

Mr. Robert LaTremouille stated that it depends on the definition of open space and that decks are included.

Ms. Zoeller-Wellons stated that the change in the definition undoes the requirement that landscaping be done; it requires that the intent only be outlined. She told the Committee of a situation where it was stated "plans need to be shown." The plans were approved, but the developer did not complete the landscaping. The Cook petition requires that landscaping be done before the building is occupied. She stated that there are flaws in the Planning Board petition. Home offices are allowed in the Planning Board petition, but not in the Cook, she said. The home office is being constructed on top of decks, within five feet of lot lines, she said. She stated that in the Cook petition, one side of the property could be saved for a driveway (25% of green paved area) with the requirement that 25% could be used for side yard and 25% for back yard. The petition, she said, is not unduly restrictive. There is no underground parking in the set back to protect the vegetation. The Cook petition applies to new construction and changes in yard requirements. She compared the two petitions as follows:

A large house on a C-1 lot in the Planning Board proposal is allowed a four foot high wooden deck; this counts for open space.

In the Cook petition, there is green space. Any developer building in a Residential, Office and Open Space must abide by the Open Space Requirement.

The Committee heard from Robert LaTremouille, 875 Massachusetts Avenue, who submitted a matrix analysis of the Sheila Cook petition and the Planning Board petition, attached as **ATTACHMENT B**.

He stated that Section I is the substance of the Cook petition. It inserts Section 5.22 for C-2B language which was passed by the City Council last year. It allows some parking in the third yard. The regulation applies to all residence, office and open space districts, he said. The footnote (K) in Section 5.31.1 will be deleted, he said. The Planning Board petition, he said, defines everything such as a pool as open space; the Cook petition defines this as accessory use. He stated that the definitions in the Planning Board petition are bad. He urged the City Council to strike this section.

Ms. Zoeller-Wellons stated that both the Cook and Planning Board's petitions are pending. Nothing dire can happen with these petitions pending, she said. She asked if the Cook petition approach and definitions could be combined with the Planning Board's petition. She stated that the Cook petition is trying to fill the cracks that the Planning Board's petition has made.

Councillor Born stated that she introduced the moratorium in Residence A, B, C and C-1. No additions could take place if there was an increase in the footprint of the building or addition of another living unit, she said. Under the moratorium, a citywide committee was formed to protect backyard open space without restricting property owners. Combining the two petitions may be a good thing, she said. She stated that the process is in peril. More than 50% of backyards will be filled up with development, she said. She urged that the spirit of retribution should be dropped and instead, cooperation will get a proposal passed. The Planning Board petition needs to be fine-tuned, she said. She further stated that she has not heard that there is a threat of pools in the city, but has heard that there is a threat from development in backyards.

Councillor Born asked if a swing set could be constructed under wood chips. Mr. Barber stated that this is open space under the Planning Board proposal. Jungle gyms, he said, could be constructed on a number of surfaces. Under the Cook petition, he said, wood chips are not considered green area. Councillor Sullivan stated that the American Pediatric Association is opposed to play structures with wood chips.

Councillor Born asked if under either scheme, could a path be installed instead of grass. Mr. Barber stated that under both petitions, surface treatments are hard to enforce if there is no building permit. Councillor Born asked if a deck is built, do you need a building permit. Mr. Barber stated that asphalt pavement does not require a building permit.

Councillor Russell asked whether a building permit was needed for a shrine to the Blessed Mother. Mr. LaTremouille stated that this does not require a building permit, unless you are talking about a shrine such as The LaSalette Shrine. A barbecue, he said, is an accessory use. The dimensions in the Cook petition can be relaxed; the Planning Board petition cannot.

Councillor Sullivan asked procedurally what is the intent of the Chair. Both petitions, he said, will need to be referred back to the full City Council. There are only a few weeks left to act on the petitions and suggested a second committee meeting. Councillor Davis stated that the Committee is scarcely ready to act on the petitions. Councillor Sullivan suggested that the petitions be referred back to the full City Council to be passed to a second reading, and that in the meantime, the petitioners and the Planning Board meet and work together on a compromise petition and another meeting be held.

Councillor Sullivan further requested that the Law Department provide an opinion on whether these petitions can be mixed and matched and what action can be taken.

Councillor Davis asked what happens if trees are planted and they do not grow. Ms. Zoeller-Wellons stated that this is planting versus activities in dimensional requirement. Councillor Davis stated that this proposal requires heavy planting in the full setback area of ten feet plus in every district.

Councillor Davis opened the meeting to the proponents of the petition.

The Committee heard from Annie Hoffman, 91 Hampshire Street, who stated that she favored the FAR and setback in the Planning Board's petition, but favored the definition of open space in the Cook petition.

The Committee heard from John Pitkin, 18 Fayette Street, who stated that he would be willing to participate in the working group on the two petitions. He further stated that not enacting something would be harmful.

The Committee heard from Karen Carmean, 1657 Cambridge Street, who stated that setback, permeability and lower FAR are important. She felt that both petitions should be supported, but more work needs to be done. She stated that plantings could be held in escrow until developments are completed. Open space needs to be savored, she said. Accessory structure and transition provisions need more work, she said.

The Committee heard from Jerome Preston, Jr., 62 Foster Street, who stated that first the proponents need to outline their goals and objectives. Then find the right words to accomplish the goals.

The Committee heard from Blair Lent, 10 Dana Street, who was in support of the Cook petition.

The Committee heard from Vicki Boulrice, 20 Soden Street, who stated that green space was more important to her. She hoped that the City does not get too restrictive. She urged protection of open space.

At 7:13 p.m. the hearing for the proponents was closed and the chair asked for the opponents to come forward.

The Committee heard from Peter L. Cohen, 11 Donnell Street, who stated that it was time to work out a compromise.

The Committee heard from Paul L. Tremblay, 65 Clay Street, who stated he was opposed to the Cook petition and the FAR and setback provisions in the Planning Board petition. He informed the Committee that his family has suffered from the effects of zoning. His business was rezoned years ago making it impossible to sell his business. He would like to have the pursuit of happiness and the right to his home. The restrictions affect him and his neighbors. Families have situations where parents need to move in with their children. This creates a need to add another bedroom onto existing structures.

The Committee heard from Philip Dowds, 48 Banks Street, who recorded himself in opposition to both petitions. He stated that he is in favor of open space; however, neither petition is ready for action. He stated that the Zoning Ordinance is too complicated. He asked how the controversy was before the Committee after the work of a year and a half. He further stated that Cambridge Growth Management Committee was not involved in the discussions on the petitions. He stated that he is available to work on this petition. He urged the Committee to shorten, to simplify and to clarify the Zoning Ordinance.

At this time Councillor Russell stated that both petitions have her confused; they are complicated.

Councillor Davis moved the petition to the full City Council. She stated that she supported Councillor Sullivan's motion to move to the full City Council.

Councillor Russell urged the Planning Board and the petitioners of the Cook petition to work together to resolve their differences. She also stated that notices should be sent to residents.

