BZA APPLICATION FORM

GENERAL INFORMATION

The undersigned hereby petitions 1	he Beard of Zening A	2021 OCT 13 PM 12: 17
	0202	Appeal for the city clerk Appeal oge MASSACHUSETTS
Special Permit: Var	iance: X	Appeal DGE, MASS ACHUSETTS
PETITIONER: Alnylam Pharmaceuticals, Inc.		BZA-148819
PETITIONER'S ADDRESS: 675 West Kendall	Street, Cambridge, MA 02142	2
LOCATION OF PROPERTY: 675 West Kenda		
TYPE OF OCCUPANCY: Office	ZONING DISTR	RICT: Office 3A/PUD-3
REASON FOR PETITION:		
Additions		New Structure
Change in Use/Occupar	су	Parking
Conversion to Addi'l	Dwelling Unit's	X Sign
Dormer		Subdivision
Other:		
square foot maximum and to permit the sign to be attached plans. SECTIONS OF ZONING ORDINANCE CITED		
Article 7 Section 16.22.C		
Article 10 Section 31		
Article Section		
Applicants for a Variance must com Applicants for a Special Permit mu Applicants for an Appeal to to Inspectional Services Department m for the appeal Original Signature	st complete Pages 1- ne BZA of a Zonir ust attach a stateme (la, 8):	ng determination by the ent concerning the reasons
Addı	Aaro	on D. Conant (Print Name)
	617-704-	**************************************
	No.: acona	nt@alnylam.com
E-Ma 10/7/21	il Address:	
Date:		

BZA APPLICATION FORM - OWNERSHIP INFORMATION

To be completed by OWNER, signed before a notary and returned to The Secretary of the Board of Zoning Appeals.

I /We BMR-675 West Kendall Street LLC
(OWNER)
Address: 4570 Executive Drive, Suite 400, San Diego, CA 92121
State that I/We own the property located at 675 West Kendall Street, Cambridge, MA ,
which is the subject of this zoning application.
The record title of this property is in the name of BMR-675 West Kendall Street LLC
*Pursuant to a deed of duly recorded in the date May 24, 2005 , Middlesex South County Registry of Deeds at Book 45322 , Page 301 ; or Middlesex Registry District of Land Court, Certificate No;
Book Page
SIGNATURE BY LAND OWNER OR AUTHORIZED TRUSTEE, OFFICER OR AGENT* *Written evidence of Agent's standing to represent petitioner may be requested.
Commonwealth of Massachusetts, County of
The above-name personally appeared before me, thisof, 20, and made oath that the above statement is true.
Notary
My commission expires(Notary Seal).

• If ownership is not shown in recorded deed, e.g. if by court order, recent deed, or inheritance, please include documentation.

SEE ATTACHED For Notary Certificate

CALIFORNIA JURAT

	Document Date:amed Above:
scription of Attached Document	
Though this section is optional, completing this	is information can deter alteration of the document or is form to an unintended document.
Place Notary Seal Above	PTIONAL
Seal	*
× .	
*	
	*
	. •
	J. S.
	Signature Signature of Notary Public
	Augus B
COUNTY OF SAI DIEGO MY COMM. EXP. APR. 29, 2024	proved to me on the basis of satisfactory evide to be the person(s) who appeared before
JENNY BEDDOW COMM. # 2326515 W	Name(s) of Signer(s)
yearnessansessansessanse	(and
	Kevin M. Simonsen
w v	by Date Month
County of San Diego	on this O4 day of Jan, 20
State of California	Subscribed and swom to (or affirmed) before

BZA APPLICATION FORM

SUPPORTING STATEMENT FOR A VARIANCE

EACH OF THE FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH MGL 40A, SECTION 10:

A) A Literal enforcement of the provisions of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant for the following reasons:

A sign on West Kendall Street constructed in conformance with the Ordinance, at a height of 20 feet or less and no larger than 60 square feet, would not be visible from the various access routes that lead to the building. A sign at a compliant height would be obscured by surrounding buildings, and elements of the existing streetscape including the ornamental trees, street lights and street signs. Even if located above 20 feet high, a sign 60 square feet or less would not be large enough to be easily readable from West Kendall Street, and would not assist with identifying Alnylam's location for visitors or wayfinding and will be detrimental to Alnylam.

