth day of May 1983, the return day of this citation.
Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this fourth day of April 1983.
Paul J. Cavanaugh
Register
(C)Apr.14,21,28

COMMONWEALTH OF MASSACHUSETTS
LAND COURT DEPARTMENT OF THE TRIAL COURT
(Seal) Case No. 109951
To **Mecone Valey** and **Islene Vaey**, both of Cambridge, Middlesex County, both of said Commonwealth, and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:
Frances A. DiNardo and **Anthony P. DiNardo**, both of Cambridge, Middlesex County, both of said Commonwealth, claiming to be the holder of a mortgage covering real property in said Cambridge, numbered 196 Sherman Street, given by Mecone Valey and Islene Valey to plaintiffs, dated November 12, 1982, recorded with Middlesex County (Southern District) Registry of Deeds, Book 14792, Page 479, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.
If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the twelfth day of May 1983, or you may be forever barred from claiming that such foreclosure is invalid under said act.
Witness, William I. Randall, Chief Justice of said Court this twenty-ninth day of March 1983.
John G. Kelleher
Recorder
(C)Apr.28

CITY OF CAMBRIDGE PURCHASING DEPARTMENT
Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass., until 11:00 o'clock A.M. Thursday, May 5, 1983 at which time and place they will be publicly opened and read for furnishing the following to the City of Cambridge:
Chemical Feed Pumps
Intraocular Lenses
EKG Electrodes
See proposal for bid deposit.
The City of Cambridge reserves the right to waive any informalities or to reject any or all proposals.
Specifications may be obtained at the Office of the Purchasing Agent, Room 303, City Hall, Cambridge, Mass.
Each proposal must be in a sealed envelope plainly marked "Proposal for 'Designate Item'", and addressed to Barbara L. Duffy, Purchasing Agent, City Hall, Cambridge, Massachusetts.
Barbara L. Duffy
Purchasing Agent
(C)Apr.21,28

COMMONWEALTH OF MASSACHUSETTS
LAND COURT DEPARTMENT OF THE TRIAL COURT
(Seal) Case No. 110134
To **Panagiotes A. Perlegas** and **Antiopi Perlegas**, both of Cambridge, Middlesex County, both of said Commonwealth, and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:
Cambridgeport Savings Bank, a duly existing corporation having a usual place of business in Cambridge, Middlesex County, and said Commonwealth, claiming to be the holder of a mortgage covering real property in said Cambridge, numbered 122 Oxford Street, given by Panagiotes A. Perlegas and Antiopi Perlegas to plaintiff, dated November 1, 1974, recorded with Middlesex County (Southern District) Registry of Deeds, Book 12721, Page 621, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.
If you are entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended and you object to such foreclosure you or your attorney should file a written appearance and answer in said court at Boston on or before the thirtieth day of May 1983, or you may be forever barred from claiming that such foreclosure is invalid under said act.
Witness, William I. Randall, Chief Justice of said Court this twelfth day of April 1983.
John G. Kelleher
Recorder
(C)Apr.28

CITY OF CAMBRIDGE PURCHASING DEPARTMENT
INVITATION FOR BIDS
The Cambridge Housing Authority will receive sealed bids at 270 Green Street, Purchasing Department, Cambridge, Massachusetts 02139, at 10:00 A.M., Local Time, on May 12, 1983, for: **2 yard and 4 yard rear load compaction containers** - Bid Deposit $200.00. The estimated cost of this contract is under $5,000.00.
Specifications and contractual documents are available at 270 Green Street, Cambridge, Massachusetts, Purchasing Department.
All the bidding procedures included in the General Laws of the Commonwealth of Massachusetts, and the provision of the "Instructions to Bidders" shall be strictly adhered to, all as most recently amended.
No bid may be withdrawn after the opening thereof, prior to thirty (30) days, Saturdays, Sundays and Local Holidays excluded, after approval to award is given by the Department of Housing and Urban Development (HUD), without the consent of the Cambridge Housing Authority.
CHA is an Equal Opportunity Employer.
Cambridge Housing Authority
270 Green Street
Cambridge, Massachusetts 02139
Spencer Ferdinand,
Purchasing Agent
(C)Apr.28,May5

COMMONWEALTH OF MASSACHUSETTS
LAND COURT DEPARTMENT OF THE TRIAL COURT
(Seal) Case No. 109951
To **Mecone Valey** and **Islene Vaey**, both of Cambridge, Middlesex County, both of said Commonwealth, and to all persons entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 as amended:
Frances A. DiNardo and **Anthony P. DiNardo**, both of Cambridge, Middlesex County, both of said Commonwealth, claiming to be the holder of a mortgage covering real property in said Cambridge, numbered 196 Sherman Street, given by Mecone Valey and Islene Valey to plaintiffs, dated November 12, 1982, recorded with Middlesex County (Southern District) Registry of Deeds, Book 14792, Page 479, has filed with said court a complaint for authority to foreclose said mortgage in the manner following: by entry and possession and exercise of power of sale.
If you are entitled to the benef

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

Office of the City Clerk.

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Tuesday, May 17, 1983 at 6:30 p. m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on a petition by the City Council to amend the Zoning Ordinances of the City of Cambridge to create a new Section 11.90, Low and Moderate Income Household Inclusionary Housing Overlay District, and to amend the Zoning Map to create such an overlay District over the entire city.

