

**MODIFICATION TO THE TEXT OF THE ZONING ORDINANCE
RELATED TO SECTION 5.28.2
(With additions thus indicated)**

I. Amend the Table of Use Regulations – Section 4.30 by adding a new footnote “58” in the columns headed “Res A-1&2” and “Res B” for the uses “d. Townhouse development” and “g. Multifamily dwelling” in Section 4.31 – Residential Uses as set forth below.

4.30 TABLE OF USE REGULATIONS

Use Categories	Open Space	Res A-1&2	Res B
4.31 Residential Uses			
d. Townhouse development	No	No ⁵⁸	Yes ³
g. Multifamily dwelling	No	No ⁵⁸	No ⁵⁸

II. In Section 4.40 – Footnotes to the Table of Use Regulations add a new Footnote 58 to read as follows.

58. Except that such use shall be permitted in Residence A and B districts consistent with the provisions of Section 5.28.2.

III. Amend Section 5.28.2 by adding additional text in Sections 5.28.2, 5.28.22, 5.28.27 and by renumber existing Section 5.28.27 to 5.28.28, as indicated below:

5.28.2 Conversion of Non Residential Structures to Residential Use. Where it is proposed to convert an existing principal use structure, designed and built for non residential use, to residential use (excluding Transient Accommodations, Section i (1) and (2)), the dimensional standards generally applicable in the district as set forth in the Tables of Dimensional Requirements in Section 5.30 and other applicable regulations in this Ordinance shall apply. However, where some or all of those requirements cannot be met (including residential uses not otherwise allowed in the base district), the following provisions shall apply after issuance of a special permit by the Planning Board.

5.28.21 Gross Floor Area. The Gross Floor Area permitted shall be that which is the result of the application of the FAR permitted in the district in which the structure is located, or the existing Gross Floor Area of the structure itself, whichever is greater. However, additional Gross Floor Area may be added to the non residential structure without limit provided all construction creating additional Gross Floor Area occurs within the physical limits of the existing structure.

5.28.22 Dwelling Units. The number of dwelling units permitted shall be that number which is the result of the application of the Lot Area Per Dwelling Unit requirement in the district in which the structure is located, or that number of units produced when the Gross Floor Area of the structure as permitted in Section 5.28.21 above is divided by: (1) 900 square feet in Residence C, C1, C-2, C2B, C-2A, C-3, C-3A C-3B districts and all non-residential districts, (2) 1,600 square feet in Residence B districts, and (3) 2,500 square feet in Residence A-1 and 2 districts, whichever is greater.

5.28.23 Yard Requirements. The required yards shall be those of the structure existing at the time of the conversion to residential use. However, any construction occurring outside the limits of the existing structure shall be subject to the yard requirements of the district in which the structure is located.

5.28.24 Maximum Height. The maximum height shall be that height permitted in the district in which the structure is located, or the building height, whichever is greater. However, any construction that occurs outside the existing limits of the structure, other than construction exempt from the height limit as set forth in Section 5.23, shall be subject to the maximum height limit of the district in which the structure is located.

5.28.25 Private open space Requirements. The Private open space requirement shall be that required in the district in which the structure is located, except as modified herein.

a. The dimensional and locational limitations for Private open space set forth in Section 5.22 shall not apply; any combination of at-grade private open space and decks and balconies at other levels shall be permitted as shall walks intended for non vehicular use. However, in every case where those requirements of Section 5.22 waived by this Paragraph (a) are not met, all portions of the surface of the lot shall be Green Area as defined in Article 2.000 that are (1) not covered by the building or (2) devoted to the minimum area necessary to provide at grade, conforming parking spaces and the minimum necessary circulation and driveways for no more than one parking space per dwelling unit. The amount of Private open space required may be reduced by the Planning Board should the Board find that full compliance cannot reasonably be expected given the existing development of the lot and the provision of parking necessary to serve the dwelling units.

5.28.26 Conforming Additions. Conforming additions to such non-residential structures shall be permitted without reference to the limitations set forth in Section 8.22 for such additions to non-conforming structures.

5.28.27 Parking provided shall be as required in the applicable base district, or where the residential use is not generally allowed in the district, as required where the use is permitted.

