

City of Cambridge

PETITION OF *Genevieve McMillan, et al*

zoning in the area of Mt. Auburn, Linden, Bow & Plympton Sts.
Petition filed with the City Clerk *March 5, 1981*

(All hearings to be completed 65 days from filing date with the City Clerk.)

22 days March
30 days April
13 days May

65 days = May 13, 1981 all hearings

March 9, 1981

In City Council

March 9, 1981

Referred to Planning Board for report

May 5, 1981

Planning Board Hearing

(CITY COUNCIL must act within 90 days of the Planning Board's hearing which would be *August 3, 1981*.)

26 days May
30 days June
31 days July
13 days Aug

90 days = August 3, 1981

City Council Hearing published - *Chronicle* - *April 23, 1981*
April 30, 1981

Hearing before the City Council

Hearing May 18, 1981 at 4:30 PM

Report from Planning Board
Report to the City Council

May 29, 1981

June 1, 1981 Taken from Files of Ordinance

Passed to a second reading
Published

June 1, 1981 Failed on Passage to 2nd

Pending 4-5-0

Ready for Ordination
Published

COMPLETION DATE:

August 3, 1981

2nd Reading

City of Cambridge

MASSACHUSETTS

In City Council

June 1 1981

Report of Planning Board #17

Motion to Pass to 2nd Reading - Failed

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane	✓			
Mr. Thomas W. Danehy	✓			
Ms. Sandra Graham		✓		
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci		✓		
Mr. David A. Wylie		✓		
Mayor Francis H. Duehay		✓		
	4	5	0	0

*PETITION OF FLORENCE McMOLLEN ETAL
TO REZONE OFFICE-3 TO BUSINESS-B
DISTRICT AREA OF BOW STREET, DELMERE
AND MT ARBURN STREET*



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

To the Honorable, The City Council:

Subject: Planning Board Recommendation on a petition by Genevieve McMillan et al to rezone from Office-3 District to Business-B District all but the most easterly parcel on two city blocks bounded on the north by Bow Street, on the South by Mount Auburn Street and by De Wolfe Street to the east.

In accordance with Chapter 40A of the General Laws, the Planning Board held a public hearing on Tuesday, May 5, 1981 at the Conference Room, Community Development Department, on the above referenced petition.

THE PETITION

This petition would change the zoning of the four parcels in question from an Office-3 District designation which allows an FAR of 3.0 to a Business-B District which permits an FAR of 4.0. Both zoning districts permit unlimited building height but in any event would be governed by the Harvard Square Overlay District requirements. The major change would involve allowed uses in the respective districts currently, retail use is prohibited but would be allowed if the petition were ordained.

THE PUBLIC HEARING

The Applicant

At the May 5, 1981 public hearing Mr. Paul Counihan, Attorney for the petitioners, explained the purpose and intent of the requested zone change. The petition has been modified from a similar petition filed last year with the elimination of the Phi Eta Club House parcel at the eastern end of the block. The new request, nevertheless, is made for the same reasons expressed last year: (1) to make the long existing uses on the parcels conform to zoning as to use and parking and setback requirements. Designation as Business-B would eliminate the need to seek a variance for each change of use or to rebuild if fire were to destroy the existing structures. Mr. DeMers, one of the petitioners, indicated that he might like to transfer his Harvard Square business to this location at same time in the future but, otherwise, has no intention of redeveloping his property more intensively. Mr. Counihan indicated that the other

petitioners also had no intention of redeveloping their property more intensively. In response to questioning by the Board and citizens in attendance at the hearing, Mr. Counihan suggested that the petitioners would be willing to place appropriate deed restrictions on the properties to limit their development potential under a Business-B designation.

Citizen Comments

The following persons made comments on the petition at the hearing.

1. Mr. Peter Valentine, 55 Blanche Street, Cambridge, supported the proposed change as reasonable given the present uses. He felt that the property owners' desire for a degree of security for the existing retail uses into the future was a reasonable one.
2. Mr. John Pitkin, 18 Fayette Street, Mid-Cambridge Neighborhood Association, was not in favor of the rezoning because of the density, bulk and uses which would be permitted as a result. The Board of Zoning Appeal, he felt, was the appropriate body from which to seek relief from zoning restrictions now in effect.
3. Mr. Robert LaTramouille, 4 Trowbridge Place, felt that the Business-B designation was inappropriate and out of place at this location. Additional floors of retail would generate much more traffic than would the currently permit office uses. Business-A-1 would better serve the interests of both the applicant and the Neighborhood than the proposed Business-B District change.