B) The hardship is owing to the following circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located for the following rearsons:

The hardship is due to the location of the building on the property and its relationship to the surrounding buildings and urban environement in the area. As one approaches the building from Athenaeum or Linskey Way, the lower levels of the building are obscured by other tall buildings in the area and the urban landscape of parkland next door at Henri A. Termeer Square such that a compliant sign would not be visible from the applicable access routes. These obstructions to the view of the building necessitate the additional height and signage area requested, to allow the signage to be useful for wayfinding purposes.

C) DESIRABLE RELIEF MAY BE GRANTED WITHOUT EITHER:

1) Substantial detriment to the public good for the following reasons:

The proposed sign is generally consistent with the Ordinance's requirements and will be located well below the lowest point of the roof. The sign does not include ornate or illuminated lettering which might create distractions or contribute to visual clutter. The proposed signs will assist pedestrians and vehicular traffic by allowing them to more easily identify Alnylam's location thereby reducing the confusion and congestion in the area resulting in a positive impact on the public good.

2) Relief may be granted without nullifying or substantially derogating from the intent or purpose of this Ordinance for the following reasons:

The sign is consistent with existing signs for the commercial uses and buildings that generally surround the property. The sign is proposed for wayfinding purposes and does not include ornate or illuminated lettering. However, the sign will allow visitors to easily identify Alnylam's location within this busy corridor, in a manner consistent with the surrounding buildings.

* If You have any questions as to whether you can establish all of the applicable legal requirements, you should consult with your own attorney.

(ATTACHMENT B - PAGE 5)

BZA APPLICATION FORM

DIMENSIONAL INFORMATION

APPLICANT:	Alnylam Pharmaceuticals, Ir	nc.	RESENT USE/OCCUPAN	NCY: Office	
LOCATION:	675 West Kendall Street, Ca	ambridge, MA ZONE: Office 3A/PUD-3			
PHONE:	617-704-4696	REQUESTED USE/OCCUPANCY: Office (no change)			
		EXISTING CONDITIONS	REQUESTED CONDITIONS	ORDINANCE REQUIREMENTS ¹	
TOTAL GROSS	S FLOOR AREA:	n/a	No change	n/a	(max.)
LOT AREA:		49,470 +/- sf		5,000 sf	(min.)
RATIO OF GI	ROSS FLOOR AREA	n/a	No change	n/a	(max.)
LOT AREA FO	OR EACH DWELLING UNIT:	n/a	n/a	n/a	(min.)
SIZE OF LO		199.83'		2/2	(min.)
	DEPTH				
Setbacks in	n FRONT	n/a 	No change	<u>n/a</u> ((min.)
Feet:	REAR	n/a	No change		(min.)
	LEFT SIDE	n/a	No change	n/a ((min.)
	RIGHT SIDE	n/a 	No change	n/a ((min.)
SIZE OF BLI	OG.: HEIGHT	n/a	No change	n/a ((max.)
	LENGTH				
	WIDTH				
	SABLE OPEN SPACE				
TO LOT AREA	<u>4:*)</u>	n/a	No change	n/a ((min.)
NO. OF DWEI	LLING UNITS:	n/a	n/a	n/a ((max.)
NO. OF PARE	KING SPACES:	n/a	No change	<u>n/a</u> (min.	/max)
NO. OF LOAD	DING AREAS:	n/a	No change	n/a ((min.)
DISTANCE TO ON SAME LOT	O NEAREST BLDG.	n/a	n/a	n/a ((min.)
Describe whon same losteel, etc.	nere applicable, other ot, and type of cons	occupancies on truction propos	same lot, the siz ed, e.g.; wood f	e of adjacent buil rame, concrete, l	ldings brick,

^{1.} SEE CAMBRIDGE ZONING ORDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL

^{1.} SEE CAMBRIDGE ZONING URDINANCE ARTICLE 5.000, SECTION 5.30 (DISTRICT OF DIMENSIONAL REGULATIONS).