5.28.28 Criteria for Approval of a Special Permit. In acting upon this special permit, the Planning Board shall take into account the standards and criteria set forth in Sections 10.43, 10.47 and 10.47.1 of this Ordinance. In addition the Planning Board shall consider the following:

(1) The impact of residential neighbors of the new housing use as it may affect privacy. The location and size of windows, screening elements, decks, entries, and other aspects of the design shall be reviewed to maintain reasonable levels of privacy of abutter where significant variations

from the normally required dimensional standards for the district are granted. In reviewing a proposed development plan, the Board shall consider, among other factors, the potential negative impacts of the new activity on abutters and the location, orientation, and use of structures and yards on adjacent properties.

(2) The impact of increased numbers of dwelling units above that normally permitted in the district, on on-street parking, particularly in neighborhoods where off street parking is limited. In reaching a determination, the Board may acquire an analysis of on-street parking utilization on streets in the vicinity of the proposed development to consider availability capacity relative to the demand generated by the proposed development. The scope and methodology of such an analysis shall be determined in consultation with City staff. Following its consideration of the results of the analysis, the Board may require changes to the project.

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To the Honorable, the City Council:

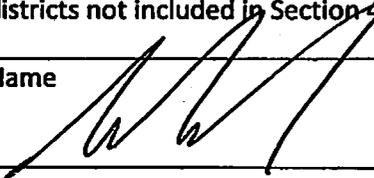
The undersigned hereby petition the City Council of the City of Cambridge to amend the Zoning Ordinance of the City of Cambridge by adding specific language specified below to ensure that the "Table of Use Regulations" always controls the uses for the Zoning Districts specifically referenced in that table.

The affected area is the entire City of Cambridge.

City policy has repeatedly reviewed and revised this table at least as recently as February 12, 2001 as a result of nearly a year long public process. The present proposal would further the implementation of those changes in city policy.

Amend the Zoning Ordinance of the City of Cambridge by doing the following:

Add after the title of section 5.28 the sentence: "No use shall be permitted by any provision of this Section 5.28 except as set forth in Section 4.30 Table of Use Regulations or the sections that define districts not included in Section 4.30."

Name 	Address MICHAEL R. HEGARTY 143 OTIS ST. ✓
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2010 DEC - 3 A 10: 04
OFFICE OF THE CITY CLERK
CAMBRIDGE MASSACHUSETTS

Name (signature)	Address (and PRINT name)
<i>Heather Hoffman</i>	Heather Hoffman 213 Hurley Street ✓
<i>Sarah Smith</i>	Sarah Smith 267 Putnam Ave. ✓
<i>Rud D Cloney</i>	RICHARD D CLAREY 15 BROOKFORD ST ✓
<i>Christopher Robinson</i>	Christopher Robinson 20 Ware Street, #9
<i>Minka van Benzen</i>	Minka van Benzen 20 Essex St. 02139
<i>Carolyn M. Mieth</i>	Carolyn M. Mieth 15 Brookford St. 02140 ✓
<i>Barbara Broussard</i>	Barbara Broussard 148 Third Street 02141 ✓
<i>Mark Jaquith</i>	MARK JAQUITH 213 HURLEY ST. 02141 ✓
<i>Guy Kevin Whittfield</i>	Guy Kevin Whittfield 239 Putnam Ave 02139 ✓
<i>Bette Denich</i>	Bette Denich 25 Chalk St 02139
<i>Ellen Mass</i>	Ellen Mass 104 Adman St. 02139 ✓
<i>Roberta Goto</i>	Roberta Goto 13 Lopez Ave 02141 ✓
<i>Jeffrey D. DeSilva</i>	Jeffrey D. DeSilva 44 1/2 Spring St, ✓

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KEVIN P. CRANE, ESQ.

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FACSIMILE
(617) 864-6357

January 18, 2011

Margaret Drury, City Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Ordinance Committee Hearing of January 19, 2011

Dear Margaret:

As per our telephone conversation of this morning, enclosed please find my letter to Chairman Sam Seidel of the Ordinance Committee of the City Council relative to the proposed zoning amendments of Section 5.28.

I have also attached to the letter the attachments referred to therein.

If you have any question regarding the above, please call me.

