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From: Carol O'Hare [mailto:c.burchardohare@att.net]
Sent: Monday, September 22, 2014 9:03 AM
To: Cambridge City Council
Cc: Donna Lopez; Richard Rossi; Ranjit Singanayagam; Brian Murphy; Nancy Glowa, Esq.; Sean O'Grady; Liza Paden
Subject: City Council: Policy Order 6 - Public Engagement: How about the Zoning Board & ISD?

Thanks for this positive direction toward addressing serious concerns raised and explored during recent months. Here are some suggestions about broadening your reach to include the other significant "players": the Board of Zoning Appeal (Zoning Board) and the Inspectional Services Department (ISD).

A. Additional Suggestions

1. Please include in Policy Order 6 or in a similar "companion" policy order comparable WHEREAS's and Orders for the Inspectional Services Department and Board of Zoning Appeal,
2. Please require both Boards, CDD and ISD to assure that the public notices of public hearings and proceedings give a sense of the substance of the subject matters and the zoning or land-use approvals being sought.
3. Please assure that, when appropriate for a particular proposal, project or plan, more distant neighborhoods s are included in the required community outreach and engagement.

B. Some Reasons:

1. The Zoning Board hears by far more cases at each hearing than the Planning Board does. In the aggregate, those Zoning Board cases can have significant impact, as well. *Compare* the two land-use boards' most recent agendas.

Zoning Board:

<http://www.cambridgema.gov/citycalendar/view.aspx?guid=%7b5EBE0BDC-6963-48A1-9090-1F2A63321D95%7d&start=20140918T190000&end=20140918T233000> &
<http://www.cambridgema.gov/citycalendar/view.aspx?guid=%7b6EB03E7E-E91E-468A-ADB7-31E0341BBB89%7d&start=20140918T190000&end=20140918T233000>

Planning Board:

http://www.cambridgema.gov/~media/Files/CDD/ZoningDevel/PlanningBoard/2014/pb_20140916_agenda.ashx.

In the aggregate, those Zoning Board appeals can have as much impact as impact as a single case before the Planning Board. That's why I suggest that you "Order" the same sort of analysis, initiatives and improvements for the Zoning Board process as you've ordered for the Planning Board.

2. One Recent Example: Just last Thursday, 9/18, at a Zoning Board hearing, I expressed my view that Bank of America's "Public Notice" was inadequate for "Sign #2" facing Fresh Pond Parkway: "Variance: To install a nonconforming wall sign." (You call that notice?) Yet, in dismissing my concern, the Chairman said, in essence: (i) the notice tells people that a noncompliant sign is in the works, (ii) if they want to find out anything about it they can review the files by visiting ISD, and (iii) this is an administrative matter, anyway; so the City administrators should deal with it. BZA member and former chairman, Brendan Sullivan, agreed with me. And Jim Rafferty, BofA's attorney, emailed me afterwards:

I took your point to be that it would be more helpful if the nature of the nonconformity was described.... Having done this for many years I firmly believe that more information is better than less. In my experience, the more complete people's understanding is of what is being requested, the more focused and relevant the discussion becomes.

Both attachments illustrate my point.

3. Zoning Board variances for reduced yard-depths and parking or increased FAR and building height will certainly affect near-neighbors. They may also affect more distant neighbor by increasing traffic and parking problems. I believe the same effects are true in the "sign cases" when the Zoning Board's routinely disregards our Zoning Ordinance's reasonable limitations on "too-big, too-high and too-many" corporate signs. Those very signs may be more visible from afar than from nearby neighborhoods. So, why shouldn't the more distant neighborhoods be included?

*In 2013 alone, the Zoning Board issued 11 zoning variances for signs. They denied only one. One was withdrawn. This is especially troublesome because it evidences the Board's disregard of Article 7 of our Zoning Ordinance.)

At a "Cambridge Conversation" in June, I was more than surprised that the presentations did not even mention the Zoning Board or its impact on our built environment. City personnel and Kathryn Madden, the facilitator of the Conversations, seemed to agree that the Zoning Board is a significant player whose processes, procedures and proceedings should be carefully and thoroughly reviewed, as well.

Caution: As you proceed with your promotion of "community engagement" focus, I hope you and other City officials and personnel will consider the "regulars" who show up (in person or writing) to voice their opinions and make suggestions as "engaged citizens."

Cc: Donna Lopez, City Clerk: Please include this with the Official Record

What Is Adequate Public Notice, Anyway? Do You Know It When You See It?

This Chart of examples , for obvious reasons, shows you some of the unceasing sign-variance notices, its lesson applies to all legally required public notices issued by the City: zoning, planning, curb-cuts, you name it. here are some rhetorical questions:

1. Should petitioners, rather than City personnel, determine what should be included in their project's Legal Public Notice? Without any administrative oversight, review or attempt to attain consistency and clarity?
2. Why should Uninformative Public "Notices" give so little intelligible information that *John & Jane Q. Public* couldn't even begin to understand the basics? Should all the *J&J's* really have to research the Zoning Ordinance and go to ISD to find out?
4. Should the cost be a significant basis for determining how descriptive a Public Notice needs to be to inform the public.
5. Would this constitute adequate notice for a building? "**Variance:** To erect a non-conforming building."

