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**Lopez, Donna**

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**From:** Heather Hoffman <heather.m.hoffman.1957@gmail.com>  
**Sent:** Thursday, September 17, 2015 4:31 PM  
**To:** City Council; Paden, Liza; Farooq, Iram; Rossi, Rich; Mike Cantalupa; dstewart@bostonproperties.com; ksheehan@bostonproperties.com; bkoop@bostonproperties.com; blaverty@bostonproperties.com; Tom Evans; Marc Levy; Kathyborn@gmail.com; drurybischoff@comcast.net; barryzevin@earthlink.net; Christopher.Bator@usdoj.gov; conradcrawford@gmail.com  
**Cc:** Lopez, Donna  
**Subject:** Ames Street inclusionary housing units

First of all, please accept my apologies for writing to such a lengthy list of people without using the blind carbon method. Other than the Boston Properties addressees, I am writing to all of you as governmental officials of the City of Cambridge or the Cambridge Redevelopment Authority, and I expect and intend this to be a public document. Anyone who has a better email address for this purpose, please reply to me (or everyone, if that's what you intend) with that address, and I will use it in the future.

Let me deal with one more housekeeping matter before getting to the substance of this letter. Ms. Lopez, please include this in the communications section of Monday's City Council packet. Ms. Paden, please add this to the file for SP294 and pass it on to the appropriate members of the Planning Board, along with my message that I thought they might want to know about this subsequent development on an aspect of this project that generated considerable public comment. To the Cambridge Redevelopment Authority and the Boston Properties addressees, this is the backup for my comments at the CRA meeting yesterday. Ms. Farooq, please share this with the appropriate people at CDD.

As most of you know, this first residential building in the MXD District has been a long time coming, around 15 years. During the public hearings at the CRA and the Planning Board earlier this year, many people raised the issue of the number of affordable units in this building. My reading of the Cambridge Zoning Ordinance (see the analysis below) led me to conclude that a full 15 percent of the units should be affordable under our inclusionary zoning provisions. With 280 units in the building, that works out to 42 affordable units. In its Planning Board filings (see footnote 2 to Table 1-1 on page 14 of [http://www.cambridgema.gov/~media/Files/CDD/ZoningDevel/SpecialPermits/sp294/sp294\\_article19\\_update\\_20141117\\_pt1.pdf](http://www.cambridgema.gov/~media/Files/CDD/ZoningDevel/SpecialPermits/sp294/sp294_article19_update_20141117_pt1.pdf)), Boston Properties stated that it was providing 36 affordable units. At yesterday's CRA meeting, Ben Lavery of BP gave a status update on the project. I noticed that a new *lower* number of affordable units appeared on a slide about unit mix (note also that the updated unit mix includes 2 3-bedroom units, something people have been asking for, and neither is proposed to be affordable). Instead of 36 affordable units, BP now proposes 32 units, a full 10 units short of what I believe the zoning ordinance requires.

Many Cambridge residents have expressed dismay and concerns about what the proliferation of large apartment buildings with very expensive units is doing to the liveability of our city. We have been told that the market-rate units are the price we have to pay in order to get the affordable units our inclusionary housing provisions require for projects of 10 or more units. If city government doesn't require developers to live up to these requirements, if city officials allow developers to provide fewer units than the ordinance calls for, then we as a city are being asked to bear a greater burden without the compensating benefit of affordable units. In the Ames Street case, it would take an 85-unit building to give us the 10 affordable units Boston Properties isn't providing. That's wrong. We should not stand for it.

I call upon Boston Properties to revise its plans to do the right thing and, failing that, I call upon every relevant

city department and the city manager to force them to fulfill their obligations. Enough coddling of billionaires by Our Fair City!

Heather Hoffman

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## Zoning Analysis

Section 11.203.2(a) of the Cambridge zoning ordinance says, "Any Inclusionary Project shall provide 15% percent [sic] of the total number of dwelling units up to the maximum allowed as of right as Affordable Units." In the normal course, that 15 percent usually turns into 11.5 percent or so because of the bonus units, Gross Floor Area and Floor Area Ratio that then get tacked on: two additional units for each affordable unit, accomplished by a reduction in the lot area per dwelling unit, and a 30 percent increase in the FAR. However, there is no minimum lot area per dwelling unit applicable in the MXD District because there is simply a gross floor area cap that applies to the whole district. Therefore, Boston Properties is allowed to build as many units with its 200,000 square feet as the building code and the laws of physics allow; you cannot reduce the lot area per dwelling unit below zero without seriously messing with the physical characteristics of the universe as we know it. In other words, there can be no bonus units legally because whatever number they choose is less than "the maximum allowed as of right".

The FAR bonus is similarly unavailable for this building because Section 14.71.2 of the Cambridge zoning ordinance removes all limitations on FAR in the Ames Street Subdistrict of the MXD District. Note that Boston Properties wrote this provision, and the City Council adopted it despite objections raised at the time to the idea of removing all limits on FAR. Having done that, however, BP should be estopped from claiming all the benefits while avoiding all the drawbacks of their own language. It is just as impossible to apply a bonus to infinity as it is to reduce required lot area below zero, and so, once again, there can be no legal bonus given.

Notwithstanding the clear language of the zoning ordinance, BP and the Cambridge Community Development Department jiggered the math so as to create bonuses that have no basis in the law, just so BP doesn't have to give us the 15 percent affordable housing the zoning ordinance requires. The dimensional form that is part of their special permit application buttresses my points. Under total gross floor area it says none for inclusionary housing bonus. Under total floor area ratio, it says NA for everything, including inclusionary housing bonus. Similarly, under total dwelling units, it lists all 280 units as base units and none as inclusionary bonus units. Nonetheless, the application states that there will be 36 affordable units, rather than 42, which is 15 percent of 280.