Sincerely,


Kevin P. Crane

KPC/jg
Enclosure

DELIVERY BY FAX

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January 17, 2011

Chairman Sam Seidel
Cambridge City Council Ordinance Committee
795 Massachusetts Avenue
Cambridge, MA 02139

RE: City Council Zoning Petition Relative to
Section 5.28 of the Zoning Ordinance

Dear Chairman Seidel:

Relative to the above-captioned matter, my neighbors and I have been discussing with the Mayor and CDD Staff the ramifications of the proposed revisions to Section 5.28 of the Zoning Ordinance. As you know my neighbors and I are particularly concerned about how the proposed changes will affect development at the former North Cambridge Catholic High School site at 40 Norris Street. We also fully understand that the proposed revisions are citywide in scope such that policy makers cannot isolate one development when considering these changes. On January 4, 2011, the Planning Board held a lively hearing on the proposed changes which I believe could lead to further proposed amendments. In the interest of streamlining my comments, I attach hereto my letter of December 28, 2010 to the Planning Board regarding the proposed changes. Many of my neighbors approved in writing my comments rather than everyone sending in their separate letter which would touch upon the same issues so I attach their endorsement signatures as well.

Given that when the instant petition was filed, Mayor Maher labeled it as a "placeholder" petition with the idea that there would be further discussions on the details of the proposed changes I offer a few more comments.

On the issue of density, the concept of a "cap" on gross floor area limiting the permitted gross floor area in a Section 5.28 development to two times the gross floor area permitted in the underlying district is a good one. This standard of two times the underlying FAR addresses the density issue and at the same time provides a developer with extensive leeway in building out a structure which in many cases is out of scale to the neighborhood. If the developer seeks to exceed this cap, and I suspect in some instances there will be a need to exceed the cap

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given the significant size of many of these structures, then the developer should be subject to the more arduous variance process. Such a procedure recognizes the necessary balance between the prevailing density in the neighborhood, the developer's financial incentive, and the City's interest in not having vacant buildings, preserving historical structures, and providing housing.

In thinking about various structures that could be subject to Section 5.28 development, a number of bad scenarios could result. At the Planning Board hearing, there was testimony that the Matignon High School would generate 60 units under Section 5.28, the Armenian Church at the corner of Brattle and Sparks Street would generate 10 units, and the practically vacant Middlesex Courthouse could generate 509 units. The beautiful historic Registry of Deeds building and Middlesex Probate Court structure located on Cambridge Street between Second and Third Streets is another building that comes to mind. In many of these instances, the gross floor area could also be increased, providing greater density, by the so-called "fill-in" provision of Section 5.28.21 which allows additional gross floor area provided all construction occurs within the physical limits of the existing structure. Many of these buildings, most particularly churches, with high ceiling spaces would allow the dividing up of such space into "new floors" as a matter of right with this additional gross floor area provision.

Finally, within this planning process the policymaker should consider the many small churches sprinkled throughout Cambridge neighborhoods. Many of these churches have been in existence for decades, if not centuries, and I suspect that many of the congregations have dwindled such that these structures might be sold and could be developed under Section 5.28.

I thank you for your attention to this matter and look forward to continuing to work with all the the city officials on this critical zoning matter.

Sincerely,


Kevin P. Crane

KPC/jg

cc: Margaret Drury
Mayor David P. Maher
Vice Mayor Henrietta Davis
Councilor Timothy J. Toomery, Jr.
Councilor Leland Cheung
Councilor Marjorie C. Decker
Councilor Kenneth E. Reeves
Councilor E. Denise Simmons
Councilor Craig E. Kelley

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December 28, 2010

City of Cambridge Planning Board
Attn: Hugh Russell, Chair
344 Broadway
Cambridge, MA 02139

RE: City Council Zoning Petition Relative
to Section 5.28 of the Zoning Ordinance

Dear Chairman Russell:

Relative to the above-captioned matter, as you know myself and my neighbors have been extensively involved in the process related to the proposed conversion of the former North Cambridge Catholic High School building at 40 Norris Street to multi-family dwelling use. This particular development proposal has generated much discussion relative to the provisions of the existing ordinance resulting in the City Council rezoning petition which will be heard before the Planning Board on January 4, 2011 with the proposed changes applicable citywide.

I believe this petition is a starting point for public discussion of the policy implications encompassed in Article 5.28 of the Zoning Ordinance. Mayor Maher, upon introduction of the petition, referred to it as a "placeholder" until the broader policy implications could be examined in greater detail. Accordingly, the following will include comments/recommendations for further consideration by City policy makers.