Uninformative Legal "Notices"	Informative Legal Notices
<p>9/18/14, #4772, 355 Fresh Pond Pkwy. - Fresh Pond Real Estate Development LLC [no mention of BofA]</p> <p><u>Variance:</u> To install a non-conforming wall sign.</p> <p>Art. 7.000, Sec. 7.16.22.C3A, B* (Signs). Art. 10.000, Sec. 10.30 (Variance).</p> <p>* This citation may be incorrect.</p>	<p>10/2/14, #2014, 150 Second St., Daniel Brennan [no mention of Foundation Medicine]</p> <p><u>Variance:</u> To install a non-illuminated wall sign that is 60 SF in area with a height of 50 FT.</p> <p>Art. 7.000, Sec. 7.16.22.C (Wall Sign).</p>
<p>5/23/13, #10437, 52 Church St. - Bowery Cambridge LLC, c/o Rafferty</p> <p><u>Variance:</u> To install a non-conforming wall and projecting sign.</p> <p>Art. 7.000, Sec. 7.16.22 (Signs). Art. 10.000, Sec. 10.30 (Variance).</p>	<p>6/12/14, #3764, 650 E. Kendall St. - Ipsen</p> <p><u>Variance:</u> To request a sign which is approximately 135 sq ft including letters and logo each internally illuminated and mounted 104' from ground level to top of sign.</p> <p>Art. 7.000, Sec. 7.16.22 (Signs).</p>
<p>5/23/13, #10432, 275 Fresh Pond Pkwy. - Cambridge Motorcar Company, LLC</p> <p><u>Variance:</u> To erect new sign to replace deteriorating existing sign.</p> <p>Art. 7.000, Sec. 7.16.22 (Signs)</p>	<p>10/24/13, #10525, 42 FRANCIS AVENUE – KS Partners, LLC</p> <p><u>Variance:</u> To propose a free standing sign that requires zoning relief for required setback.</p> <p>Art. 7.000, Sec. 7.16.21.B (Sign).</p>
<p>4/11/13, #10418, 8 Education St. - Efekta House, Inc. (EF)</p> <p><u>Variance:</u> To install 4 non-conforming wall signs.</p> <p>Art. 7.000, Sec. 7.16.22 (Signs). Art. 10.000, Sec. 10.30 (Variance).</p>	<p>9/26/13, #10504, 820 Massachusetts Ave. - YMCA</p> <p><u>Variance:</u> To allow the Cambridge YMCA to install 2 externally illuminated wall signs above the sill line of the second floor windows.</p> <p>Art. 7.000, Sec. 7.16.22.C (Signs).</p>
<p>3/14/13, #10404, 1663 Mass Ave. - Lesley University</p> <p><u>Variance:</u> To install a wall sign on the Massachusetts Avenue façade.</p> <p>Art. 7.000, Sec. 7.16.22.C (Signs).</p>	<p>7/11/13, #10466, 640 Memorial Dr. – Dan Winny, Architect</p> <p><u>Variance:</u> To install an internally illuminated wall sign, to be mounted on the mechanical penthouse facing the Charles River.</p> <p>Art. 7.000, Sec. 7.16.22.C (Height of Wall Signs). Sec. 7.16.22.C.3.A (Size of Internally Illuminated Signs).</p>
<p>4/28/11, #10083, 545 Tech Sq. - Novartis</p> <p>Variance: To install two signs above the 20 Ft. height limit.</p> <p>Art. 7.000, Sec. 7.16.21.C (Signs). <i>Note to self: check this ISD file for actual legal notice. Or City Clerk's records.</i></p>	<p>1/10/13, #10369, 21 Notre Dame Ave. – Benajmin Banneker Charter School</p> <p>Variance: To install four (4) fabric banners, in front of existing brick Cross Motif on east elevation of classroom building. Replace existing non-illuminated wall mounted building identification signs at each portico of building, with new aluminum raised lettering on painted aluminum backdrop board.</p> <p>Art. 7.000, Sec. 7.16.21.C (Signs).</p>

**Recent Examples for Board of Zoning Appeal, 9/18/14, Case #4772-2014 (prepared by Carol O'Hare)
533 Fresh Pond Pkwy., Bank of America sign #2
Sample Public Notices for Zoning Relief - Adequate Notice of Zoning Relief Sought**

Public notices are legally required to be adequate, meaning to inform the public. They also save City personnel, boards and the public time and effort. These randomly selected examples of recent notices seem legally adequate to me.

9/18/14

8:15 P.M. CASE NO: BZA-004826-2014

5 OLD DEE ROAD

Residence A-2 Zone

VALENTINE TALLAND & NAGESH MAHANTHAPPA – C/O JAMES J. RAFFERTY, ESQ.

Variance: To construct a two story addition to a non-conforming structure, a portion of which will be located within the front setback.

Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements). Art. 8.000, Sec. 8.22.3 (Non-Conforming Structure).