Councillor Born stated that she is not optimistic that the differences will be worked out before July.

Councillor Davis stated that elements One and Three in the Planning Board petition are not complicated issues to resolve. The second element, the permeability, is the most complicated area to resolve. She stated that she wanted passage of a proposal with some of the elements in the Planning Board petition area of greenness amenable to compromise.

Councillor Russell stated that these petitions are confusing to those of us who are present, and there are some members of the City Council who are not here; she stated that she hopes that something could be easily explained to all.

Councillor Davis stated that the City needs to take advantage of this opportunity because it will not come again.

If there is another Ordinance Committee meeting, there will probably be only three members of the City Council present, stated Councillor Russell. Councillor Born informed the public that the Ordinance Committee is a committee of the whole.

Councillor Born stated that in 1970 the Zoning Ordinance consisted of forty-three pages. The Townhouse Ordinance, Section 11, was added and this drastically changed the concepts of lots. In Residence B District, she stated, only two family homes are allowed; however, this is eliminated if you build townhouses. Only a developer can build as many townhouses as they want, she said. She further stated that she feels passionately that development in back yards needs to be limited.

The Committee heard from Mr. Jerome Preston, who suggested mediation for the proponents of the Planning Board and the Cook petitions by the Massachusetts Office of Dispute Resolution.

A communication was distributed to the Committee from Kathy A. Spiegelman, Associate Vice President for Planning and Real Estate for Harvard University, which is attached as ATTACHMENT C. The communication stated that the Cook petition would impose dimensional and site design criteria without regard for individual sites and would have many unintended consequences citywide.

Councillor Davis referred the petition to the full City Council.

The meeting adjourned at seven o'clock and forty minutes p.m.

For the Committee,

A handwritten signature in black ink, appearing to read 'Henrietta Davis', written over the text 'For the Committee,'.

Councillor Henrietta Davis
Chair

ATTACHMENT A

**COMPARISON OF GREEN OPEN SPACE
AND CONSTRUCTION PERMITTED**

in the Sheila Cook Petition

and the Planning Board Proposal

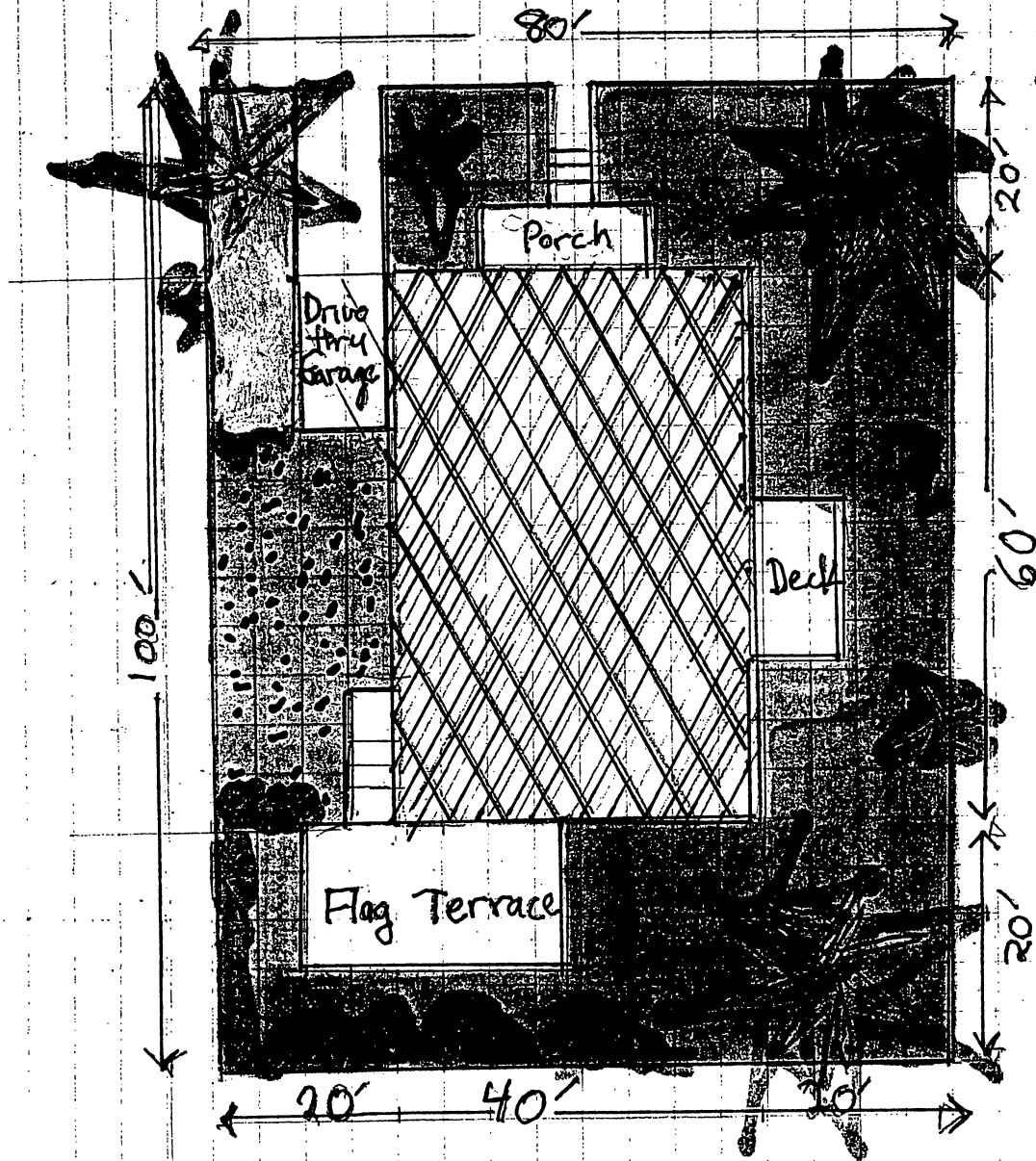
Schematic Drawings for Res. A and Res. C-1 Districts

RESIDENCE DISTRICT A-1

Scale 1/4" = 2'

Street Frontage: 80'
Front setback = 25'
Rear Setback = 25'
Side Yard Sum = 35'

