

COMMITTEE FOR CAMBRIDGE

CITIZENS' ADVISORY COMMITTEE TO THE CAMBRIDGE CITY COUNCIL
ON URBAN RENEWAL AND REDEVELOPMENT-VOLUNTARILY SUPPORTED

99 AUSTIN STREET

CAMBRIDGE 39, MASSACHUSETTS

864-1338

COPY

March 17, 1966

The Honorable City Council
City Hall
Cambridge, Massachusetts 02139

Gentlemen:

If the Inner Belt Highway is constructed through Cambridge along the route recommended by the Massachusetts Department of Public Works, the city will be confronted not only with the loss of homes and jobs but also with the elimination of a number of substantial tax-producing properties. In order to meet these problems effectively, Cambridge must employ all available resources. Under an administrative regulation of the Department of Housing and Urban Development air rights sites for low-rent and moderate-income housing are authorized, and foundations and platforms for such housing may be financed as an urban renewal project.

Air rights sites for low- and moderate-income housing over a highway and design of the highway should be considered concurrently. In order to provide relocation housing at

an early date, we recommend to Your Honorable Body that the city through the Planning Board and Redevelopment Authority take the necessary steps to initiate and coordinate planning for air rights housing.

There is presently before the General Court for consideration House Bill No. 103 authorizing the Department of Public Works to lease air rights over State highways for such non-highway purposes as will not impair the construction, safety and maintenance of the highways. This bill provides that residential and commercial building over highways be in accordance with local building, zoning and fire codes, and that such building may be assessed and taxed by the local community, provided that no part of the value of the land shall be included in any such assessment.

In order that Cambridge may take maximum advantage of air rights development, we respectfully recommend to Your Honorable Body that the city support House Bill No. 103.

Very truly yours,

CITIZENS' ADVISORY COMMITTEE

HOUSE No. 103

Accompanying the twelfth recommendation of the Department of Public Works
(House, No. 91). Highways and Motor Vehicles.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Six.

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO LEASE AIR RIGHTS OVER STATE HIGHWAYS.

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same, as
follows:*

1 Notwithstanding any other provision of law, the depart-
2 ment may, with the approval of the governor and council,
3 lease at one time, or from time to time for a term or terms
4 not to exceed ninety-nine years, upon such terms and condi-
5 tions as the department in its discretion deems advisable,
6 air rights over state highways, including rights for support,
7 access, utilities, light and air, for such non-highway purposes
8 as, in the opinion of the department will not impair the con-
9 struction, full use, safety, maintenance, repair, of state high-
10 ways. Any lease granted under this section may, with the
11 consent of the department, be assigned pledged or mortgaged
12 and the lien of such pledge or mortgage may be foreclosed
13 by appropriate action. The proceeds from any such lease,
14 shall be paid into the treasury of the commonwealth for credit
15 to the Highway Fund.

16 The construction or occupancy of any building, or other
17 thing erected or affixed under any lease under this section
18 shall be subject to the buildings, fire, garage, health and zon-
19 ing ordinances, by-laws, rules and regulations applicable in
20 the city or town in which such building or other thing is
21 located.

22 Any building, or other thing erected or affixed under any
23 such lease under this section shall be taxed to the lessee
24 thereof or his assigns in the same manner and to the same

25 extent as if such lessee or his assigns were the owners of the
26 land in fee, provided that no part of the value of the land
27 shall be included in any such assessment. And provided,
28 further, that the leasehold estate may be sold or taken by
29 the collector of taxes of the city or town in which the said
30 leasehold estate is situated for the non-payment of any taxes
31 assessed as aforesaid in the manner provided by law for the
32 value or taking of real estate for non-payment of local taxes.
33 Such collector shall have for the collection of taxes assessed
34 under this section all other remedies provided by the General
35 Laws for the collection of taxes by collectors of cities and
36 towns.

37 The department shall include in any lease of such air rights
38 a provision whereby the lessee agrees, in the event that the
39 foregoing tax provisions are determined by any court of com-
40 petent jurisdiction to be inapplicable, to pay annually to the
41 city or town in which the building or other thing leased is
42 located, a sum of money in lieu of taxes which would other-
43 wise be assessed by such year.

44 Any lease made pursuant to this section shall require that
45 the lessee file with the department a statement under oath
46 containing the names and addresses of the officers and directors
47 in the case of a corporation, or of the person or persons in the
48 case of a partnership or other voluntary association, or of any
49 other person or persons having any financial or beneficial
50 interest in said lease. The lessee shall within thirty days
51 after any change in the stockholders or persons holding any
52 such interest file a statement under oath with the department.

LOCAL PUBLIC AGENCY LETTER NO. 324

(February 15, 1965)

SUBJECT: Air Rights Projects and Air Rights Sites for Low-Rent
and Moderate-Income Housing

The Housing Act of 1964 authorizes the following new activities in connection with air rights:

1. Section 110(c)(1) of Title I, as amended, provides for a new type of urban renewal project (herein referred to as an "air rights project") that consists wholly of (a) the acquisition of an air rights site in an area which need not qualify as an urban renewal area, and (b) the construction at project expense of necessary foundations and platforms for development of housing (and related facilities and uses) for families and individuals of low or moderate income.
2. Section 110(c)(7) of Title I, as amended, authorizes the construction at project expense of foundations and platforms on an air rights site for the same kind of development in an urban renewal area.

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AIR RIGHTS PROJECT ELIGIBILITY REQUIREMENTS

An air rights project may be undertaken in an area which need not itself be a slum, blighted, deteriorated, or deteriorating area, if it meets the following requirements:

1. The area consists principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities.
2. The area has a blighting influence on the surrounding area.
3. The proposed development of the air rights will eliminate the blighting influence.
4. The air rights site will be developed exclusively to provide housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

5. The development of the air rights site, including platforms, superstructures, screening, and related features, will prevent the surface land use from blighting the housing and related uses of the airspace.
6. The proposed airspace use will have continuing compatibility with land uses in the surrounding area.
7. The proposed development of the air rights site is in conformance with the General Plan for the locality as a whole.
8. The proposed acquisition of air rights and construction of foundations and platforms is economically justifiable.
9. The provision of the air rights site is authorized by State and local law.

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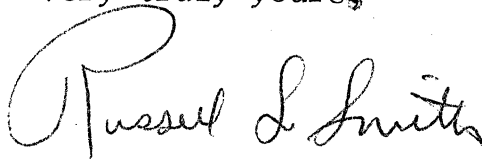
Mr. Thomas M. McNamara
City Clerk
City Hall
Cambridge, Massachusetts

Dear Mr. McNamara:

An original and 15 copies of a recommendation from the Citizens' Advisory Committee to the Cambridge City Council are enclosed, also copies of House Bill No. 103 which is scheduled for hearing before the Committee on Highways and Motor Vehicles on Monday, March 28, at 1:00 pm, and copies of an excerpt from Local Public Agency Letter No. 324.

If you need any more copies, please let me know.

Very truly yours,

A handwritten signature in cursive script that reads "Russell L. Smith". The signature is written in dark ink and is positioned above the printed name and title.

Russell L. Smith
Executive Director

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Communication from Russell L. Smith,
Executive Director of Citizens' Ad-
visory Committee, transmitting a rec-
ommendation from the Citizens' Ad-
visory Committee, a copy of House
Bill No. 103 which is scheduled for
hearing before the Committee on
Highways and Motor Vehicles On Mar.
28, 1966 at 1:00 P.M. and copy of
an excerpt from Local Public Agency
Letter No. 324.

March 21, 1966

3/21/66

Placed on File
City Clerk to Contact
LRA for Information
Requested