The Council petition addresses three separate issues within Section 5.28. The first issue is whether a multi-family dwelling use is permissible in a Residence B District and Residence A-1 and Residence A-2 District. Under the Ordinance as it is presently written, it is my opinion that a multi-family dwelling use would not be permitted in the aforementioned underlying base districts under Article 5.28. The proposed amendment would allow multi-family dwelling use in the Residence B and Residence A Districts. Respectfully, it is my opinion that allowing a multi-family dwelling use in the aforementioned district is inconsistent with the prevailing densities permitted in such

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districts. The best example of a bad result from allowing multi-family dwelling use in a Residence B District is the 40 Norris Street project. I suspect that there are many other structures located within these districts presently of non-residential use but if converted to residential use would be much grander in scale than the surrounding districts permit.

The second issue which the Council petition addresses is the square footage used in calculating the number of dwelling units permitted under Article 5.28.22 of the Ordinance. Presently the Ordinance states that the number of dwelling units permitted is the number produced when the Gross Floor Area of the structure as permitted in Section 5.28.21 is divided by 900 square feet. The Council petition proposes to change this equation with 900 square feet being the divisor in Residence C Districts, 1,600 square feet in Residence B Districts and 2,500 square feet in Residence A Districts.

At first glance this amendment would decrease the number of permitted units in Residence B and Residence A Districts. However, just by changing these numbers does not address the probability that a developer of a structure under 5.28 would simply increase the size of the dwelling units by adding additional bedrooms. In this example changing the divisor does not reduce the density of the building as the number of people living in the building is not reduced simply because the number of permitted dwelling units is reduced. If reducing the density is the objective under this aspect of the amendment, I would suggest that a cap on the permitted Gross Floor Area under 5.28.21 and by extension 5.28.22 be inserted. Such a cap could be accomplished by adding the following sentence at the end of Article 5.28.21:

"In any event the permitted Gross Floor Area calculated in the previous two sentences shall not exceed two times the gross floor area reached by applying the FAR permitted in the underlying district in which the structure is located without reference to Footnote (J) under Table 5-1 of Article 5.31. If it applies, this maximum Gross Floor Area calculation shall be the Gross Floor Area used in calculating the number of dwelling units permitted under Article 5.28.22."

The third issue which the Council petition addresses is the number of parking spaces required to be provided under a 5.28 conversion. Under the present version of the Ordinance it is uncertain as to how many parking spaces are required to be provided in a Section 5.28 conversion as multi-family dwelling use in a Residence B or Residence A District does not indicate a

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required number of spaces as the use is not permitted. Under the proposed Article 5.28.27 a conversion under Section 5.28 would require in a Residence B District that the developer provide one parking space per dwelling unit. This requirement is extracted by reference to Article 6.36 of the Zoning Ordinance which recites that one parking space per dwelling unit is required for a multi-family dwelling use in a Residence C District amongst other districts. In determining what is the appropriate number of parking spaces that are required to be provided on a Section 5.28 conversion, I submit that special consideration should be given to Residence B and Residence A Districts as these districts do not normally permit multi-family dwelling use. I suggest that the parking requirement of Section 5.28 conversions in Residence B and Residence A Districts be further guided by the criteria of the number of bedrooms in the development. Having the number of bedrooms as the criteria is not uncommon in neighboring communities in the determination of required parking. Furthermore, it does not make sense to have the parking requirements be the same for a four-bedroom dwelling unit as a two-bedroom dwelling unit. By limiting this parking criteria related to bedrooms to Section 5.28 conversions, the overall City policy of one parking space per dwelling unit will not be effected. By incorporating this bedroom criteria into the parking requirement, the Planning Board would be acknowledging that Section 5.28 conversions can pose extraordinary circumstances such as the 40 Norris Street project which presently stands at 88 proposed bedrooms.

Alternatively the Planning Board could acknowledge the unique circumstances of a Section 5.28 conversion in a Residence B or Residence A District by inserting a number for the required spaces greater than one per dwelling unit. Such a requirement would recognize that Residence B and Residence A Districts have a different flair than those districts that are located closer to Boston where there would probably be a lower demand for parking spaces than the Residence B and Residence A Districts which are generally located in the western and northern ends of the City. Requiring such additional parking would also recognize that multi-family dwelling use is normally not permitted in Residence B and Residence A Districts.