FINDINGS

After careful consideration of this petition, the testimony delivered at the public hearing and staff review of the petition and possible alternative actions, the Board finds that:

1. The parcels subject to the current petition were zoned office from an earlier business designation as part of the comprehensive 1962 rezoning of the city. The refinement of that office district to the current O-3 designation occurred at a later date. The intent of the 1962 change was to contain and limit the the expansion of retail activity in Harvard Square.
2. The current uses and structures on the subject parcels do not conform to the requirements of the O-3 District as to use, dimensional standards and parking requirements.

3. A number of other structures and uses within the total O-3 District are non-conforming for reasons of use, dimensions of structures, or lack of parking. Of the twenty-four (24) non-institutional lots in the District twelve (including the four within the proposed rezoning area) contain first floor, non-conforming retail uses; thirty out of a total of thirty-seven (37) lots in the district contain structures which appear to be in violation of setback and other dimensional requirements of the O-3 District. Many lots cannot accommodate the parking required for the uses they support.
4. The application of a number of alternative business districts to the subject area would generally inadequately relieve the property owners of non-conforming status, or unreasonably reduce the development potential of the sites.
 - a. A rezoning to Business-C would be inappropriate because such would amount to an unreasonably restrictive downzoning for this location. A 2.0 FAR and 35' height limit (height limit for Business-C is 55' but 35' within 50' of a residential district) would render two of the buildings as nonconforming structures (building housing the Harvard Lampoon and Bookstore and the building containing Harvard Pizza and Art Dealer).
 - b. A rezoning to either of the new Business Districts, Business B-1 or Business B-2 (3.0 FAR and 90' height limit) would render the uses on three of the four lots in question as nonconforming. The new business zones limit the amount of retail space to 25% of the maximum permitted gross floor area allowed on the lot. The lots containing the Art Dealer and Pizza Shop (assessor's lot #11), Tommy's Lunch, Kashmir and Cahalys (#12), and the Voyagers (#48), all exceed the 25% retail limit.
 - c. A rezoning to either Business A or Business A-1 would also be inappropriate given the FAR requirement of 1.0 and a height limit of 35'.
5. Due to the small size of the parcel in question and the relevant factors involved, the Board cannot support the creation of a new Business zoning district for this location alone.
6. The present O-3 zoning as well as any zoning designation in this area would require the application of the Harvard Square Overlay District (60' height limit with portions allowed up to 80' if set back at required angles). Such Overlay District was specifically designed

for protective height restrictions in the Square Area. While the Overlay District regulations are in litigation, they are now being enforced by the City.

7. The scale of buildings in the surrounding area would suggest that the Overlay District requirements are appropriate. Randolph Hall, to the north of the Lampoon Building, has a height of 60'. Russell Hall, to the north of the next parcel (just to the east of the Lampoon block) has building heights of 66' and 56' respectively. The Church on DeWolfe Street has a height of 56' with a 125' high tower. On the south side of Mount Auburn Street, across from the parcels in question, the Quincy House has heights of 26', 23' and 63' respectively. This parcel lies in a Residence C-3 zoning district and is not part of the Overlay District. The Residence C-3 district has no height restrictions.
8. The parcels in question comprise a total area of 8,700 square feet or only .20 acres. In the event that all lots were purchased for development as a single parcel only 8,700 square feet of additional floor area would be possible under the Business-B designation than under the current Office-3 designation. It is however, theoretically, possible that the total permitted floor area, 34,800 square feet, could be devoted to retail use; however, retail use beyond the second floor seems unlikely in practice. Furthermore, due to the narrowness of the parcel, it is unlikely that more than a four story building could be built.
9. In light of the above findings of fact the Planning Board has reached the following conclusions:
 - a. The continued operation of the existing retail uses in the area proposed to be rezoned is reasonable and should not be unduly restricted.
 - b. The intent of the 1962 rezoning of the general area to office in order to limit and contain the retail activity in Harvard Square continues to be a valid and desirable planning objective.
 - c. As a result of the 1962 rezoning a number of other structures and uses suffer the same inconvenience of non-conforming status, limited and irregular lot area, and proximity to an existing Business-B District as the subject area. Justifications advanced for rezoning the subject parcels are equally applicable to several other locations within the O-3 District.