2. TOTAL GROSS FLOOR AREA (INCLUDING BASEMENT 7'-0" IN HEIGHT AND ATTIC AREAS GREATER THAN 5') DIVIDED BY LOT AREA.

3. OPEN SPACE SHALL NOT INCLUDE PARKING AREAS, WALKWAYS OR DRIVEWAYS AND SHALL HAVE A MINIMUM DIMENSION OF 15'.



IRAM FAROOQ Assistant City Manager for Community Development

SANDRA CLARKE
Deputy Director
Chief of Administration

KHALIL MOGASSABI Deputy Director Chief of Planning

CITY OF CAMBRIDGE

Community Development Department

SIGN CERTIFICATION FORM COVER SHEET

Sign Text: Anylan)
Location of Sign: 675 We	est kendall st
Applicant: Rose Cont	i for Alnglama
617-913-71	13
Zoning District: 03A	Overlay District: PUD3
Area of Special Planning Concern: (Se	
Application Date: 9 10 202	1
Sketch of sign enclosed: Yes	No

PLEASE NOTE: All signs must receive a permit from the Inspectional Services Department (ISD) before installation. Community Development Department Certification action does NOT constitute issuance of a permit or certification that all other code requirements have been met. Do not contract for the fabrication of a sign until all permits have been issued including City Council approval, if necessary for signs in the public way*.

* Any sign or portion of a sign extending more than six (6) inches into the public way/sidewalk, must receive approval from the Cambridge City Council; a bond must be posted with the City Clerk.

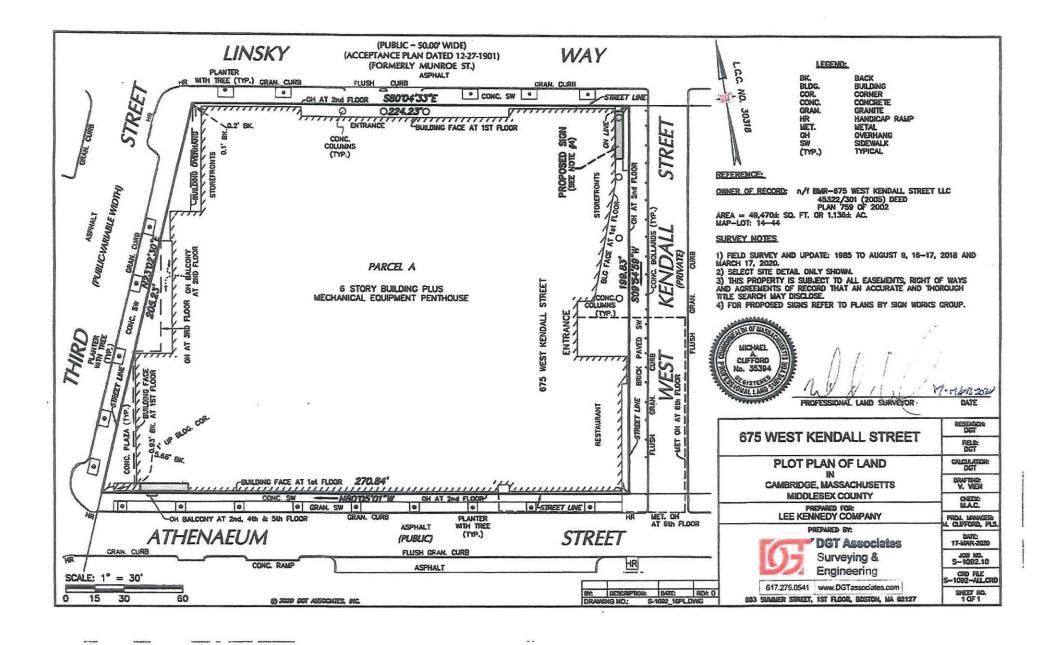
The Sign Ordinance is available online under Article 7.000 at https://www.cambridgema.gov/CDD/zoninganddevelopment/Zoning/Ordinance

Contact Liza Paden at 617 349 4647 or lpaden@cambridgema.gov for further information.