Having a parking requirement under Section 5.28 conversions based on the number of bedrooms in the development and/or a number greater than one per dwelling unit would also recognize that for each dwelling unit there will be an accompanying visitor pass issued by the City of Cambridge for on-street parking.

I hope the Planning Board takes the above suggestions in the vein that they are offered-to produce good public policy for the entire City.

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I look forward to the January 4, 2011 hearing.

Sincerely,



Kevin P. Crane

KPC/jg

cc: Liza Paden
Tom Anninger, Vice-Chair
H. Theodore Cohen
Steven Winter
William Tibbs
Pamela Winters
Charles Studen
Ahmed Nur
Les Barber
Susan Glazer
Mayor David P. Maher

A8

We, the undersigned, being abutters, abutters within 300 feet, and nearby residents in the neighborhood of the proposed 40 Norris Street development, fully and strongly support the proposed revisions, additions, and suggestions, as well as the sentiments, observations, and opinions expressed in Attorney Kevin Crane's letter of December 28, 2010 to the Cambridge Planning Board.

Name	Signature	Address
Trianne Fong	<i>Trianne Fong</i>	53 Norris St, Cambridge
DAN BERTKO	<i>DJB</i>	13 Norris St, Cambridge
Lois Serra	<i>Lois Serra</i>	"
Thomas Philipault	<i>Tom Philipault</i>	35 Rice St, Cambridge
Lilla Johnson	<i>Lilla Johnson</i>	23 Rice St. Cambridge, MA
MARK P. KLEVERMAN	<i>Mark P. Kleverman</i>	23 RICE ST, CAMBRIDGE, MA
Julius Burns	<i>Julius Burns</i>	31 Rice St
Bronia Clifton	<i>Bronia Clifton</i>	" "
Pike Fowler	<i>Pike Fowler</i>	58 Norris St, Camb. Dge, MA
Robin Just	<i>Robin Just</i>	"
J. L. Urban	JOHN URBAN	48 NORRIS ST.
Andreas Riedlmaier	<i>Andreas Riedlmaier</i>	50 NORRIS ST.
Carol Munroe	<i>Carol R. Munroe</i>	50 Norris St.
Paul Ayers	<i>Paul Ayers</i>	2 Armand Place - Apt 1

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Ag

We, the undersigned, being abutters, abutters within 300 feet, and nearby residents in the neighborhood of the proposed 40 Norris Street development, fully and strongly support the proposed revisions, additions, and suggestions, as well as the sentiments, observations, and opinions expressed in Attorney Kevin Crane's letter of December 28, 2010 to the Cambridge Planning Board.

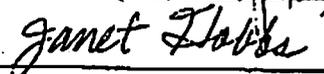
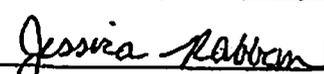
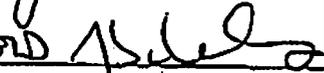
Name	Signature	Address
Ann Natygers		2 Dr. March St, #1 Cambridge, MA
Robert Casey		1 Drummond Pl. #2 Camb. MA
LISA ORAY		23 NORRRIS ST #2 02140
David Bass		23 Norris Street 02140
Susan Hall	out of town unavailable for signature	23 Norris Street 02140
George F. McCray		2301 MASS. Ave. Camb. 02140
ERNST KAREL		60 NORRIS ST. 02140
HELEN MIRRA	unavailable for signature	60 NORRIS ST. 02140
Young Kim		17 Norris St. Camb 02140 C11
Chung Kim		17 Norris St 02140 C11
	last	Item