- d. While a rezoning to Business-B would not be an unreasonable upzoning because of the limited development potential of the parcels in question, it would permit a potential expansion of retail activity here which would be contrary to the intent of the original office designation and still valid planning objectives for this area.

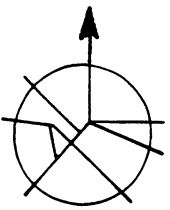
RECOMMENDATION

Based on the above findings, the Planning Board recommends that the petition be APPROVED only if enforceable deed restrictions are placed on the subject parcels limiting retail use to that currently present and further that total development on the parcels not exceed that permitted within an O-3 District.

Respectfully submitted
for the Planning Board,



Arthur C. Parris
Chairman



The Harvard Square Defense Fund

May 11, 1981

THE BOARD OF TRUSTEES

Olive Holmes, President
Dean Johnson, Vice Pres.
Sally Wolfensohn, Treas.
Mary Conlon, Secretary

Wendy Abt
Avis DeVoto
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John Pitkin
J. D. Pollack
Pat Pratt
Jill Strawbridge
Caroline Wadhams
Jane Wainwright

Cambridge City Council
Committee on Ordinances
City Hall
Cambridge, Massachusetts 02139

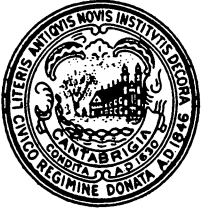
Subject: Petition of Genevieve McMillan to amend the Zoning Ordinance by rezoning to Business B from Office 3 the area between Mt Auburn and Bow Street at Plympton.

The Harvard Square Defense Fund vehemently opposes this petition to upzone an area on Mt. Auburn Street, a street that soon could have insurmountable traffic congestion when the southwest sector of Harvard Square is developed - plus the development on Mass Ave toward Central Square.

We feel that the City should maintain all the control they presently have through zoning and should work with the neighborhoods to gain even more control to lessen the negative impacts in and on our residential neighborhoods.


OLIVE HOLMES, PRESIDENT

Received in hand at Res Room of Deputy City Clerk 5/11/81 @ 5:06 P.M.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

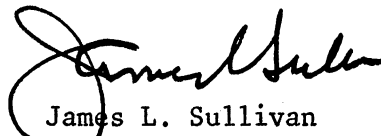
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

June 1, 1981

To the Honorable, the City Council:

Enclosed please find copy of the Planning Board's recommendations relative to a petition to rezone the area bounded by Bow Street, Mount Auburn Street and DeWolfe Street.

Very truly yours,


James L. Sullivan
City Manager

JLS/mbf
Enc.

Planning Board's recommendation to rezone
Bow St., Mt. Auburn St. & DeWolfe St.

In City Council,

~~June 1, 1981~~

June 8, 1981

1/8/1981

*Placed on file with
the Petition-*

*PETITION FAILED OF
PASSAGE TO 2nd Reading-*

4-5-0



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

RECEIVED BY
OFFICE OF CITY CLERK
MAY 29 9 31 AM '81
CAMBRIDGE, MASS.

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Subject: Planning Board Recommendation on a petition by Genevieve McMillan et al to rezone from Office-3 District to Business-B District all but the most easterly parcel on two city blocks bounded on the north by Bow Street, on the South by Mount Auburn Street and by De Wolfe Street to the east.

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RECOMMENDATION

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Respectfully submitted
for the Planning Board,



Arthur C. Parris
Chairman

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 a public hearing will be held on Monday, May 11, 1981 at 4:30 p.m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on a petition by Genevieve McMillan et al to amend the Zoning Ordinances of the City of Cambridge by rezoning to Business B those areas presently zoned Office 3 as shown on the attendant map.