344 Broadway Cambridge, MA 02139 Voice: 617 349-4600 Fax: 617 349-4669 TTY: 617 349-4621 www.cambridgema.gov

Proposed WALL Sign

Area in Square feet: 170,33 Dimensions: 292 X 8411 Illumination: Natural Internal External Moilly ination
Illumination: Natural Internal External Noill wination
Height (from ground to the top of the sign): 96
1. COMPLETE WHEN SIGN IS ACCESSORY TO A FIRST FLOOR STORE Length in feet of store front facing street: (a) Area of signs allowed accessory to store:
outside (1 x a), behind windows (0.5 x a) Area of all existing signs on
the store front to remain (including any freestanding sign): Area of additional signs
permitted:
2. COMPLETE FOR ANY OTHER SIGN Length in feet of building facade facing street: (a) 199,83. Area of signs allowed accessory to the building facade: outside (1 x a) 199,83, behind windows (0.5 x a) 99,92. Area of all existing signs on the building facade to remain (including any freestanding sign): 23,07.
Area of additional signs permitted:
SUMMARY OF LIMITATIONS FOR WALL SIGNS (see reverse side for more general summary of the sign regulations; review Article 7.000 of the Zoning Ordinance for all zoning requirements.)
AREA: 60 square feet maximum. HEIGHT ABOVE THE GROUND: 20 feet but below the sills of second floor windows. ILLUMINATION: Natural or external, or internal illumination with significant limitations. NUMBER: No limit.
COMMUNITY DEVELOPMENT DEPARTMENT CERTIFICATION
Sign conforms to requirements of Article 7.000: YESNOX
Sign requires a variance from the Board of Zoning Appeal: YES X
Relevant sections: 7.16.22.C
COMMENTS: No wall sign may be higher than 20'; bottom of sign from ground is 89'.
Date: 9.20.21 CDD Representative Daniel Messplay Digitally signed by Daniel Messplay Digitally signed by Daniel Messplay Discon-Daniel Messplay on unaffermessplay@cambridgema.gov, c=US Discon-Daniel Messplay on unaffermessplay@cambridgema.gov, c=US Date: 9.20.21



Evistins sign-west Kardall entrance 23.07th

SIGN SPECIFICATIONS

DESCRIPTION
1" deep fabricated letters & logo moto exterior masonary wall

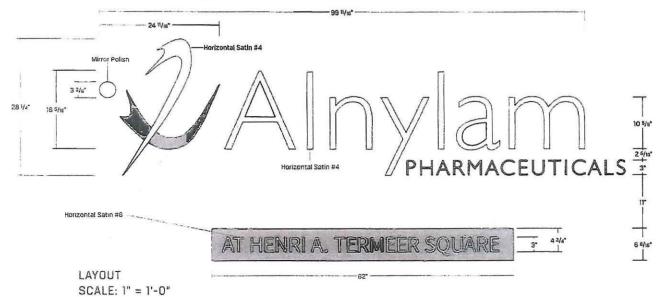
1/8" thick stainless steel laser cut

TYPEFACES

Logotype Source Sans Pro - Regular

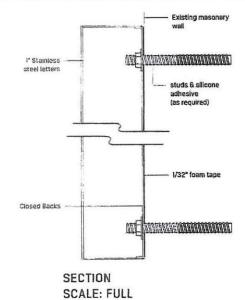
COLORS/FINISHES See callouts

INSTALLATION
Closed backs with 1/32° foam tape, studs & silicone adhesive (as required)





ELEVATION SCALE: NTS



Revisions REV DESCRIPTION Update copy TMM
TMM
TMM
TMM
TMM
TMM DATE 7/24/19 8/22/19 10/07/19 1/13/20

Project

Alnylam 675 W Kendall Street

Scale: See Layout/Section/El Original Page Size: 11" x 17"

Notes Logo & Copy has been modified for fabrication purposes

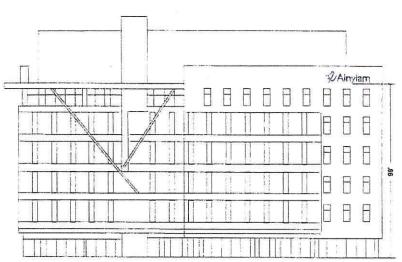
Cambridge, MA

117 Stainless Steel Logo & Letters

85002 117.3 Drawing #

Proposed signage





East Elevation - NON-ILLUMINATED LOGO
Scale:1/32*=1-0*

SWG SignWorks Group

60 Arsenal Street Watertown, MA 02472 617 • 924 • 0292 fax 617 • 924 • 0279

Alnylam Pharmaceuticals

East Elevation Logo at West Kendall St.