(1) with additional comments submitted separately

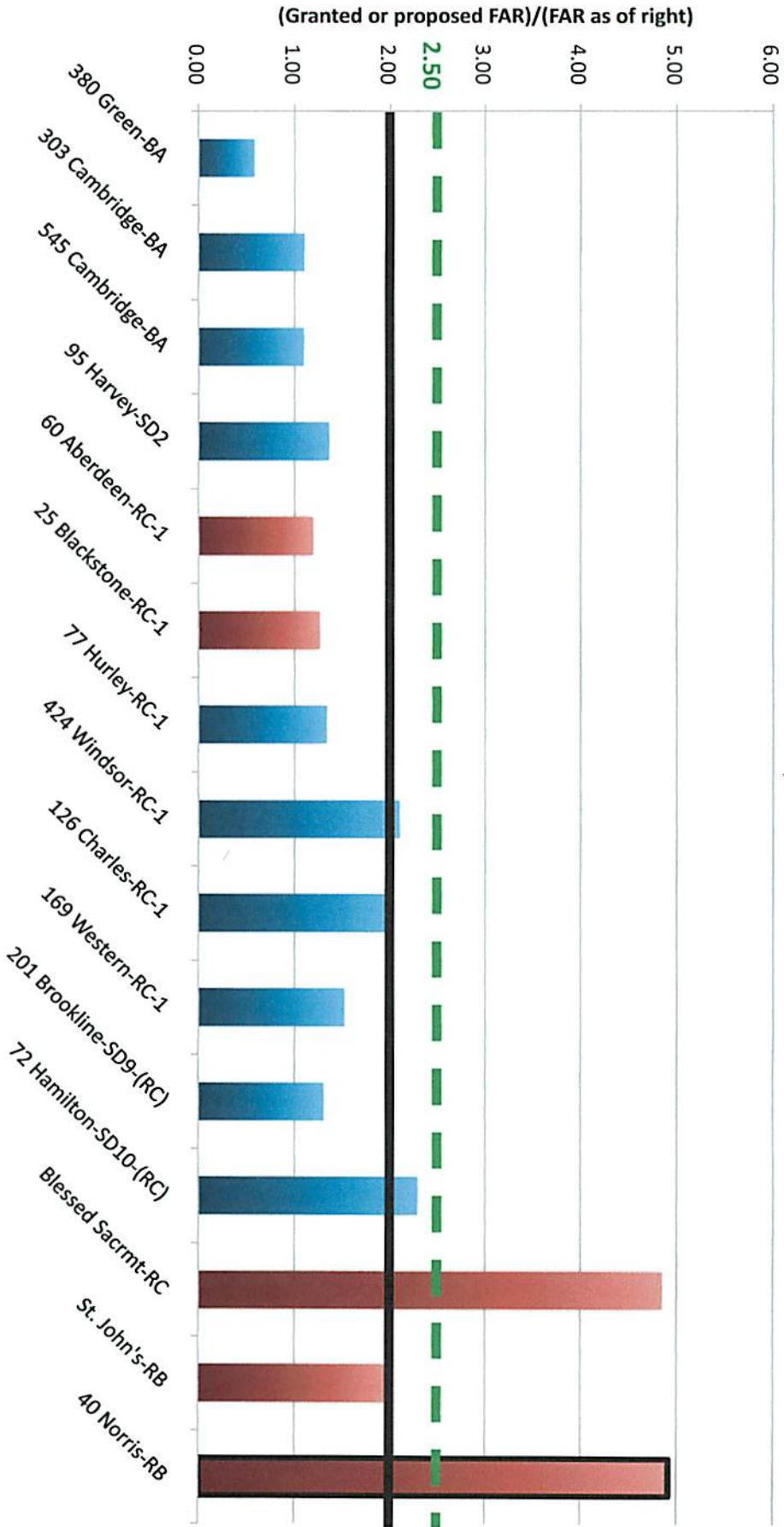
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We, the undersigned, being abutters, abutters within 300 feet, and nearby residents in the neighborhood of the proposed 40 Norris Street development, fully and strongly support the proposed revisions, additions, and suggestions, as well as the sentiments, observations, and opinions expressed in Attorney Kevin Crane's letter of December 28, 2010 to the Cambridge Planning Board.

Submitted 1/4/2011

Name	Signature	Address
John R. Hixson		41 Norris St.
David Weinsten		49 Norris St.
Dawn Peers		49 Norris St.
Janet Hobbs		41 Norris St.
Martha Davis		27 Norris St.
Jessica Robban		35 Norris St. Cambridge
J. MATTHEW SUGOLD		35 NORRIS ST CAMBRIDGE

5.28: Ratio of Granted or Proposed FAR to FAR as of Right



1/19/11 Susan A. Hall
Susan A. Hall

C₁

53 Norris Street
Cambridge, MA
January 19, 2011

2011 JAN 19 P 4:10

OFFICE OF THE CLERK
CITY OF CAMBRIDGE
Chairman Sam Seidel
Cambridge City Council Ordinance Committee
795 Massachusetts Avenue
Cambridge, MA 02139

RE: City Council Zoning Petition Relative to
Section 5.28 of the Zoning Ordinance

Dear Chairman Seidel:

Location is one of, if not the, most important aspects of any parcel of real property. Because each parcel of real estate is considered so unique, the law provides the remedy of specific performance for the breach of the contract for the purchase or sale of real estate. The law recognizes that money damages for breach of such a contract may be insufficient.