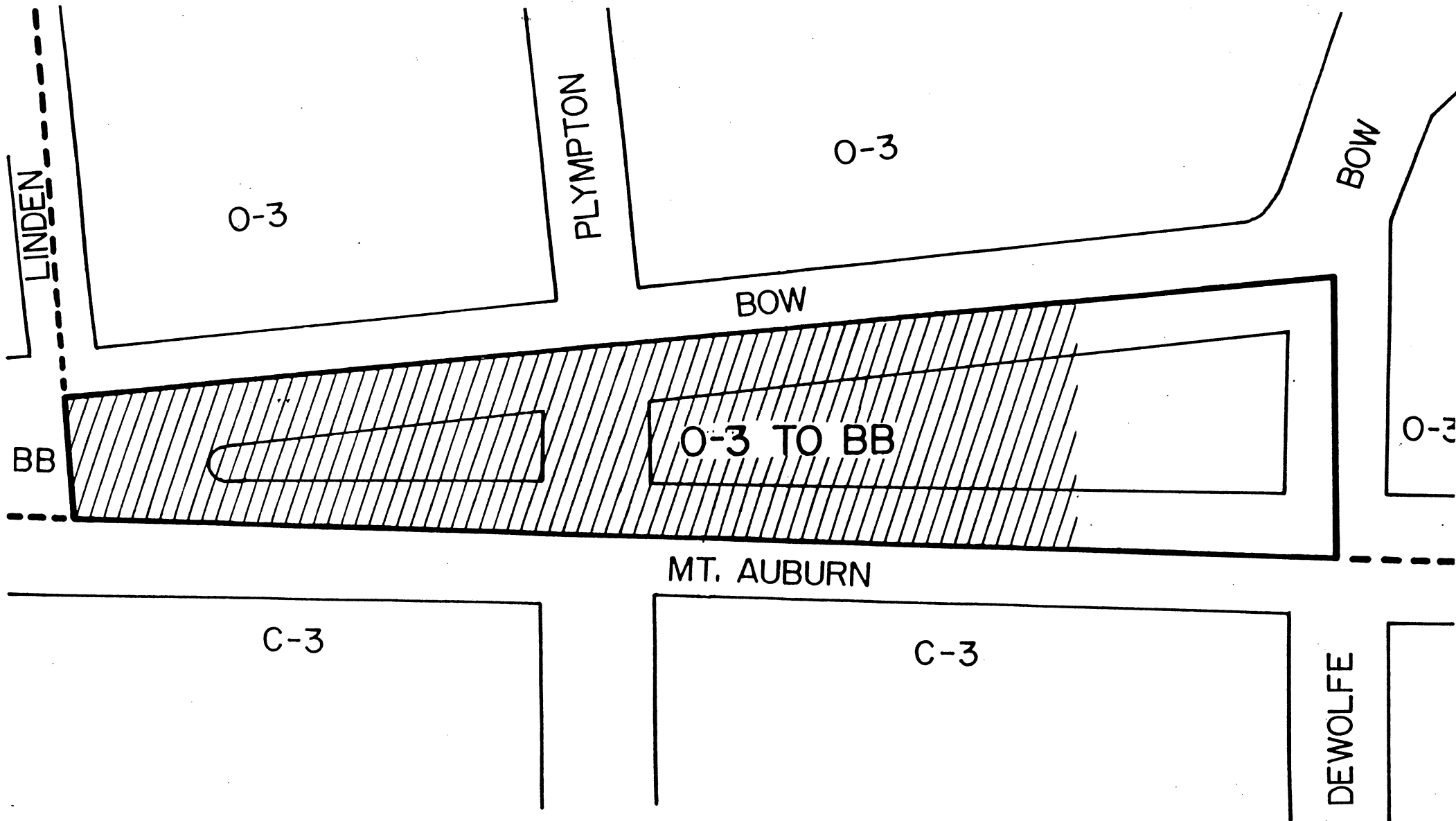
Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor David A. Wylie.

Chairman.



BOW STREET REZONING

3/4/81

PUBLIC NOTICE
RELATIVE TO ZONING.

