

348 Franklin Street
Cambridge, MA 02139
Telephone 617-491-7181
August 06, 1994

A

City Council
City of Cambridge

RE: KKR / Stop & Shop proposed upzoning
Brief mention of soon to commence rent control Condo evictions

To the Honorable, the Cambridge City Council:

I regret not being able to stay beyond 7 PM at the City Council's August 1, 1994, meeting. I was distracted by the Rent Control Board's vote to allow condo eviction of all Rent Control Tenants in buildings with pre-August 1979 papers, whether or not a sale had occurred prior to the ordinance's passage, a very severe violation of the terms of the removal ordinance. The city council, for some time, has had language which would correct the long standing misinterpretation of this statute by RCB staff. Language is included which would protect innocent purchasers of ordnanced condos who relied on flagrantly incorrect exemption certificates.

On August 1, 1994, I would have liked to talk on the issue of the KKR / Stop & Shop upzoning. I was then unaware of the zoning opinion presented by the City Solicitor's office.

The submittal of the opposition petition was my idea.

The neighbors have made a very strong statement to the city. I am hearing that objection has been filed by owners of more than 30% of the land within 300 feet. Realizing the large property holdings of KKR and of the city within that radius, the number of these objections is nothing less than incredible.

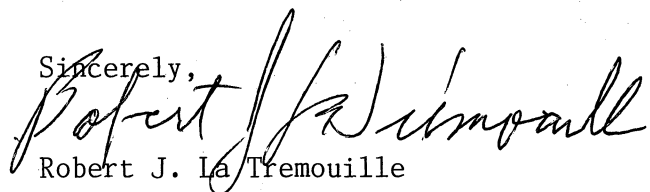
I am extremely uncomfortable discussing the City Solicitor's opinion. I have nothing personal against the members of that office. It is downright embarrassing being exposed to their statements on this matter.

I am one of the principle experts on the city's zoning ordinance. I have strong familiarity with the state's statute and with zoning law in general. I refuse to go into massive amounts of analysis with regard to this opinion.

There is nothing ambiguous about the statute. It clearly refers to the owners of 20% of the property located within 300 feet of the area being upzoned, and it clearly says that a filing of objections by them requires seven votes of the city council. There is no talk about filers having to be direct abutters. There is no talk about lots. The only talk is about land within 300 feet and about the owners of that land.

Other portions of the zoning statute talk of "abutters to abutters" within 300 feet. There is no such language in this portion of the statute. The solicitor's opinion requiring objectors to be direct abutters is silly. It is a potential major waste of city litigation money.

Sincerely,



Robert J. La Tremouille

cc: MDC Commissioner Abate
Responsible neighbors
Press

S-384

Consent Communicaiton #4

A communication was received from Robert LaTremouille regarding the Stop & Shop proposed upzoning and rent control condo evictions.

In City Council September 12, 1994

Placed on file