The goal of converting abandoned, vacant, and/or unused non residential structures to residential use is a worthy and laudable goal for Cambridge.

Nonetheless, it is important to keep in mind that the conversion of any building to a new use, whether by the variance process or the special permit process is not done in the abstract. It must necessarily take place at an existing building on an actual street in a specific neighborhood in a particular area of Cambridge.

Conversion of a building to a different use by definition means change to that same building, and thus, street, and neighborhood in Cambridge. This inherent change should be balanced by the equally worthy and laudable goal of preserving/protecting each existing neighborhood in which the conversion is proposed.

A rigorous, in depth, and comprehensive analysis of the positive and negative effects of the conversion on each neighborhood with recommendations about ways to enhance the benefits and ways to mitigate the detriment should be made; specific and detailed requirements should be established to

ensure the preservation of the character of each neighborhood; and a means for Cambridge to monitor compliance with the recommendations and requirements should be created.

The proposed amendments to 5.28 lack the following:

1. the stated purpose of preserving and protecting the character of every existing neighborhood;
2. the condition of a comprehensive study of the positive and negative consequences of the conversion on the specific neighborhood;
3. detailed and specific requirements to be met to ensure the appropriate balance between the change of use and the preservation/protection of the character of each neighborhood; and
4. the creation of an entity to monitor compliance.

At a minimum, any amendments to 5.28 should include the concept suggested by Attorney Crane's letter of January 17, 2011.

Thank you for this opportunity to comment on the above-referenced Zoning Petition.

Sincerely,


Jeanne Fong

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January 18, 2011

Ordinance Committee, City of Cambridge
Attn: Councilor Sam Seidel, Chairman
795 Massachusetts Avenue
Cambridge, MA 02139

2011 JAN 19 A 8:16

OFFICE OF THE CITY CLERK
CITY OF CAMBRIDGE, MASSACHUSETTS

Re: City Council Zoning Petition Relative to Section 5.28 of the Zoning Ordinance

Dear Chairman Seidel,

Although the proposed reuse of the former North Cambridge Catholic High School (NCCHS) precipitated the controversy that led to the City Council petition to amend the Cambridge Zoning Ordinance as it relates to Section 5.28.2, this petition has far reaching city-wide implication to preserve the "fabric of its neighborhoods".

As you are well aware, one of the issues for the NCCHS project is whether the conversion of a non-residential structure in a Residential-B district is allowed via the Special Permit provisions of Section 5.28.2. However, there are many examples of potential negative conversion scenarios under this provision in districts where multi-family units are allowed as of right that would result in unintended disruption of the surrounding neighborhoods. During the Planning Board Hearing on the subject petition on Jan. 4, 2011, Mr. Mark Jaquith's raised the specter of "the high-rise courthouse: Five hundred and nine units" (<http://www.cambridgeday.com/2011/01/05/unforeseen-results-of-zoning-give-planning-board-pause/>). This is an excellent example of negative impact of Section 5.28.2 as presently written as multi-family dwelling units are allowed per Section 4.31 in Business B district where practically vacant Middlesex Courthouse is located in. Even at the minimum of one resident per unit, I do not believe it was ever the intention of the original framers of Section 5.28.2 to add more than 509 additional residents to already dense nearby Resident C-1 neighborhood.

Now that Section 5.28.2 allowing conversion on non-residential structure for residential units has been in force for a decade, my wife and I urge the Ordinance Committee to take this opportunity to amend it taking into consideration the economic changes since its adoption and future vision of Cambridge to preserve the "fabric of its neighborhoods" and to prevent unintended negative scenarios such as the Middlesex Courthouse above.

