

Donald A. Drisdell
City Solicitor

Nancy E. Glowa
Deputy City Solicitor

Arthur J. Goldberg
First Assistant City Solicitor



Assistant City Solicitors

Vali Buland
Paul S. Kawai
Elizabeth A. Shaw
Samuel A. Aylesworth
Amy L. Witts

CITY OF CAMBRIDGE

Office of the City Solicitor
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

October 5, 2009

Robert W. Healy
City Manager
City Hall
Cambridge, MA 02139

***Re: Awaiting Report No. 09-73 Re: Report on Discussions Between the
Developer of 303 Third Street and the City of Cambridge***

Dear Mr. Healy:

In response to the above Awaiting Report, please be advised of the following. Under the City's Inclusionary Zoning Ordinance, Section 11.200 et seq. of the Cambridge Zoning Ordinance, a developer or property owner is subject to the provisions of the Ordinance when constructing or making substantial renovations to projects involving ten or more units of housing. The developer or property owner must provide a certain number of units to be used for affordable housing. Under the Ordinance, if the project is one for rental units, the inclusionary units must also be rental units; and if the project is one involving sales of home-ownership units, the inclusionary units must be home-ownership units. In connection with this requirement, an Inclusionary Zoning Covenant must be recorded at the Registry of Deeds, which reflects that these units are to be maintained as affordable units at all times. Although the Inclusionary Zoning Covenant permits an owner to elect to change a project from rental to home-ownership, and to amend the Inclusionary Zoning Covenant accordingly, the Inclusionary Zoning Ordinance does not require an owner to do so.

The developer of the project at 303 Third Street has designated the inclusionary units at that property as rental units, and has indicated no interest in changing the designation for those inclusionary units to home-ownership units. Therefore, unless the developer wishes to make such a change, the inclusionary units at the property will remain rental units.

Very truly yours,

Donald A. Drisdell