September 7, 2021

As Noted

AE/SR '01.' 7581

Alnylam East

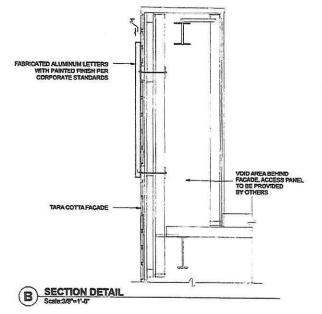
298*

292*

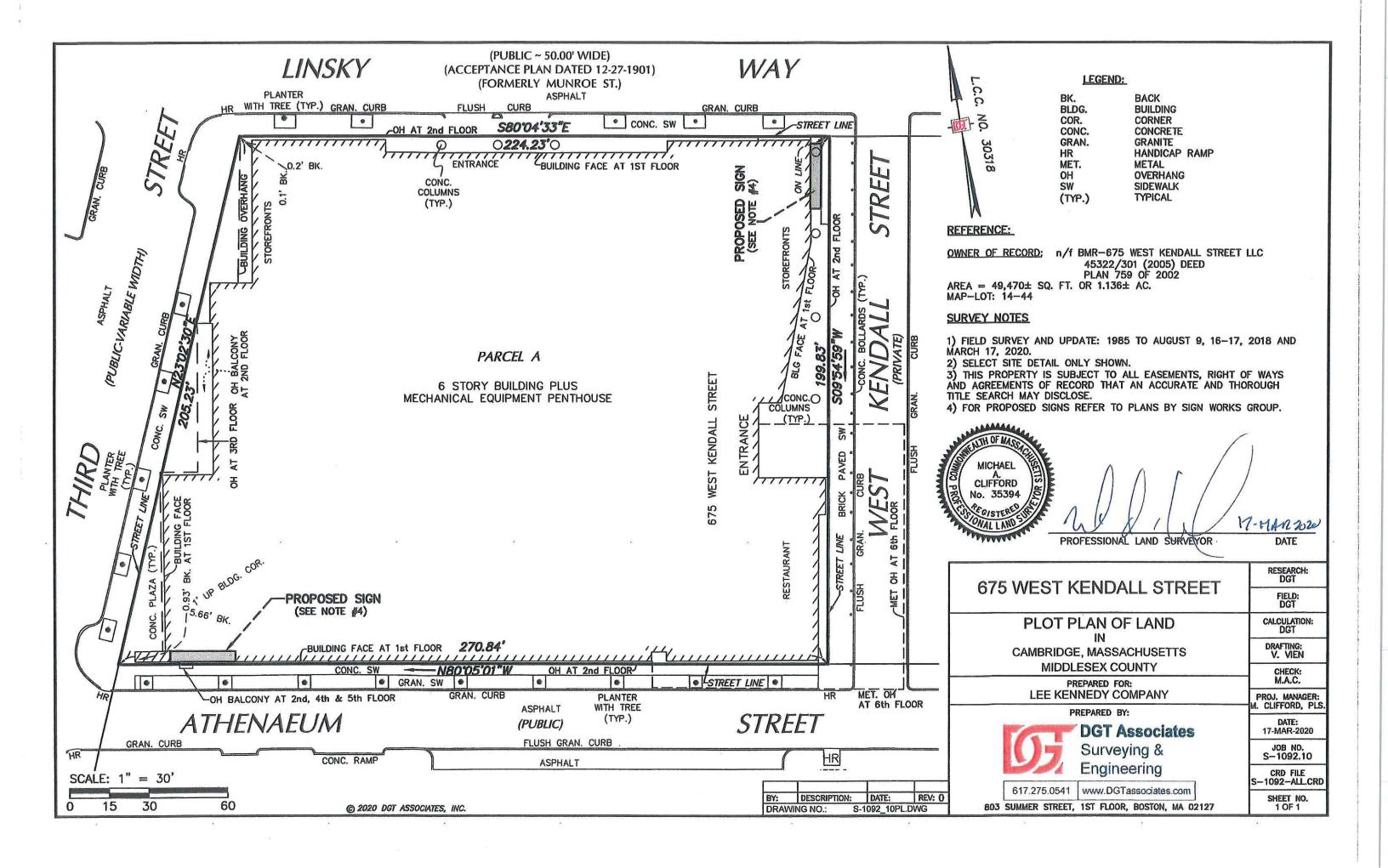
292*

FABRICATED REPLACEMENT SLAT
PANTED TO MATCH TARACOTTA
(EXISTING PANELS REMOVED BY OTHERS)

A LOGO DETAIL (170.33 Sq. Ft.)
Scale:1/4"=1"-0"