We are attaching the letter we submitted to the Planning Board for their January 4, 2011 hearing on this City Council Zoning Petition and respectfully request your consideration to be incorporated into the amended Section 5.28.2. The letter was based on the 40 Norris Street (PB# 252) hearing of December 7, 2010 as well as several meetings our neighbors and I had with Mayor Maher and the staff of the Community Development Department. We further implore the Committee to include a provision in the amended Section 5.28.2 requiring any developer seeking a Special Permit under Section 5.28.2 to submit necessary impact studies and mitigation plans with full participation by the abutting neighbors to show that the proposed redevelopment will have minimal negative impact on the neighborhood.

We thank you for your concerns over the overly dense developments and your attention to this City Council Zoning Petition.

Sincerely yours,



Young Kim
Chung Kim
17 Norris Street
Cambridge, MA 02140

D2

December 30, 2010

City of Cambridge Planning Board
Attn: Mr. Hugh Russell, Chair
344 Broadway
Cambridge MA 02139

Re: City Council Petition to amend the Cambridge Zoning Ordinance as it relates to Section 5.28.2

Dear Chairman Russell,

We would like to thank you and the Planning Board members as well as the Mayor, the City Councilors and the Community Development Department staff in their efforts to scale back the proposed conversion of the former North Cambridge Catholic High School building at 40 Norris Street to preserve the "fabric of its neighborhood".

This project clearly pointed out the shortcomings of Article 5.28.2 which have been interpreted to allow conversion of non residential structures to multi-family dwelling units in Residential A-1, A-2 and B districts. Mayor Maher acknowledged these shortcomings and introduced a "placeholder" rezoning petition which will be heard before the Planning Board on January 4 2011. This is in agreement with Mr. Thomas Anniger's comment at the Dec. 7, 2010 hearing that "I also have no doubt that we didn't quite get it right in the Ordinance and so that has to be fixed." This petition will not only protect the "fabric of its neighborhood" for Norris Street but will protect similar neighborhoods throughout Cambridge.

We, the undersigned, being abutters within 300 feet in the neighborhood of the proposed 40 Norris Street development, fully and strongly support the proposed revisions, additions, and suggestions, as well as the sentiments, observations, and opinions expressed in the attached Attorney Kevin Crane's letter of December 28, 2010 to the Cambridge Planning Board. Furthermore, we respectfully request that the Planning Board incorporate changes to the Amendment to address the concerns expressed by the Planning Board members and the vision of 40 Norris Street that you so eloquently described at the Dec. 7, 2010 hearing. In particular

1. Do not "set aside the screening requirements that are in the Ordinance, that those are essential for the privacy of the abutters"
2. Do not set aside "Ordinance that doesn't allow parking within 10 feet of inhabited portion of the building." Furthermore, we request that the parking setback requirements from the property line in force in the neighboring district be strictly enforced
3. There should be "accessible route for a person in a wheelchair to get to that accessible entrance from the street."

We would further respectfully request the following changes:

1. Please replace "after" to "prior to" in the last sentence of amended Article 5.28.2 to read **However, where some or all of those requirements cannot be met (including residential uses not otherwise allowed in the base district), the following provisions shall apply prior to issuance of a special permit by the Planning Board.**

Our main concern is that if any issues are uncovered during the building permit process after the special permit is granted, the abutters do not have any voice in addressing those issues. Currently, the Community Development Department is required to forward the Special Permit application to various city agencies and departments but they are not required to submit comments to the Planning Board in time for the public hearing on that application. Commenting by these agencies/departments should be required for the public hearing – as did the Water Department for the 40 Norris Street project.

2. Any new construction within the additional Gross Floor Area allowed in Article 5.28.21 must meet all Zoning Ordinance and Building Codes in the base district. We request that the last sentence to be modified, in proper language, as follows:

"However, additional Gross Floor Area may be added to the non residential structure without limit provided all construction creating additional Gross Floor Area occurs within the physical limits of the existing structure and that all new construction within the newly added area conform to the Zoning Ordinance and Building Code provisions of the District".

3. Please amend Article 5.28.25, Private open space Requirements, to require creation of community space within the building (such as exercise area, indoor garden etc) if "full compliance cannot reasonably be expected given the existing development of the lot and the provision of parking necessary to serve the dwelling units." This will give the residents of the building some degree of amenities intended by the open and green space.

We thank you and the Planning Board for your consideration of above suggestions in the hopes of creating more harmonious redevelopment of non-residential structures to preserve the "fabric of its neighborhood".

We wish you and all the members of the Planning Board a Happy, Healthy and Prosperous New Year!

Sincerely yours,



Young Kim
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