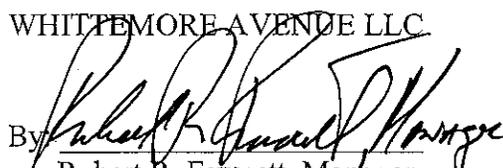


March 21, 2014

PROTEST AGAINST ZONING CHANGE
PURSUANT TO MASSACHUSETTS GENERAL LAWS 40A, §5

The undersigned, being owners of more than 20% of the area of land proposed to be affected by zoning amendments proposed in a Petition filed by the City Council to amend Section 17.20 and 19.40 of the Zoning Ordinance of the City of Cambridge – Regulations for Special District 2 (the "Petition"), which Petition is the subject of the Planning Board Hearing Notice attached hereto as Exhibit "A," hereby protest and object to such Petition and such proposed amendments, on the grounds that such amendments would represent an arbitrary and invalid exercise of the zoning power, are not based on any comprehensive land use studies or plans, and would be substantially adverse and detrimental to our property and business interests.

	<u>Name of Owner</u>	<u>Address</u>	<u>Signature</u>
1.	Whittemore Avenue LLC	12, 32-32R Whittemore Ave. (Map 189, Lot 97; Map 188, Lot 12)	WHITTEMORE AVENUE LLC  By: Robert R. Fawcett, Manager
2.	Tyler Court Realty Trust	35 Cottage Park Ave. & 25 Edmunds Street (Map 189, Lots 87, 78)	TYLER COURT REALTY TRUST  By: Theodore E. Daiber, Trustee

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2014 MAR 24 PM 11 10

This amendment has two sections. In the first we tackle the most glaring omissions.

- We were surprised to learn that it is possible to design a project such that the Linear Park would be considered a "side yard" and thus a mere 7.5' setback would be possible. We had expected this to be considered a rear setback, and in deference to the Park, we ask for an adjustment.
- The second issue is to clarify the existing language's call for "form and density compatible with the adjacent residential neighborhood." We feel that it should not be possible to create buildings of a form larger than those nearby. This is done by limiting the number of units in a single structure.

In the second section, we propose solutions to other issues particular to SD-2. We wish to address traffic safety on narrow streets, and to attempt to preserve two very special aspects of our neighborhood: the dance studio and the Whittemore Community Garden. An addition to use regulations would allow the creation of new community space for dance and arts programs. A developer incentive is proposed to preserve the Garden.

Underlines are additions, strikeouts are deletions; other text is from the existing ordinance for context.

Section 1

17.23.1 Additional Permitted Residential Uses. Multifamily Dwelling, Section 4.31.g shall be permitted, subject to the special permit requirements for Townhouse development in a Residence B District. Structures comprised solely of semi-detached (townhouse) dwellings may contain up to four (4) dwelling units. Otherwise, no more than three (3) dwelling units may occupy a single structure. No multifamily structures are permitted within 100' of the nearest Whittemore Avenue street line.

17.24.3 Other Dimensional Requirements.

- 5) There shall be a minimum setback of 25 feet from adjoining Open Space districts, consisting entirely of Green Area Open Space or Permeable Open Space.

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2019 MAR 24 PM 11 10

Section 2

17.23.22 The above nonresidential uses shall be permitted to occupy a nonresidential building in existence as of September 1, 1998 provided the current use of the building, if occupied, is any use described in Section 4.34 (office and laboratory use), Section 4.35 (retail business and consumer service establishment), Section 4.36 (open air and drive-in retail and service), Section 4.37 (light industry) or Section 4.38 (heavy industry). Where the building is unoccupied it may be so occupied with permitted nonresidential uses provided the building has not been occupied by a residential use in the five years immediately preceding the time of application for a certificate of occupancy for the new nonresidential use. Uses described in Section 4.35 paragraph q (arts and crafts studio) are always permitted.

17.26 Access to streets

17.26.1 There shall be no publicly accessible street connection that allows vehicles to travel between Massachusetts Avenue and either of Whittemore Ave and Magoun St. via Special District 2.

17.26.2 No building, structure, parking facility, street, or access road within Special District 2 may have access to Brookford Street or Cottage Park Avenue.

17.27 Transfer of Development Rights to increase traffic safety. Transfer of permitted Gross Floor Area between lots within Special District 2 in order to extend public streets is allowed pursuant to the regulations in Section 21.10 of the Zoning Ordinance in addition to the following:

17.27.1 The donating lot must abut and have right of access to an existing street which grants access to streets outside of Special District 2.

17.27.2 The donating lot must be accepted by and conveyed to the City of Cambridge as an easement or fee interest in property for the purposes of being used as a public street.

17.28 Transfer of Development Rights to preserve Publicly Accessible Open Space. Transfer of permitted Gross Floor Area between two or more lots is allowed pursuant to the regulations in Section 21.10 of the Zoning Ordinance as well as the following:

17.28.1 Donating lots

(1) The donating lot must adjoin a street. It also must either be within the bounds of SD-2 or in a Residence B district directly across a street from SD-2.

(2) The minimum area of the lot is the minimum area of a lot in the lot's zoning district. The lot must be of a regular, quadrilateral shape.

(3) The donating lot must be dedicated as Public Open Space and be in an environmental condition consistent with all federal, state and local laws, rules, and regulations for all uses to which Public Open Space is intended to be put, including, but not limited to unrestricted excavation for purposes of landscaping and growing flowers and vegetables.

(4) The dedication of the required Public Open Space shall be accomplished by transfer of ownership of the donating lot to the City in fee simple absolute, subject to encumbrances acceptable to the City which do not interfere with the use of the land for its intended purposes such as subsurface utility easements. If the City does not accept such transfer of ownership, then the Permittee, or its successors and assigns, shall hold the land as Public Open Space available to the public in perpetuity for all uses and activities identified in the definition of Public Open Space in this Zoning Ordinance. The development of the Public Open Space, whether or not ownership is transferred to the City, shall be designed and its use shall be programmed and controlled by the City of Cambridge.

(5) The effective FAR for computing the GFA transferred from the donating lot shall be 0.75.

17.28.2 Receiving lot. The majority of the receiving lot must be within the bounds of Special District 2. The Planning Board may allow additional dwelling units on the receiving lot at the rate of one dwelling unit for each 1,500 square feet of additional Gross Floor Area transferred from a donating lot.

19.46 Areas of Special Planning Concern. The following zoning districts shall be considered Areas of Special Planning Concern: Business A-1 and Business A-2 Districts, the Parkway Overlay District, the Kirkland Place Overlay District, the Harvard Square Overlay District, the Central Square Overlay District, The Cambridgeport Revitalization Development District, the Massachusetts Avenue Overlay District, Special District 2, Special District 12, Special District 13, Special District 14 and the Memorial Drive Overlay District, and the Prospect Street Overlay District.