The ordinance would require the provision of one dwelling unit available to low or moderate income households for each 12,000 square feet of new residential development or for each 12,000 square feet of new commercial development above the first 30,000 square feet of space. A payment to the City of Cambridge in the amount of $25,000 may substitute for a required housing unit.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Walter J. Sullivan
Chairman.

C. C. 108

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

Office of the City Clerk.

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Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Walter J. Sullivan
Chairman.

C. C. 106

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

Office of the City Clerk.

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The ordinance would require the provision of one dwelling unit available to low or moderate income households for each 12,000 square feet of new residential development or for each 12,000 square feet of new commercial development above the first 30,000 square feet of space. A payment to the City of Cambridge in the amount of $25,000 may substitute for a required housing unit.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Walter J. Sullivan
Chairman.

C. C. 106

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

Office of the City Clerk.

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Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Walter J. Sullivan
Chairman.

C. C. 106

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

Office of the City Clerk.

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Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Walter J. Sullivan
Chairman.

C. C. 188

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

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The ordinance would require the provision of one dwelling unit available to low or moderate income households for each 12,000 square feet of new residential development or for each 12,000 square feet of new commercial development above the first 30,000 square feet of space. A payment to the City of Cambridge in the amount of $25,000 may substitute for a required housing unit.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Walter J. Sullivan
Chairman.

PUBLIC NOTICE
RELATIVE TO ZONING

City of Cambridge

MASSACHUSETTS

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CITY OF CAMBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex Inman & Broadway

To Robert W. Healy, City Manager

From Kathy A. Spiegelman, Assistant City Manager for Community Development **Date** April 1, 1983

Subject Amendment to the Inclusionary Housing Petition

Potential disruption to the development process in Cambridge may result during the period needed to consider the proposed Inclusionary Housing Amendment; in particular construction projects about to seek building permits may be set back many months should they be required to advance money, or develop plans for such payment or actual housing construction to meet the requirements of the proposed ordinance while it is being deliberated before the Planning Board and City Council.

To permit an equitable and orderly advancement of building projects about to commence, the enclosed amendment to the petition would make the Inclusionary Housing requirements effective only at ordination of the petition and not at the first public hearing notice as is normally the case with proposed zoning amendments.

Enclosure

Amend the petition by adding a second part as follows:

2. The provisions of this petition shall be in effect only upon ordination by the City Council. Any permit issued prior to such ordination shall conform to existing, applicable zoning regulations only.

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C. C. 108

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Councillor Walter J. Sullivan
Chairman.

CAMBRIDGE, MASS.
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possible pitfalls may not be discernible before its actual implementation. The Board therefore suggests a more cautious approach with the following comments supporting that notion. First, while the demand for housing in the City of Cambridge is in some significant measure induced by factors unique and localized in the city itself, the demand for new commercial development is much more a reflection of market demand for the entire metropolitan area, within which Cambridge is only a modest part. As a small component of the larger metropolitan area Cambridge must compete, often, even now, at some disadvantage, with Boston and other nearby communities and with the suburban industrial parks around Route 128. The imposition of an inclusionary housing requirement might, psychologically or financially, put Cambridge development at a disadvantage with its commercial rivals. In addition, those areas in Cambridge which are now experiencing some development interest (as for example Alewife, East Cambridge Waterfront, and Kendall Square) have been subject in the recent past to policy review by the City Council, have been rezoned to reflect those adopted policies, and have received numerous publicly provided encouragements and inducements to advance private development plans. To subject these areas to new requirements now after the private community has initiated development plans under the policies already incorporated into the zoning ordinance and elsewhere, might cause serious damage to the City's credibility with those persons responsible for committing large sums of money to long-term development programs in the Boston metropolitan area. Finally, full development of the commercial areas of the City is many years into the future. Should the inclusionary ordinance contained herein prove an effective and reasonable mechanism on a small scale, there will be much future development in the City to which it could be made applicable in the years ahead.

In light of the above comments, the Board would recommend the application of the inclusionary housing overlay to an area, such as the Cambridgeport Industrial District, where the public policies desirable for the area are still under discussion and City objectives have still not been fully defined. Applied on such a modest scale its impact and effectiveness could be tested and the groundwork laid for possible expansion and broadening to other appropriate areas of the City, including those for which City policy has only recently been established.

In concert with any adoption of an inclusionary housing zoning provision, the City should work with other communities on the state level to establish a program of financial incentives to communities who might wish to follow Cambridge's lead in the matter of providing affordable housing for its citizens.

Respectfully submitted,

for the Planning Board

Arthur C. Parris

Arthur C. Parris
Chairman

Agenda Item Number One 0-28

Re: report of the Cambridge Planning Board regarding low & moderate income housing inclusionary housing overlay district zoning ordinances.

8/15/83 Placed of file due to expiration of time limit

3/21/83 - Petition filed + amended by C. David Sullivan

Referred again to PBand Ord Comm -

Original Disposition as defined below Changed to Placed on File Result of Comm Dev. Dept call 3/15/83

In City Council

March 14, 1983

3/22/83 sent to Planning Board -

3/14/83

Referred to the Planning Board & Ordinance Comm Hearing & Report