FAR = 5



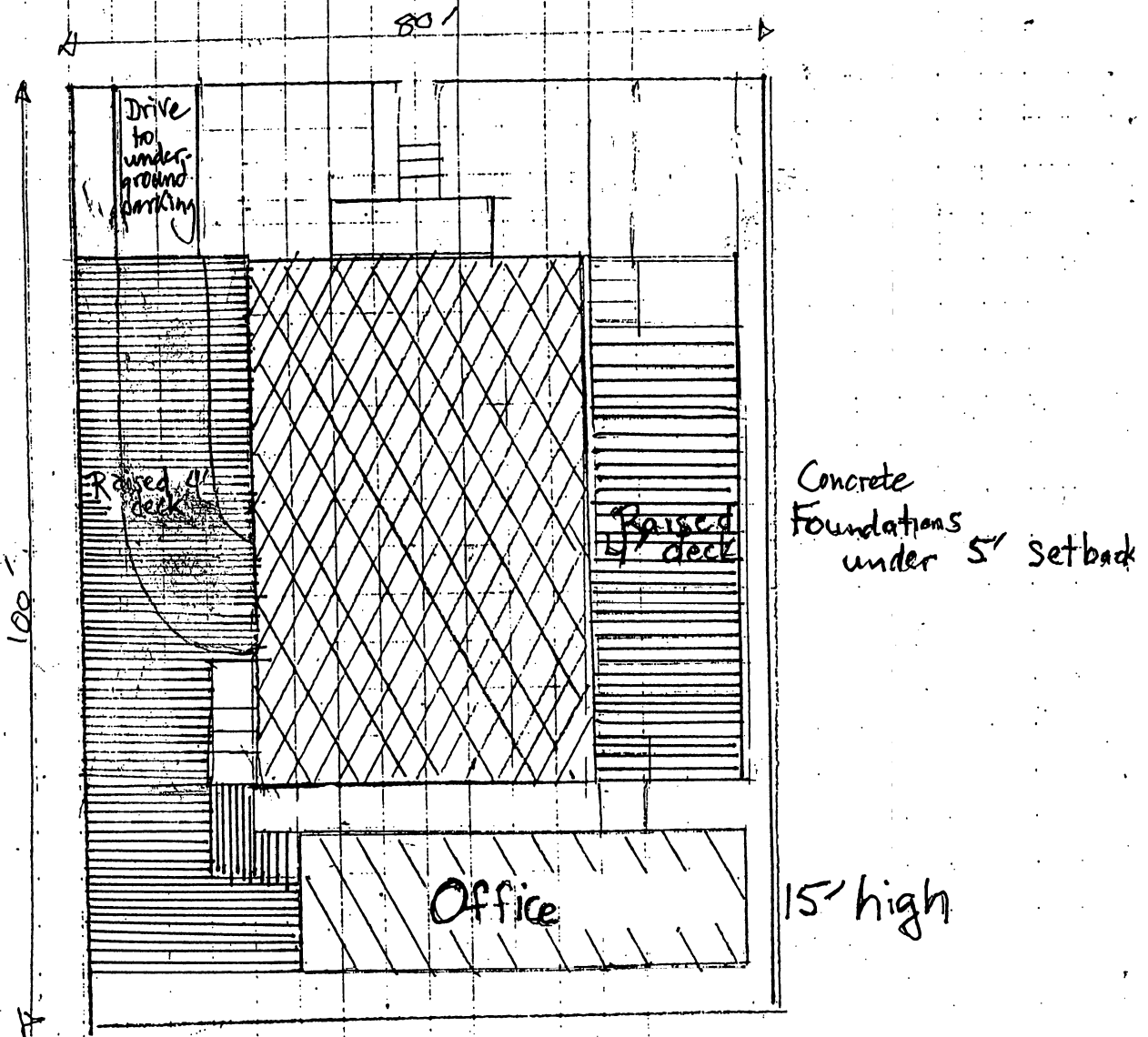
SHEILA COOK PETITION

RESIDENCE DISTRICT A-1

Scale 1/4" = 20'

Street Frontage: 80'
Front setback = 25'
Rear Setback = 25'
Side Yard sum = 35'

FAR = .5



PLANNING BOARD PETITION

NO PLANTING

NONE REQUIRED

Developer need only state intent.

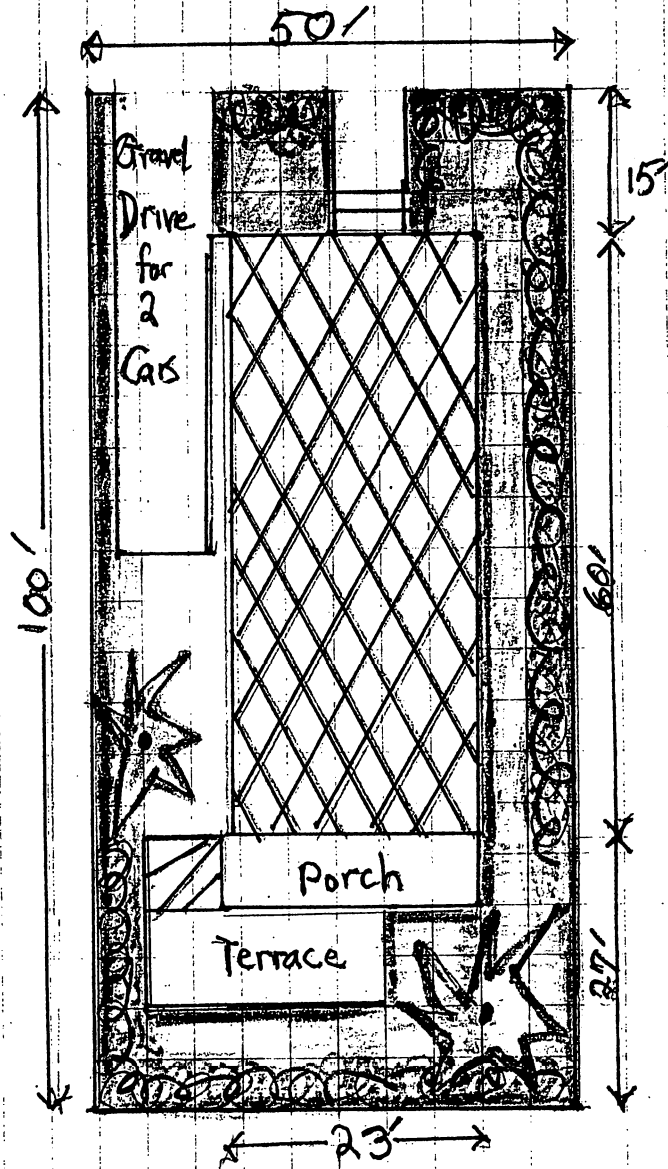
Scale 1"=20'

RESIDENCE DISTRICT C-1

Street Frontage = 50'

Front Set-back = Only 5' required from Street &
but room needed for steps

Rear Set-back 20'



Side yard total = $H + \frac{L}{5} = 20$ Total

SHEILA COOK PETITION

MATRIX ANALYSES OF "OPEN SPACE" PROPOSALS

Robert J. La Trémouille

May 5, 1999

After the May 27 hearing, a Councillor commented on the helpfulness of the matrix created by the Development Department with regard to their proposal. The Councillor suggested it would be of value if I did the same. I started this letter with the expectation that it would be not that difficult to provide a response which would be of value to the City Council.

Then I saw the Development Department's "matrix."

A matrix, by definition as used in the world, is something which explains, without changing, a document, group of documents, or some other collection of data. The purpose of a matrix is to simplify things.

If the document which was left out for the public is what is what the department is referring to as a matrix, their use of the word "matrix" is yet another distressing example of Newspeak.