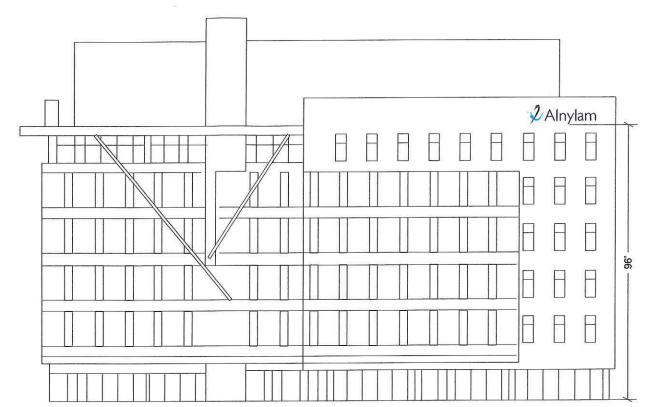
may not be used or dissemiliated in a way without prior written consont from this Company, All common law and copyright inwis are hereby specifically reserved,



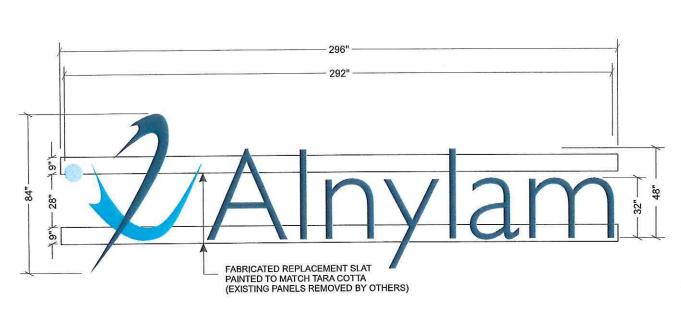


1 East Elevation West Kendall St. - PHOTO COMP

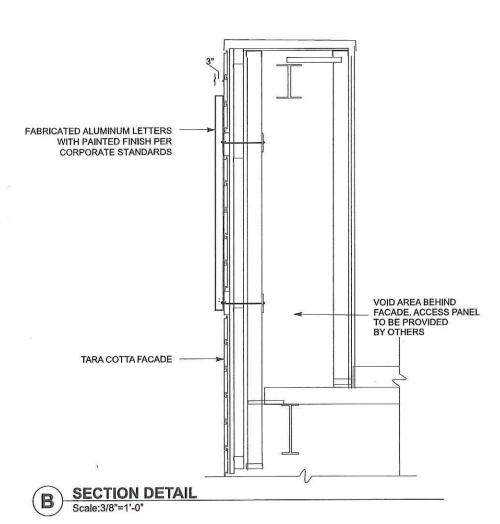
Scale: NTS



2 East Elevation - NON-ILLUMINATED LOGO
Scale:1/32"=1'-0"



A LOGO DETAIL (170.33 Sq. Ft.)
Scale:1/4"=1'-0"



SWG SignWorks Group

60 Arsenal Street Watertown, MA 02472 617=924=0292 fax 617=924=0279

CUSTOMER

Alnylam Pharmaceuticals

PROJECT

East Elevation Logo at West Kendall St.

DATE.

September 7, 2021

SCALE.

As Noted

DPAW11B1

AE/SR

WORK ORDER

7581

610

Alnylam East

This drawing is given in confidence and may not be used or disseminated in any way without prior written consent from this Company. All common law and copyright laws are hereby specifically reserved.



675 West Kendall ST 27-93 17-84 27-81 27-82 27-97 249 Third St 101 Rogers St 255 Third St Timothy J. Toomey, Jr. Park S Fifth 28-23 Rogers St 16-24 28-33 195 Binney St 16-33 270 Third St 75 Binney St 125 Binney St 220 Binney St 16-28 Binney St 174 Binney St 300 Third St 28-39 100 Binney St 29-50 15-29 Munroe St 64 Binney St 286 Third St Walkway 15-30 15-31 15-28 inskey Way Second 285 41 Linskey Way ird S 695 West Ken Fifth Third St 14-44 29-34 303 Third Walkway Access 14-51 Henri A. Te meer Square 14-45 Kendall St 300 Athenaeum St 15-3 14-56 Potter St 307 Third St 510 Kendall St Athenaeum St 14-39 303 Third St 14-46 Athenaeum St 500 Kendall St 585 Kendall St Kendall St 14-47 265 First St 29-39 29-49 350 Third St 14-41 14-52 13-16 356 Third/St 250 Kendall St 358 Third St 14-1038 350 Kendall St 450 Kendall St 5 Broad Canal Way 14-1038 Kendall Square South Plaza Adjunct 4 Broad Canal Way Broad Canal Way 9 Broad Canal Way 14-50 13-21 44-71 South Plaza Park 265 First St 8 Broad Canal Way
10 Broad Canal Way 265 First St Broadway **Broad Canal Boat Dock** 390 Third St 14-58 **Broad Canal Boardwalk** 1 Broadway 14-59 14-36 245 Main St **Broad Canal Walkway** 16 Broadway 44-100 Point Park 169 Main St_{167 Main} St¹⁴⁻²⁶ 44-102 13-23 165 Main St 101 Main St 242 Main St₂₃₈ Main St 139 Main St 1 Main St 226 Main St ROAD 84 Wadsworth St Main St 200 Main St 58-166 47-94 47-85 60 Wadsworth St 47-90 46-12 Charles River Basin 100 Main St **Charles River Basin** 47-88