City of Cambridge

MASSACHUSETTS

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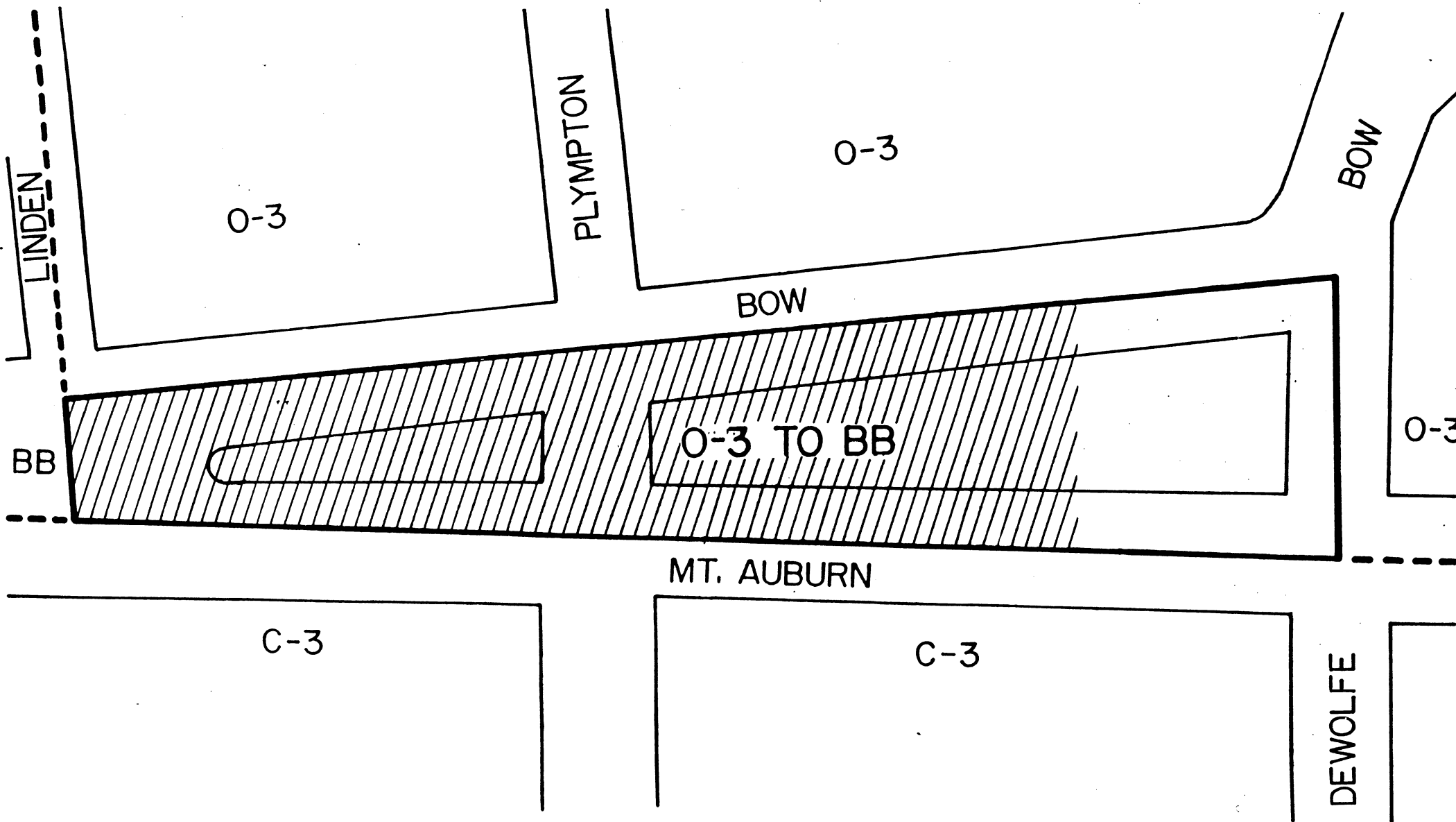
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All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor David A. Wylie.

Chairman.



BOW STREET REZONING

3/4/81



OFFICE OF
THE CITY CLERK

CITY OF CAMBRIDGE

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

April 15, 1981

To Whom It May Concern:

Enclosed you will find a hearing schedule before the Committee on Ordinances for Monday, May 11, 1981 at 4:30 p.m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on a petition by Genevieve McMillan, et al to amend the Zoning Ordinances of the City of Cambridge by rezoning to Business B those areas presently zoned Office 3 as shown on the attendant map.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enclosure: hearing notice.

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 a public hearing will be held on Monday, May 11, 1981 at 4:30 p.m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on a petition by Genevieve McMillan et al to amend the Zoning Ordinances of the City of Cambridge by rezoning to Business B those areas presently zoned Office 3 as shown on the attendant map.