The document which was left out by the Development Department is a proposal to amend the Development Department's proposal by reorganizing it and by renumbering its sections. This is not a matrix. It is a reorganization. We now have two versions of the Development Department's proposal in front of us:

1. The real version, horribly and inexcuseably complicated.
2. A proposed reorganized version called in classic Newspeak, the "matrix." This proposed reorganization has not been adopted. Submittal of this proposed reorganization, describing it as merely the submittal of a matrix, complicates the situation, since each paragraph must now be referred to by two numbers: the real number and the proposed reorganization number.

This addition to the complexity of an already inexcuseably complicated document is, to put it delicately, distressing.

Following is:

1. A matrix analysis of Sheila Cook proposal provisions organized by category. All should pass.
2. A matrix analysis of the Development Department / Planning Board proposal now in front of the City Council. Correlation of numbers between the two versions of the proposal is in the left hand columns. The provisions are briefly summarized. A recommendation as to passage is in the right hand column.

To minimize the confusion, this Matrix is provided in two formats. The first format is organized in the order of the petition in front of the City Council (the "Planning Board Resubmittal"). The second format is organized in the order of the Proposed Reorganization (called by Development Department in Newspeak, the "Matrix").

MATRIX ANALYSIS

Sheila Cook Petition

Section in Sheila Cook Submittal	Content	Comments
I. Quality of Open Space.		
Section A.	<p>Modify Section 2 of Ordinance, definition of "Green Area".</p> <p>First paragraph , first sentence and second paragraph are existing definition, except that allowance of 25% walkways (rather than 50%) is taken from the C-2B language passed by the City Council over the objection of the Planning Board.</p> <p>First paragraph, second sentence is taken from C-2B.</p> <p>First paragraph, last sentence and third paragraph are taken from the Planning Board proposal.</p>	Ought to pass.
Section I.	<p>Insert a new Section 5.22 and renumber accordingly:</p> <ul style="list-style-type: none"> a. Extends the C-2B yard requirements to all residence, office and open space districts, plus makes these requirements apply to three yards instead of two yards, out of four yards; b. Applies comparable yard requirements to housing construction in other districts insofar as yards are required for said construction; c. Applies comparable yard requirements to that portion of all construction in districts other than residence, office and open space districts which abuts residence or open space districts. Applies the respective Residence / Open Space District regulation to the yard abutting. 	Ought to pass.
Section J.	<p>Deletes existing section 5.31.1, footnote (k) with respect to yards for the C-2B district. Provision would be incorporated in the proposed general language. Would be no longer needed as a separate footnote.</p>	Ought to pass if the general change passes.

Section in Sheila Cook Submittal	Content	Comments
II. Structures Allowed in Open Space.		
Section B.	Amends Section 4.21.c of the ordinance, provision of parking as an accessory use, so that new accessory buildings used for garage purposes would be limited to one vehicle. Note: this only applies to garages constructed in the middle of what would otherwise be open space. Does not apply to garage structures which comply with yard requirements and does not apply to open lot parking.	Ought to pass.
Section C.	Amends Section 4.21.d of the ordinance, customary home occupation, to prohibit such use in an accessory building.	Ought to pass.
Section D.	Amends Section 4.21.g(2) of the ordinance to limit the area occupied on the lot by accessory uses, except for non-structural parking to 150 square feet of the area of the lot.	Ought to pass.
Section E.	Amends Section 4.21.h of the ordinance by adding limitations that an accessory building shall not occupy more than 150 square feet of the are of the lot, and that no side shall exceed 18 feet in length.	Ought to pass.
Section G.	Adds new section 4.21.o, allowing an ornamental pool as an accessory use, subject to height limit of 2 feet above mean natural grade and a depth of 2 feet in addition to standard "accessory building" limits, and allowing structure in the pool not exceeding 15% of the area of the pool which otherwise comply with the regulations for accessory buildings.	Ought to pass.
III. Other Open Space.		
Section H.	Deletes section 5.22.3 of the zoning ordinance as the zoning ordinance is numbered prior to the changes after Section H. This is the provision governing bonus for construction across from open space. This change adopts part of the Planning Board's proposed change to section 5.22, a part never mentioned in their presentations.	Ought to pass.

MATRIX ANALYSIS

Development Department Proposal for Reorganization of Second Planning Board Submittal Organized in the Order of the Resubmittal

Section in Planning Board Resubmittal	Section in Proposed Reorganization	Content	Comments
Section A.	Part III, Section A	Proposes new section 5.28. Application of FAR and Minimum Lot Area per Dwelling Unit Where More Than One Number Appears in the Tables of Section 5.30 - District Dimensional Regulations	No opinion.
Section B, first of three columns	Part III, Section B, first of two columns	In Table 5-1, proposes changes in columns (1), Maximum Ratio of Floor Area to Lot Area, for Res. A-1, Res. A-2, Res. B, Res. C, and Res. C-1 districts	No opinion.
Section B, second of three columns	Part III, Section B, second of two columns	In Table 5-1, proposes changes in columns (3), Minimum Lot area for Each D.U. in Sq. Ft. for Res. B, Res. C, and Res. C-1 districts	No opinion.
Section B, third of three columns	Part I, Section A	In Table 5-1, proposes changes in columns (5), Min. Yard in feet Rear for Res. A-1, Res. A-2, Res. B, Res. C, and Res. C-1 districts	No opinion.
Section C	Part III, Section C	In Table 5-1, paragraph 2, footnotes, proposes deletion of footnote (j). This is the footnote which protects the Galluccio Res. B protections from being evaded by subdivision.	No opinion, except to comment that this provision, modified to delete the Special Permit provisions, would be appropriate to make all "protections" meaningful which only apply to lot areas larger than a specified size.
Section D	Part II, Section A	Article 2.000, Definitions - proposes deletion of current definitions of "Green Area," "Publicly Beneficial Open Space," and "Useable Open Space." New definition of "Open Space" with subdefinitions of "Open Space, Permeable", "Open Space, Landscaped," and "Open Space, Useable." "Relocates" definition of "Public Open Space" by changing its title to "Open Space, Public."	Highly destructive. Should not pass.
Section E	Part II, Section B	In Section 5.30, District Dimensional Regulations, proposes deletion of the existing heading in Column (7) and substitution therefor a new heading "Minimum Ratio of Open Space to Lot Area."	Probably should not pass. Part of the destructive redefinition.