675 West Kendall St

14-39 COMMONWEALTH GAS CO. C/O NSTAR GAS CO PROPERTY TAX DEPT P.O. BOX 270 HARTFORD, CT 06141-0270

15-29 MIT 300 THIRD LLC C/O ARE MA REGION #28,LLC P.O. BOX 847 CARLSBAD, CA 92018

29-34 303 THIRD SPE LLC, C/O EQR-R.E. TAX DEPARTMENT P.O. BOX 87407 (19337) CHICAGO, IL 60680-0407

29-34 STABILE, LAWRENCE A. JANE SANFORD STABILE 303 THIRD ST #517 CAMBRIDGE, MA 02141

29-34 DENNIS, JACK B. 303 THIRD ST., #705 CAMBRIDGE, MA 02141

29-34 O'LEARY, GERALD & ROSEMARY BOOTH 303 THIRD ST., # 505 CAMBRIDGE, MA 02141

29-34 XIANG, JANE & WEI DENG 2 TREVOR LANE HOPKINTON, MA 01748 14-41 SOUTHERN ENERGY KENDALL C/O BRIAN KRAMSCHUSTER 13155 NOEL RD., SUITE 100 DALLAS, TX 75240

28-43 CAMBRIDGE REDEVELOPMENT AUTHORITY 255 MAIN ST, 4TH FLOOR CAMBRIDGE, MA 02142

15-30 ARE-MA REGION NO. 45, LLC PO BOX 847 CARLSBAD, CA 92008

29-34 BEAVER PAD LLC PO BOX 1588 JACKSON, WY 83001

29-34 LITSTER, J. DAVID, TRUSTEE J. DAVID LISTER 2009 REV TRUST 303 THIRD ST., #812 CAMBRIDGE, MA 02141

29-34 POONEN, BJORN M. 303 3RD ST. #416 CAMBRIDGE, MA 02142

29-34 ROACH ROGER A TRS ROGER A ROACH LIVING TR 303 THIRD ST - UNIT 415 CAMBRIDGE, MA 02142 ALNYLAM PHARMACEUTICALS, INC. C/O AARON D. CONANT 675 WEST KENDALL STREET CAMBRIDGE, MA 02142

PAUL MCDONALD 70 SETON HIGHLANDS PLYMOUTH, MA 02360

29-34 GOODWAY, MARTHA 303 3RD ST UNIT #216 CAMBRIDGE, MA 02142

14-46 BMR-THIRD LLC ATTN: LEGAL DEPARTMENT 17190 BERNARDO CENTER DRIVE SAN DIEGO, CA 92128

29-34 OPPENHEIM, ALAN V. 303 THIRD ST., #605 CAMBRIDGE, MA 02138

29-34 SIMHA. OVADIA R, TRUSTEE THE OVADIA R. SIMHA REV LIVING TRUST 303 THIRD ST., #704 CAMBRIDGE, MA 02142

14-45-54-55-57-56-44-47-49-51 BMR KENDALL DEVELOPMENT, LLC C/O RYAN LLC P.O. BOX 847 CARLSBAD , CA 92018

Pacheco, Maria

From:

Bjorn Poonen

bjornpoonen@gmail.com>

Sent:

Tuesday, November 9, 2021 9:53 AM

To:

Pacheco, Maria

Subject:

CASE NO. BZA-148819

Dear Board of Zoning Appeal:

Regarding CASE NO. <u>BZA-148819</u> concerning a variance for signage on the east side of 675 West Kendall St., I am writing in support. The justification (visibility from the streets) makes sense to me, and I appreciate the applicant's decision to have it be a non-illuminated sign.