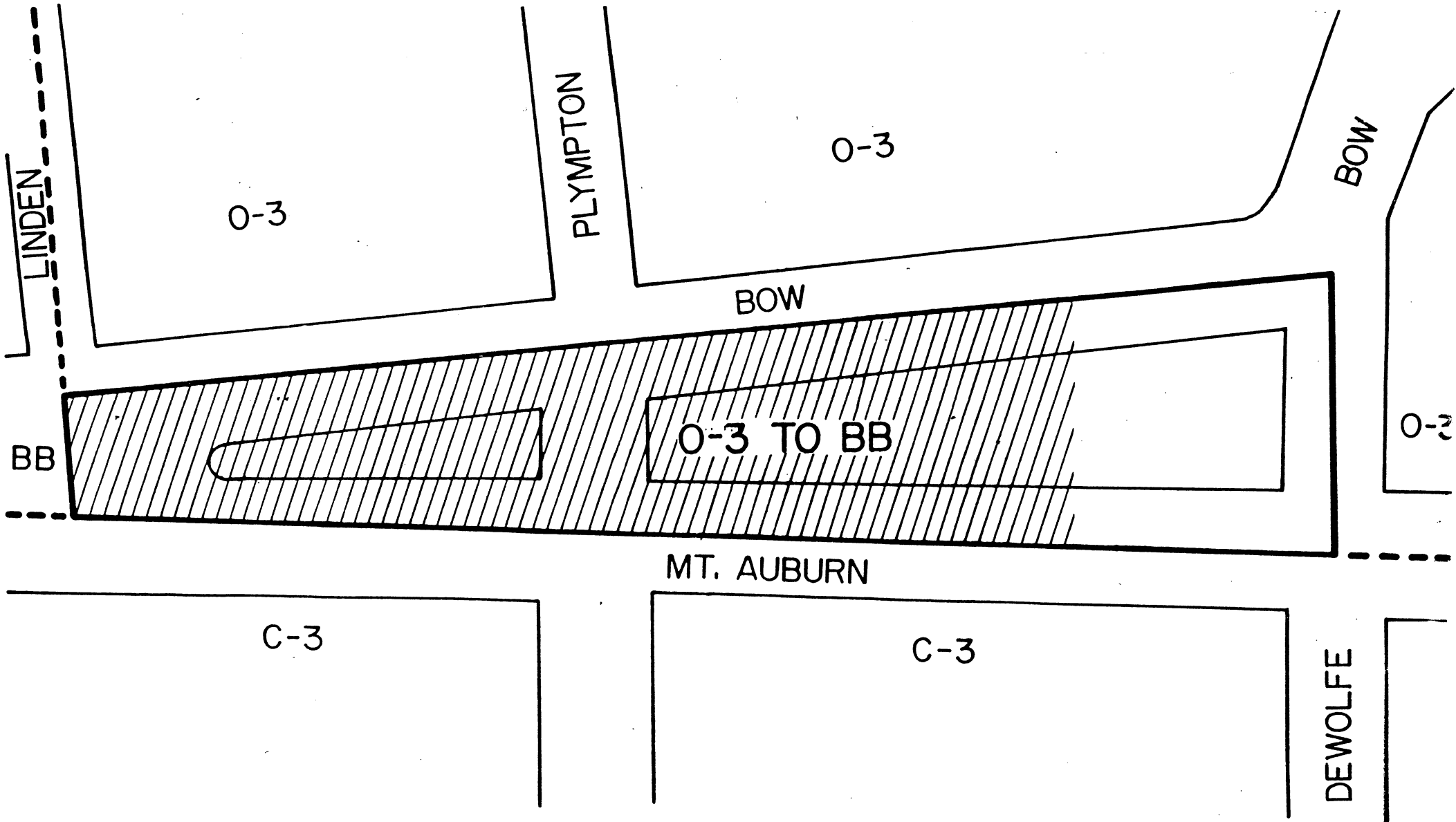
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All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor David A. Wylie.

Chairman.



BOW STREET REZONING

3/4/81

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
CAMBRIDGE, MASS.
APR 15 11 02 AM '04

1st flr.