Section in Planning Board Resubmittal	Section in Proposed Reorganization	Content	Comments
Section F	Part II, Section C	Proposed modification of Table 5-1 of the Ordinance, changing Open Space requirements for Res. A-1, Res. A-2, Res. B, Res. C and Res. C-1	Since relies on redefined open space, probably could not be passed without that definition. I would defer to City Solicitor, and let him do the research.
Section G	Part II, Section D	<p>Strikes "green area" everywhere it appears in the ordinance and substitutes "Landscaped Open Space". In sections 4.27.2, section 4.27.3 and section 5.33, paragraph 2, footnotes (d) and (e), substitutes "landscaped open space" for "landscaped green space" wherever it occurs.</p> <p>Sections 4.27.2 and 4.27.3 regulate the Mass. Ave. Bus. B-1 district with regard to the 45 feet nearest Green Street.</p> <p>Section 5.33, paragraph 2, footnotes (d) and (e) regulate yards and open space in the Mass. Ave. Bus. B-1 and Bus. B-2 districts.</p>	Highly destructive. Should not pass.
Section H Basic Impact	Part II, Section E	In Section 5.22, Replaces existing "Useable Open Space and Public Open Space" regulations with new regulations for Open Space and Useable Open Space, with separate paragraphs for Open Space on Existing Lots.	Highly destructive. Should not pass.
Section H Secret Impact	Part II, Section E.	Although not publicized, replaces the provision providing a bonus for constructing across from open space.	Section H of Sheila Cook Petition should pass which does the same thing either as part of the Sheila Cook Petition or as a legally possible amendment of the Planning Board Petition.
Section I, first paragraph	Part I, Section B	Creates a new Paragraph J in section 8.22.1 which purports to increase back yards and then takes much of it away.	No opinion.
Section I, second paragraph PROVISION KEPT SECRET FROM CITY COUNCIL AND PUBLIC	Part II, Section F	<p>Creates a new Paragraph K in sec. 8.22.1 which allows open space to be reduced as of right on lots which already have too little open space. If adopted, open space on lots which already have too little open space may be reduced, as of right, by 10%.</p> <p>DEVELOPMENT DEPARTMENT PRESENTATIONS ALWAYS REFER ONLY TO SECTION I, FIRST PARAGRAPH (IN THE REFILE) / PART I, SECTION B (IN THE REORGANIZATION). THEY ARE CLEARLY, AND FOR GOOD REASON, ASHAMED OF THIS PROVISION, BUT STILL TRY TO SNEAK IT THROUGH.</p>	Highly destructive. Should not pass.

MATRIX ANALYSIS

Development Department Proposal for Reorganization of Second Planning Board Submittal Organized in the Order of the Proposed Reorganization

Section in Planning Board Resubmittal	Section in Proposed Reorganization	Content	Comments
Section B, third of three columns	Part I, Section A	In Table 5-1, proposes changes in columns (5), Min. Yard in feet Rear for Res. A-1, Res. A-2, Res. B, Res. C, and Res. C-1 districts	No opinion.
Section I, first paragraph	Part I, Section B	Creates a new Paragraph J in section 8.22.1 which purports to increase back yards and then takes much of it away.	No opinion.
Section D	Part II, Section A	Article 2.000, Definitions - proposes deletion of current definitions of "Green Area," "Publicly Beneficial Open Space," and "Useable Open Space." New definition of "Open Space" with subdefinitions of "Open Space, Permeable", "Open Space, Landscaped," and "Open Space, Useable." "Relocates" definition of "Public Open Space" by changing its title to "Open Space, Public."	Highly destructive. Should not pass.
Section E	Part II, Section B	In Section 5.30, District Dimensional Regulations, proposes deletion of the existing heading in Column (7) and substitution therefor a new heading "Minimum Ratio of Open Space to Lot Area."	Probably should not pass. Part of the destructive redefinition.
Section F	Part II, Section C	Proposed modification of Table 5-1 of the Ordinance, changing Open Space requirements for Res. A-1, Res. A-2, Res. B, Res. C and Res. C-1	Since relies on redefined open space, probably could not be passed without that definition. I would defer to City Solicitor, and let him do the research.
Section G	Part II, Section D	Strikes "green area" everywhere it appears in the ordinance and substitutes "Landscaped Open Space". In sections 4.27.2, section 4.27.3 and section 5.33, paragraph 2, footnotes (d) and (e), substitutes "landscaped open space" for "landscaped green space" wherever it occurs. Sections 4.27.2 and 4.27.3 regulate the Mass. Ave. Bus. B-1 district with regard to the 45 feet nearest Green Street. Section 5.33, paragraph 2, footnotes (d) and (e) regulate yards and open space in the Mass. Ave. Bus. B-1 and Bus. B-2 districts.	Highly destructive. Should not pass.
Section H Basic Impact	Part II, Sec. E Basic Impact	In Section 5.22, Replaces existing "Useable Open Space and Public Open Space" regulations with new regulations for Open Space and Useable Open Space, with separate paragraphs for Open Space on Existing Lots.	Highly destructive. Should not pass.

Section in Planning Board Resubmittal	Section in Proposed Reorganization	Content	Comments
Section H Secret Impact	Part II, Section E. Secret Impact	Although not publicized, replaces the provision providing a bonus for constructing across from open space.	Section H of Sheila Cook Petition should pass which does the same thing either as part of the Sheila Cook Petition or as a legally possible amendment of the Planning Board Petition.
Section I, second paragraph PROVISION KEPT SECRET FROM CITY COUNCIL AND PUBLIC	Part II, Section F	Creates a new Paragraph K in section 8.22.1 which allows open space to be reduced as of right on lots which already have too little open space. If adopted, open space on lots which already have too little open space may be reduced, as of right, by 10%. DEVELOPMENT DEPARTMENT PRESENTATIONS ALWAYS REFER ONLY TO SECTION I, FIRST PARAGRAPH (IN THE REFILE) / PART I, SECTION B (IN THE REORGANIZATION). THEY ARE CLEARLY, AND FOR GOOD REASON, ASHAMED OF THIS PROVISION, BUT STILL TRY TO SNEAK IT THROUGH.	Highly destructive. Should not pass.
Section A.	Part III, Section A	Proposes new section 5.28. Application of FAR and Minimum Lot Area per Dwelling Unit Where More Than One Number Appears in the Tables of Section 5.30 - District Dimensional Regulations	No opinion.
Section B, first of three columns	Part III, Section B, first of two columns	In Table 5-1, proposes changes in columns (1), Maximum Ratio of Floor Area to Lot Area, for Res. A-1, Res. A-2, Res. B, Res. C, and Res. C-1 districts	No opinion.
Section B, second of three columns	Part III, Section B, second of two columns	In Table 5-1, proposes changes in columns (3), Minimum Lot area for Each D.U. in Sq. Ft. for Res. B, Res. C, and Res. C-1 districts	No opinion.
Section C	Part III, Section C	In Table 5-1, paragraph 2, footnotes, proposes deletion of footnote (j). This is the footnote which protects the Galluccio Res. B protections from being evaded by subdivision.	No opinion, except to comment that this provision, modified to delete the Special Permit provisions, would be appropriate to make all "protections" meaningful which only apply to lot areas larger than a specified size.



HARVARD PLANNING AND REAL ESTATE

May 5, 1999

The Honorable Henrietta Davis
Chair, Ordinance Committee
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Cook Petition

Dear Ms. Davis:

I am writing to convey Harvard's concerns about the Cook Petition that you will be considering at tonight's public hearing. The Cook Petition would impose dimensional and site design criteria without regard for individual sites and would have many **unintended consequences** citywide. Much existing development would become legally nonconforming and existing legal non-conformities would be worsened on an unprecedented scale. The Cook Petition applies regulations appropriate for single-family residential development to all Residential, Office, and Open Space Zoning Districts. I have attached an annotated copy of the Petition and a corresponding summary highlighting our concerns about its impact.

