



February 13, 2017

To the Honorable, the City Council:

In response to Awaiting Report Item Number 16-102, regarding zoning and building code restrictions as they relate to rebuilding properties destroyed in the December 3rd fire and Awaiting Report Item Number 16-105, regarding what measures can be taken to rebuild the homes impacted by the fire that may be non-conforming with the current zoning code, please find attached a proposed zoning petition that would amend Chapter 8.23 of the Zoning Ordinance regarding non-conforming structures. I recommend that the City Council file the attached as a City Council zoning petition.

By way of background, this petition would address a provision of the Zoning Ordinance that has raised concerns with regard to the catastrophic ten-alarm fire that occurred during the afternoon of Saturday, December 3, 2016, in the Wellington-Harrington neighborhood. Eighteen (18) buildings sustained varying degrees of damage and over 140 residents were displaced. Several of the damaged buildings were uninhabitable as a result of the fire.

Many of the structures that existed in the area before the fire occurred were non-conforming structures, meaning they did not meet current zoning requirements. Therefore, under current zoning, several cannot be rebuilt as they had existed prior to the fire without obtaining a variance from the Board of Zoning Appeal.

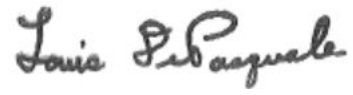
In general, zoning requirements allow for the transition of City neighborhoods to come into conformance with current zoning requirements with regard to allowed uses, density, and dimensional standards, as individual sites are redeveloped. However, the damage caused by the December 3rd fire was unprecedented in recent City history. The proposed zoning change will help to protect the existing character of a neighborhood in the wake of a devastating event such as the December 3rd fire, while still allowing for evolution of non-conforming properties toward conformance with current zoning requirements as other planned redevelopment occurs. It is important to note that there are certain building and safety code requirements that are governed by State law, and are not affected by any changes to the City's Zoning Ordinance.

With the new proposed language for Chapter 8.23 of the Zoning Ordinance:

- A non-conforming structure can be rebuilt as it existed (in terms of use, FAR, density, height, setbacks) as of right, if the structure was partially or wholly destroyed as a result of a fire or other catastrophic event.
- Up to 24 months to rebuild the structure is provided.
- The rebuilt structure must be within the same footprint as the previous building.

- All other applicable building and safety codes still apply.

Very truly yours,

A handwritten signature in cursive script that reads "Louis A. DePasquale".

Louis A. DePasquale
City Manager

LAD/mec
Attachment(s)

Delete Section 8.23 of the Zoning Ordinance in its entirety and replace with a new Section 8.23 as follows:

If a nonconforming structure or use shall have been destroyed or damaged by fire or explosion (except one that has been determined by the Cambridge Fire Department to have been caused intentionally or by arson) or other catastrophe, such buildings or use may be rebuilt or restored and used again as previously. If a nonconforming structure or use shall have been destroyed, damaged, or caused to be moved as the result of a public taking, said structure or use may be relocated or reconstructed on the lot or on an abutting lot in the same ownership, provided that said relocation or reconstruction does not result in the enlargement of the nonconforming use or structure. Such rebuilding or restoring shall not require a special permit and shall be completed within twenty-four (24) months after such catastrophe. The building as restored shall not be greater in volume, lot coverage, or floor space, and, if the yard requirements are not met, shall not extend further into the required yards than the original nonconforming structure.