Ordinance Committee

5/11/81

4:52 P.M.

Present - Councillor David Wylie - Presiding.

- ① C. Vellucci
- ② C. Wylie
- ③ C. Graham 4:57 P.M.
- ④ C. Danahy 4:58 P.M.
C. W. Johnson 5:02 P.M.

Paul Conithan Esq.

Out lined petition request.
Addressed opposition
Attended Ben. B. District
to Speaker's Club

Petitioners can't build
a more intense development
than already allowed by present
zone.
This sets relief for 6 or 7 retail
establishments in immediate
area.

r. Way lie

I believe you have made changes in original petition which seem to address neighborhood concerns.

Oliver Homes
22 Lowell Place
Pres. Harvard Sq.
Defense Fund

opposed to petition @ this time. Submitted written statement.

John Pitkin
22 Fayette St.
c/o Mid-Cambridge
Neighborhood Assoc.

also opposed petition

Mr. Conner

already it's office were asking for business use. NO more than 3 stories.

r. Graham

I do not want a high rise building in area.

C. W. Wylie

Read into record letter from
Historical Commission.

July 5:16 P.M.

RECEIVED BY
OFFICE OF CITY CLERK

Cambridge,

March 4, 1981.

To the Honorable, the City Council of the
City of Cambridge.

The undersigned respectfully pray

That the Zoning Map of the City of Cambridge be amended as follows:

AMEND THE ZONING MAP BY CHANGING THE DISTRICT DESIGNATIONS FOR THE FOLLOWING AREAS.

"1.0 Rezone to Business - B that area presently zoned Office 3 and which is circumscribed by a line beginning at a point, said point being the intersection of the centerline of Mt. Auburn Street with the southerly projection of the centerline of Linden Street, as shown on Assessor's Plat #160;

"1.1 Thence proceeding in an easterly direction along the centerline of Mt. Auburn Street for approximately 362 feet to a point opposite the boundary line between land of the Pi Eta Speakers Association at 45 Mt. Auburn Street, shown on Assessor's Plan #133 as Lot 49, and land of Demers at 45½ Mt. Auburn Street, shown on Assessor's Plat #133 as Lot 48, all as shown on Assessor's Plats #133 and #160;

"1.2 Thence turning and proceeding in a northerly direction through said boundary line approximately 102 feet to the centerline of Bow Street, as shown on Assessor's Plat #133;

"1.3 Thence turning and proceeding in a westerly direction along the centerline of Bow Street approximately 362 feet to its intersection with the southerly projection of the centerline of Linden Street, as shown on Assessor's Plats #133 and #160;

"1.4 Thence turning and proceeding in a southerly direction along the southerly projection of the centerline of Linden Street for approximately 50 feet to its intersection with the centerline of Mt. Auburn Street, the point of origin, as shown on Assessor's Plat #160.

"1.01 Premises shown on Assessor's Plat #133:

Even numbers 30, 38, 40, and 42 Bow Street, even numbers 30 and 30A Plympton Street, and odd numbers 45½, 47, 49, 49A, 51, and 53 Mt. Auburn Street, and which includes all of lots 11, 12, and 48.

"1.02 Premises shown on Assessor's Plat #160

59 Mt. Auburn Street, 33 Plympton Street, and 44 Bow Street, which includes all of Lot 61.

Paul G. Counihan

Paul G. Counihan, Esquire
186 Alewife Brook Parkway
Cambridge, Massachusetts
864-4680

Attorney for Genevieve McMillan,
Owner of premises at 53 Mt. Auburn
Street (also known as 30 Plympton
Street and 40 Bow Street) and George
Demers and George Demers, Jr., Owners
of premises at 45½ to 49A Mt. Auburn
Street

4.

0-19A

PETITION

Genevieve McMillan,
of George Demers, and George Demers, Jr.

for Rezoning in the area of Mt. Auburn
St., Linden St., Bow Street and

No. Plympton Street area.

March 4, 1981

6/1/81

Failed to Pass to
Second Reading

4-5-0

-3/9/1981-

In City Council, March 9, 1981 18

Referred to the Committee on *Ordinances*
and Planning Board for

Attest: *Hearing and Report -*

City Clerk.

Copy sent to Ord. Committee
& Planning Board 3/10/81 (20)