The Cook Petition goes well beyond the scope and intention of the discussions on open space and backyard development which are taking place within the Citywide Growth Management Advisory Committee and at the Planning Board. Harvard has actively participated in these discussions as a member of the Citywide Growth Management Advisory Committee. We are now seeing numerous petitions coming before the City Council, including this alternative petition concerning open space and yard requirements. Careful analysis of each petition becomes increasingly difficult as the Planning Board, the Ordinance Committee, and affected property owners attempt to review and understand the impact of each petition. We are concerned that the result may be a Zoning Ordinance which is complex and constraining, rather than a simple and readily-understood code that can effectively support our shared objectives.

Sincerely,

Kathy A. Spiegelman
Associate Vice President
for Planning and Real Estate

Attachments: Cook Petition
Cook Petition – Items of Particular Concern

cc: Beth Rubenstein, Acting Assistant City Manager
Tanya Iatridis, Director of Project Approvals
Mary Power, Director of Community Relations

Cook Petition - Items of Particular Concern

1. Article 4.000, Section 4.21 (c): Limitation on parking as an accessory use implies that all accessory parking garages would be limited to one passenger vehicle.
2. Article 4.000, Section 4.21(g): Limitation of the total area of accessory uses on a lot to 150 square would make most existing accessory structures nonconforming and would disproportionately affect owners of large lots.
3. Article 4.000, Section 4.21(h): The proposed limitations of accessory uses and application of accessory structure setback standards from residential districts would (1) eliminate the possibility of structured parking as an accessory use; (2) eliminate the placement of most accessory uses; and (3) make most existing accessory structures nonconforming; (3) replace a limitation which is proportionate to lot size with one that applies regardless of lot size and is, therefore, particularly onerous for large lot owners.
4. Article 4.000, Section 4.21 (k): Introduction of the term "natural grade" is problematic, as it is not defined; the proposed application of 15' height limit regulations for accessory buildings in all zoning districts would severely restrict the utility of the accessory structure provisions.
5. Article 5.000, Section 5.22.1:
 - (A) Application of below-grade setback calculations in all Office, Residence, and Open Space Zoning Districts will contradict the provisions of certain districts as established in the CZO and create a vast number of legal nonconformities for existing uses. In addition, application of these regulations will apply de facto design guidelines without respect to particular sites where below-grade development could be the best design alternative.
 - (B) Requiring 3 yards on a site to be green areas further restricts the placement of accessory structures, and could restrict the layout of walkways and driveways.
 - (C) Requiring a continuous, unbroken year-round visual screen implies that plantings are required to be at the edge of lots and cannot be deciduous; this would create security and safety concerns, as well as render legally nonconforming a majority of existing developments in every Office, Residence, and Open Space Zoning Districts.
 - (D) A Committee on Public Planting will have an as-yet undefined mandate to subjectively decide which trees are "best" and when "every effort" has been made to save them. Unless the Committee will be given Permit Granting Authority under Chapter 40A, this will cause an increased number of requests for Board of Zoning Appeal zoning relief, as people developing new projects try to reconcile concerns for pedestrian and vehicular access, safety, and placement of accessory structures with the requirement of this provision.
 - (E) Application of green area requirements to $\frac{3}{4}$ of the yards for any lot with more than 4 yards would create a vast number of legal nonconformities for existing uses.
 - (F) Establishment of standards where a lot is partially in an Office, Residence, or Open Space district, or where a lot abuts a more restrictive district, expands the impact of the petition to include all yards of a subject lot or any lot which abuts a subject lot.
 - (G) Restriction of 1 pedestrian path perpendicular to the front lot line will necessarily eliminate all multiple paths, curved or angled paths, paths which originate from a driveway and paths which access both a driveway and a front sidewalk; all of which could be favorable design options.
 - (H) Exclusion of curved driveways with 2 points of access and the requirement that a driveway be no more than 12 feet wide will not allow for the safe accommodation of 2-way traffic parking in parking areas accessory to commercial development.
6. Article 5.000, Section 5.22.2:
 - (A) Application of the proposed Section 5.22.1 below-grade setback requirements to yards in districts other than Office, Residence and Open Space Districts will contradict the provisions of certain established CZO districts and create a vast number of legal nonconformities for existing uses.
 - (B) Requiring 3 yards on a site to be green areas further restricts the placement of accessory structures, and could restrict the layout of walkways and driveways.
 - (C) Requiring a continuous, unbroken year-round visual screen implies that plantings are required to be at the edge of lots and cannot be deciduous; this would create security and safety concerns, as well as render legally nonconforming a majority of existing developments in districts other than Office, Residence or Open Space Districts.
 - (D) See comment (D) under discussion of proposed Article 5.000, Section 5.22.1.
 - (E) Requiring the application of Residence or Open Space District yard dimensional requirements for lots in other districts which have less restrictive yard requirements will significantly increase the number of nonconforming lots and could significantly alter the massing of future projects on those lots.

March 1999

TO THE HONORABLE, THE CAMBRIDGE CITY COUNCIL:

The undersigned petition that the text of the Zoning Ordinance of the City of Cambridge be amended as follows:

A. In Article 2.000 - Definitions, amend the definition of "Green Area" to read as follows:

Green Area.

A landscaped area of land associated with and located on the same tract of land as a major building or group of buildings in relation to which it serves to provide light and air, or scenic, recreational or similar purposes. Green area shall, except as stated below, be completely planted with living trees, grass, ground cover, bushes, shrubs, and / or similar vegetation, as well as water and other natural features of the site. Pervious ground covers such as wood shavings may be used, but only as mulch beneath vegetation.

Such area may not include any portion of the lot used for parking access drives or other hard surface areas, except walks and terraces designed and intended for non-vehicular use. However, in no case shall hard surfaced walks and terraces exceed twenty-five (25) percent of the total required green area.

Green area shall consist of open space at grade, with vegetation as stated above. It shall be open and unobstructed to the sky. It shall consist of friable, permeable material (including but not limited to loam, gravel, sand and crushed stone, and including naturally occurring soil, bedrock, and incidental pipes and other underground utilities) having a minimum depth of three feet. Said land shall be capable of supporting the growth of trees, grass, ground cover, bushes, shrubs, and similar vegetation.

1
B. Amend Section 4.21.c. to read as follows:

Provision of parking for occupants, employees, customers, or visitors shall be considered as an accessory use, provided that:

- (1) where accessory to residential uses, such parking shall be limited to the accommodation of three passenger vehicles, or two passenger vehicles for each dwelling unit, whichever is greater, and
- (2) an accessory building used for garage purposes shall be limited to the accommodation of one passenger vehicle.