Art. 10.000, Sec. 10.30 (Variance).

Special Permit: New addition will contain windows within the front setback.

Art. 8.000, Sec. 8.22.2.C (Non-Conforming Structure). Art. 10.000, Sec. 10.40 (Special Permit).

8:30 P.M. CASE NO: BZA-004840-2014

616-620 CAMBRIDGE STREET

Business A/Residence C-2B Zone

SHREE MANAKAMANA LLC – C/O SEAN D. HOPE, ESQ.

Special Permit: To reduce the parking requirements by four (4) spaces.

Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements). Art. 6.000, Sec. 6.35 & 6.36 (Parking Requirements).

Art. 10.000, Sec. 10.40 (Special Permit).

9:15 P.M. CASE NO: BZA-004874-2014

75-77 NORFOLK STREET

Residence B Zone

SMART ARCHITECTURE – C/O MARGARET BOOZ

Variance: To re-build and slightly alter existing combination shed/gable dormer, convert flat/shed roof at rear into a gabled roof; put an entry porch with a roof on the side rear portion of the building.

Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).

Special Permit: To relocate a window and a door and also alter the rear roof.

Art. 8.000, Sec. 8.22.2.C (Alteration of Non-Conforming Structure).

8/14/14

7:30 P.M. CASE NO: BZA-004519-2014

241-243 WALDEN STREET

Residence BA/C-2B Zone

249 WALDEN STREET, LLC – DAVID W. MASSE, MANAGER, C/O BRUCE EMBRY, ESQ.

Variance: To discontinue the retail use of the ground floor space and convert the space to 2 residential dwelling units and to remove an adjoining one-story warehouse/garage structure to create a driveway with parking.

Art. 4.000, Sec. 4.31 (Table of Use/Residential use). Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).

Sec. 5.26 (Conversion). Art. 10.000, Sec. 10.30 (Variance).

Special Permit: To reduce the required amount of parking spaces.

Art. 8.000, Sec. 8.22.2.C (Alteration of Non-Conforming Structure). Art. 6.000, Sec. 6.44.1 (A, B) (Setbacks For Open Parking Facilities). Sec. 6.34 (Parking Size). Sec. 6.35.1 (Reduction of Parking).

7/10/14

8:30 P.M. CASE NO: BZA-004194-2014

1052-1058 CAMBRIDGE STREET

Business A Zone

MARTINS FAMILY LLC – C/O PAUL MARTINS

Variance: To modify existing exterior egress stairs to conform to code & replace deteriorated wood deck, joists & rails. To add access to roof for maintenance.

Art. 5.000, Sec. 5.33 (Table of Dimensional Requirements).

7/16/14

8:15 P.M. CASE NO: BZA-004000-2014

39 AMORY STREET

Residence C-1 Zone

YUN XIAN HO & SAMUEL LING – C/O BHUPESH PATEL, DESIGNTANK , INC.

Variance: To construct a single story addition on the rear corner of the main building. The addition exclusively houses a new basement stair that meets building code to replace the existing basement staircase that does not meet the building code. The relief is for the additional FAR needed for the footprint of the stair. The footprint is within the required rear and the side yard setback.

Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).

8:30 P.M. CASE NO: BZA-003938-2014

5 DANA STREET

Residence C-1 Zone

ORHUN KAMIL MURATOGLU

Variance: To construct a one-story addition with a roof deck on the rear of an existing non-conforming one-family dwelling. To replace a sloped roof with a flat green roof. Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements). Art. 8.000, Sec. 8.22.3 (Addition to a Non-Conforming Structure).

Special Permit: Alteration to the existing structure also includes enlarging windows on the south façade's first floor. To add one window on the north façade's basement level.

Art. 8.000, Sec. 8.22.2.C (Non-Conforming Structure).

8:45 P.M. CASE NO: BZA-004059-2014

77 LARCH ROAD

Residence B Zone

JOHN RILEY & MARGARET GADON

Variance: To construct 3 modest additions to the overall building gross floor area consisting of the following: a new 3rd floor rear shed dormer, a new connection of the two existing shed dormers and a new second floor bay window addition on the right side (south) of the dwelling.

Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements). Sec. 5.28.21 (Gross Floor Area).

Special Permit: To add a new double hung window on the left side of the second floor within the side setback.

Art. 8.000, Sec. 8.22.2.C (Non-Conforming Structure).

9:00 P.M. CASE NO: BZA-004043-2014

13 ASH STREET

Residence A-2 Zone

BLAKE ALLISON, ARCHITECT

Variance: To modify an existing 3-story addition with a new roof, to add 2 dormers to the third floor facing the rear yard, to relocate another dormer facing Acacia Street, and to enlarge existing porch with a new roof which violates setback. Also, the new roof of the addition will be the same as the existing height of the addition.

Art. 5.000, Sec. 5.31 (Table of Dimensional Requirements).

Art. 8.000, Sec. 8.22.1.H.2 (Dormers). Sec. 8.23 (Non-Conforming Structure).

Art. 10.000, Sec. 10.30 (Variance).