Sincerely,

Bjorn Poonen, homeowner at 303 3rd St. Unit 416, Cambridge

Pacheco, Maria

From: Carol O'Hare <carol@carolok.com>
Sent: Monday, November 15, 2021 11:44 AM

To: Pacheco, Maria

Subject: BZA: Alnylam Pharmaceuticals, 4-story-too-high & too-large Sign Variances, 675 West Kendall

St., BZA #148819, 11/18/21

Dear Mr. Alexander, Chair, Mr. Sullivan, Vice Chair, and BZA Members:

Alnylam has applied for a zoning variance to permit their building-top sign to exceed zoning limits in 2 ways: >69' feet/approx. 4 stories higher than and larger than the maximums allowed. Though the sign would not be illuminated, that's no justification for its proposed excessive height and size.

I hope you will deny Alnylam's zoning variances for the reasons reviewed below.

History: Since 2010, the Planning Board and the BZA have, with residents' support, turned back the tide on granting legally unjustified zoning variances for mere signs. In December 2020, the BZA denied Eli Lilly's zoning variance for a sign at the top story of the 450 Kendall St. building 2 blocks away. And, on October 7, the BZA also denied the Urban Spaces variances for 2, much too high "for rent" signs at the 107 First St. building 8± blocks away. And the numbers of variance applications have declined in recent years. **Thanks!**

Planning Board Recommendation: "The Board has concerns related to the compatibility of the proposed size and location of the sign with the surrounding neighborhood. The Board does not recommend the approval of the signs as proposed as the proposal does not provide a rationale to exceed the signage limitations allowed by zoning." 11/9/21 Meeting

Practical/Wayfinding: Alnylam already has a large, attractive sign announcing their presence at their building's entryway. **See image > Application p. 9.** https://tinyurl.com/fhanbabk From further away, 1st-time visitors can and will use Google Maps or another mapping service to get them close enough to the building to see that sign.

Locale: If Alnylam's managers really wanted a building top sign, they could/should have rented space in the area located under the jurisdiction and zoning control of the Cambridge Redevelopment Authority's jurisdiction, where signage regulations are less limiting and more flexible. But they chose to rent where CZO's Article 7's limits apply unless there are actual, convincing, legally substantiated reasons for variances from zoning requirements on signage.

Legal: Alnylam's proposed sign – a "Branding Swoosh + Alnylam" – does not satisfy the variance requirements of G.L. c. 40A or Cambridge Zoning Ordinance §10.31. Most significantly, Alnylam has <u>not established</u>, <u>nor can they</u>, that without their buildingtop sign, they would suffer "a substantial hardship, financial or otherwise... owing circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structure but not affecting generally the zoning district in which it is located." <u>They cannot establish that by mere assertion</u>.

Precedent & Branded Skylines: If the BZA approves Alnylam's building-top, too large sign variances, that will create a new benchmark for other corporations and entities that want their own building-top names. Then the City's boards, staff and residents will once again have to devote time and effort to increasing sign variances applications. What a shame when there is so much more important stuff to accomplish! And, Cambridge certainly has enough going for it that we don't need to brag about our corporate citizenry.

Landlords Benefit/\$ for Sign Variances: Why further enrich landlords, who undoubtedly charge more for allowing tenants' signs that exceed zoning limits? In effect, landlords profit from city-approved zoning variances. Why let 'em?

Thank you, as always, for your time, service and consideration.

Sincerely,

Carol O'Hare 172 Magazine St.



City of Cambridge

MASSACHUSETTS

BOARD OF ZONING APPEAL

831 Mass Avenue, Cambridge, MA. (617) 349-6100

4Bds

BZA

POSTING NOTICE – PICK UP SHEET

The undersigned picked up the notice board for the Board of Zoning Appeals Hearing.

Name: Full Meldona ## Address: 675 West Kendall Af.	Date:	//-4-2/
Case No. 148819		
Hearing Date:	9-	

Thank you, Bza Members



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

November 12, 2021

To: The Board of Zoning Appeal

From: The Planning Board

RE: BZA-148819 675 West Kendall Street

The Planning Board reviewed this BZA application during a meeting on November 9, 2021 and decided to the following comments to BZA.

The Board has concerns related to the compatibility of the proposed size and location of the sign with the surrounding neighborhood. The Board does not recommend the approval of the signs as proposed as the proposal does not provide a rationale to exceed the signage limitations allowed by zoning.