C. Amend Section 4:21.d. to read as follows:

A customary home occupation or the office of a resident physician, dentist, attorney-at law, architect, engineer, or member of other recognized profession shall be considered as an accessory use, provided that:

- (1) no more than three persons shall practice or be employed on the premises at any one time, and
- (2) said use shall not occur in an accessory building.

2
D. Amend Section 4:21.g.(2) to read as follows:

The total area of uses accessory to the principal use except for non-structural parking facilities and driveways may not occupy more than 150 square feet of the area of the lot.

3

E. Amend Section 4.21.h to read as follows:

An accessory building shall not occupy more than 150 square feet of the area of the lot. No side of an accessory building shall exceed 18 feet in length. An accessory building shall not be located nearer than ten (10) feet to the principal building or nearer than five (5) feet to any side or rear lot line or nearer to the front lot line than the minimum setback in the zoning district. No lot may contain more than one accessory building.

4

F. Amend Section 4.21.k to read as follows:

No accessory building shall be constructed except at natural grade, nor may any accessory building exceed fifteen (15) feet in height above mean natural grade.

G. Add a new Section 4:21.o, reading as follows:

o. An ornamental pool shall be considered an allowed accessory use, subject to the following conditions:

(1) With regard to the ornamental pool itself:

(a) Its height shall not exceed two (2) feet above mean natural grade;

(b) It shall not exceed two (2) feet in depth; and

(c) It shall otherwise comply with the provisions of this section 4.21 with regard to the dimensions of accessory buildings.

(2) With regard to any structure or structures contained in the ornamental pool:

(a) The total area of said structures shall not occupy an area in excess of 15% of the area of the ornamental pool; and

(b) They shall otherwise comply with the provisions of this section 4.21 with regard to the dimensions of accessory buildings.

H. Delete section 5.22.3 as the zoning ordinance is numbered prior to the changes below.

5

I. Insert a new Section 5.22 reading as follows, and renumber the existing Sections 5.22 and following accordingly.

5.22 Minimum Standards for Yards:

5.22.1 Minimum Standards for Yards in Office, Residence and Open Space Districts.

Yards in Office, Residence and Open Space Districts shall comply with the following standards:

5A

(1) Setbacks.

Buildings shall comply with yard requirements stated in this Zoning Ordinance by being set back above and below ground.

(2) Green area — general.

SB

SC

SD

Three of the yards on a lot shall consist exclusively of green area as defined in section 2.000. At a minimum, green area setback shall consist of permanently maintained densely planted trees and shrubs that may be expected to form within three (3) years after time of planting a continuous unbroken, year round visual screen. Every effort shall be made to retain the best existing trees in said setbacks to meet the requirements of this section in whole or in part. Plans for landscaping and maintenance shall be approved by the Committee on Public Planting as appointed by the City Manager. No Certificate of Occupancy may be granted until landscaping under the terms of this section is completed

SE

(3) Lots with more than four yards.

If the shape of a lot creates a situation where there are more than four yards, this green area requirement shall apply to three-fourths of the yards, rounded up if the calculation results in a fractional number.

SF

(4) Lots in two or more zoning districts.

Where a zoning district boundary line or lines split a lot, a lot partially in an Office, Residence or Open Space district shall comply with provisions elsewhere in this zoning ordinance with regard to lots in two or more zoning districts, except that the setback and green area requirements of this section 5.22.1 shall apply to all parts of the lot regardless of zoning district.

SG

(5) Lots abutting more restrictively zoned districts.

When any lot abuts a more restrictively zoned district or districts, all yards abutting the more restrictively zoned district(s) shall be designated as yards required to comply with the green area requirements of this section 5.22.1. This provision shall apply to that quantity of abutting yards numbering up to and including the maximum number of green area yards required. The total number of green area yards required on a lot shall not be changed by the provisions of this subsection (5).

SH

(6) Pedestrian and vehicular access.

- (a) When a yard used to satisfy the green area requirement of this section 5.22.1 is a front yard, the green area may be interrupted by not more than one path for pedestrian access to the building. Said pedestrian path shall be constructed perpendicular to the lot line and shall be not more than 8 feet wide. The green area yard may also be interrupted by not more than one driveway constructed perpendicular to the lot line and which is not more than 12 feet wide.
- (b) The sum of the widths of the said pedestrian path and driveway may not exceed the setback provided by the smallest of the yards provided on the lot.
- (c) The areas allowed to be used for access under this subsection (6) shall be counted as part of the 25% of total required green area which is allowed to be used for hard surfaced walks and terraces for the front yard in which the access areas are constructed.

(7) Townhouse development.

When a lot is used for townhouse development, the provisions of this section 5.22.1 shall apply to the lot before subdivision into townhouse lots. Subdivision into townhouse lots shall be done in such a manner as to not affect the application of this footnote to the entire unsubdivided lot. In particular, the pedestrian path and driveway allowed by subsection (6) above shall apply to the lot before subdivision into townhouse lots and subdivision into townhouse lots shall not increase the number of pedestrian paths and driveways allowed.

6

5.22.2 Minimum standards for yards in districts other than Office, Residence and Open Space Districts.

Yards in districts other than Office, Residence and Open Space districts shall comply with the following standards:

6 A, B, C, D

(1) Yards in districts other than Office, Residence and Open Space districts on lots which include residential uses shall comply with the following standards:

(a) Yards which are required in the district shall comply with Section 5.22.1. In the situation stated in (1)(b) following, the number of required yards shall be increased as stated in (1)(b) through (1)(d) following.

6E

(b) If a lot:

(i) abuts a Residence or Open Space district, and

(ii) there are no yard dimensional requirements in the district in which the lot is located applicable to that portion of the lot abutting the Residence or Open Space district, or if the applicable yard dimensional requirements of the district in which the lot is located are less than those which apply to the yard in the district which is abutted by it,

Then that portion of the lot abutting the Residence or Open Space district shall comply with the yard dimensional requirements applicable to the yard in the Residence or Open Space district which is abutted by it.

6E

(c) In the event that a portion of a lot abuts more than one yard in a Residence or Open Space district which yards differ in applicable dimensional requirements, the most stringent of the various dimensional requirements shall apply.

6E

(d) The number of yards on a lot required to comply with green area requirements shall be the number of yards required in the district plus additional yards in accordance with subsections (b) and (c) above, except that the total number of yards required to comply shall not exceed the number of yards required for a similar lot located in a Residence, Office or Open Space district, as calculated in accordance with section 5.22.1 above.

6A, B, C, D (2)

Yards in districts other than Office, Residence and Open Space districts on lots which do not include residential uses shall comply with the following standards:

- (a) Yards shall comply with the provisions of section 5.22.1 with regard to yards abutting Residence or Open Space districts except that:
 - (i) Yards abutting Residence or Open Space districts shall comply with the requirements of section 5.22.1, up to the maximum number of yards required, in the same manner as stated in section 5.22.1.(5) and
 - (ii) Yards not abutting Residence or Open Space districts shall not be subject to the requirements of this section.

6'E

- (b) If:
 - (i) a lot abuts a Residence or Open Space district, and
 - (ii) there are no yard requirements in the district in which the lot is located applicable to that portion of the lot abutting the Residence or Open Space district, or the applicable yard dimensional requirements of the district in which the lot is located are less than those which apply to the yard which is abutted by it,

then the portion of the lot abutting the Residence or Open Space district shall comply with the yard dimensional requirements applicable to the yard which is abutted by it.

6E

- (c) In the event that a portion of a lot abuts more than one yard or yards in Residence or Open Space districts which yards differ in applicable dimensional requirements, the most stringent of the various dimensional requirements shall apply.

6E

- (d) The number of yards on a lot required to comply with green area requirements shall be the number of yards which abut a Residence or Open Space district, except that the total number of yard required to comply shall not exceed the number of yards required for a similar lot located in a Residence, Office or Open Space district, as calculated in accordance with section 5.22.1, above.




J. In Section 5.31.1, Table 5-1, delete footnote (k) with regard to yard requirements for the "Res. C-2B" District, and in Section 5.31.2, Footnotes, delete footnote (k) and insert the following in place thereof: "Reserved".

Signature	Printed Name	Address	Date
✓ Sheila G. Cook	Sheila G. Cook	34 Follen St	3-6-99
✓ Marilyn Zoeller Wellons	Marilyn Zoeller Wellons	681 Green St	March 9 1999
Arthur N. Holcombe	ARTHUR N. HOLCOMBE	663 Green St	March 9, 1999.
✓ Dana Brody	DANA BRODY	661 Green St.	March 9, 1999
✓ John J. Vghnand	John J. Vghnand	600 green St.	March 9, 1999
✓ June M. Anderson	June M Anderson	50 Hancock St	3/9/99
✓ Leo Anderson	LEO ANDERSON	30 HANCOCK ST.	3/9/99
✓ Sue Radovsky	SUE Radovsky	551 GREEN ST	3/9/99

Signature	Printed Name	Address	Date
	Rozanna Kraus	91 Chilton #2139	9 March 99
✓ George Ehrenfried	GEORGE EHRENFRIED	102 Aberdeen Ave 02138	"
✓ Benjamin Spinks	Francis Fox Spinks	17-B Bigelow St. 02139	"
✓ Nancy E. Novak	Nancy E. Novak	494 Mass. Ave. #3	3-9-99
Ellen B. Mass	Ellen B. Mass	104A Sumner St.	3/9/99
✓ Deborah Kershner	Deborah Kershner	12 Laurel St.	3/9/99
M. Colcofca	M. Colcofca	667 Green St	3/10/99
X Pat Corcoran	PAT Corcoran	667 Green St	3/10/99
Harriet Feinberg	HARRIET FEINBERG	639 Green St	3/9/99
Phoebe Barnes	Phoebe Barnes	514 Franklin	3/11/99
Carol Anastasi	Carol Anastasi	10 Mt Vernon	3/10/99
Miriam H. Berlin	Miriam H. Berlin	84 Regency St	3/10/99
Gerald A. Berlin	GERALD A. BERLIN	84 Regency	3/10/99
Ellin Sarot	Ellin Sarot	654 Green St.	3/10/99
Laura Blacklow	LAURA BLACKLOW	215 Erie St	3/10/99
Susan Cooke	Susan Cooke	345 Franklin #308	3/10/99
Peter Pugee	Peter Pugee	215 Erie St.	3.10.99
Kathleen Marotta	KATHLEEN MAROTTA	118 Kinnaird St #2	3/10/99
Martha M. Moody	MARTHA M. MOODY	118 Kinnaird #2	3/10
John J. Walsh	John J. Walsh	622 Green St	3/11
John L. Sweeney	JOHN L. SWEENEY	622 Green St	3/11
Susan Overman	Susan Overman	638 Green St	3/11
Marie Dworkind	MARIE DWORCIND	636 Green St	3/11/99
Irma Bickerstaff	IRMA BICKERSTAFF	6 Notre Dame Ave	03/11/99
Patrick Mehr	PATRICK MEHR	62 Kinnaird	3/11/99

Proposed Yards Protections Zoning Change Based on Existing Zoning and on Meaningful Protections

Page ___

Signature	Printed Name	Address	Date
	ANNE PIERCE	3 Walker St. Place Cambr. 1/2, MA 02138	3/11/99
	KIM KALKOWSKI	465 PUTNAM AVENUE CAMBRIDGE 02139	3/11/99
	JAMES W. BRUNET	CAMBRIDGE 02140 30 MURRAY HILL ROAD	3/11/99

City of Cambridge

In City Council May 24, 1999

The Ordinance Committee conducted a public meeting on Wednesday, May 5, 1999 at five o'clock and forty-eight minutes p.m. in the Sullivan Chamber.

The purpose of the meeting was to consider a proposed amendment to the Zoning Ordinances on a petition filed by Sheila Cook, et al regarding Yards Protections.

Present at the meeting were Councillor Henrietta Davis, Chair of the Committee, Councillor Kathleen Born, Mayor Francis H. Duehay, Councillor Sheila Russell, Councillor Michael Sullivan, Councillor Timothy Toomey, Beth Rubenstein, Acting Assistant City Manager for Community Development, Stuart Dash, Director of Community Planning, Lester Barber, Director of Land Use and Planning, Donald Drisdell, Deputy City Solicitor and Donna P. Lopez, Deputy City Clerk.

Councillor Davis opened the hearing stating that the petitioners will describe the substance of the petition.

The Committee heard from Sheila G. Cook, 34 Follen Street, who stated that she is a resident of the city and has been for fifty years. She has been involved in zoning issues for thirty years and feels that the Zoning Code is very weak. It is important, she said, to have a zoning code as a safety factor for open space. Where are people to play with their children – on the streets. She stated that there are many reasons to keep yard space the way it is. The life of street trees is only six years. She further stated that the only place that will be green will be Harvard yard, if the Planning Board proposal is allowed. She highlighted the schematic drawings for Residence A and Residence C-1 Districts on pages 1-4 contained in the document entitled "Comparison of Green Open Space and Construction Permitted." (ATTACHMENT A)

The Planning Board proposal, she said, asks for no green space; developers only need to state their intent to provide green space.

The Committee heard from Marilyn Zoeller-Wellons, 651 Green Street, who had a three-dimensional scale model of the Cook and the Planning Board petitions in a C-1 zone. She stated that the 1983 Zoning Ordinances provides that green landscaping be provided before a certificate of occupancy is issued and the Planning Board proposal takes this protection away.

On a question from Councillor Davis, Mr. Lester Barber, Director of Land Use and Planning, stated that green area changes are required to be green area in Business B-1 zones and regulate that this area be densely planted with trees and shrubs.

024A

Committee Report #3

A report from Councillor Davis,
Chair of the Ordinance Committee,
for a hearing held on May 5, 1999,
for the purpose of considering a
proposed amendment to the Zoning
Ordinance on a petition filed by
Sheila Cook, et al regarding
Yards Protections.

In City Council May 24, 1999

Report Accepted

Passed to a 2nd Reading