

ORDINANCE NUMBER 1285

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City of Cambridge

In the Year Two Thousand and Five

AN ORDINANCE

In amendment to the Ordinance entitled “Zoning Ordinances of the City of Cambridge”

Be it ordained by the City Council of the City of Cambridge:

That the existing Section 6.12 of the Cambridge Zoning Ordinance in its entirety be stricken and the following language be substituted therefor:

6.12 Applicability. The off street parking and loading provisions of this Article 6.000 shall apply as follows:

(a) For new structures erected and new uses of land established or authorized after the effective date of this Article 6.000 or any amendment thereto, as well as for external additions of Gross Floor Area to existing structures for any use, accessory off street parking and loading facilities shall be provided as required by the regulations for the districts in which such structures or uses are located.

In the case of an addition of Gross Floor Area to an existing structure (lawfully erected prior to the effective date of this Article 6.000 or any amendment thereto), which addition contains nonresidential uses, off street parking and loading facilities shall only be required when the total of such additions occurring from the effective date of this Article 6.000 or any amendment thereto increases the Gross Floor Area of the existing structure by fifteen (15) percent or more. If such an increase occurs, additional off street parking or loading facilities as required herein shall be provided for the total increase in intensity subsequent to the effective date of this Article 6.000 or any amendment thereto.

(b) When the intensity of an existing use within any existing structure (or lot in the case of 6.36.7 l and m and 6.36.8 f and g) is increased through addition of dwelling units, floor area, seating capacity or other units of measurement specified in Section 6.30 or Section 6.60 (but not including any uses in a new external addition to that structure, which shall be subject to the provisions of Paragraph (a) above), off street parking and loading facilities shall be provided as required for such increase in intensity of use.

However, a nonresidential use lawfully established prior to the effective date of this Article 6.000 or any amendment thereto shall not be required to provide off street parking and loading facilities for such increase unless and until the aggregate increase in units of measure shall equal fifteen (15) percent or more of the units of measurement existing upon said effective date. If such an increase occurs, additional off street parking or loading

facilities as required herein shall be provided for the total increase in intensity subsequent to the effective date of this Article 6.000 or any amendment thereto.

- (c) When the use of an existing structure (but not including the use of a new external addition to that structure, which shall be subject to the provisions of Paragraph (a) above) is changed to a new nonresidential use, off street parking and loading facilities shall be provided as required in the schedule of parking requirements in Subsection 6.36 and the schedule of loading requirements in Subsection 6.60. Any maximum requirements specified in Subsection 6.36, as well as minimum requirements, shall be applicable to such changes in use.

However, if said structure was lawfully erected prior to the effective date of this Article 6.000 or any amendment thereto, additional off street parking and loading facilities shall be required only to the extent that the required amount for the new nonresidential use would exceed the amount required for the previous use if said previous use were subject to the schedule of parking and loading requirements.

In either case, the first four (4) spaces required need not be provided.

- (d) When the nonresidential use of an existing structure is changed to a residential use, off street parking facilities shall be provided as required in the schedule of parking requirements in Subsection 6.36. Any maximum requirements specified in Subsection 6.36, as well as minimum requirements, shall be applicable to such changes in use.

However, if said structure was lawfully erected prior to the effective date of this Article 6.000 or any amendment thereto and the nonresidential use of the structure is proposed to be changed to an Affordable Housing Project as herein defined, additional off street parking facilities shall be required as provided above, except that for that portion of the Project consisting of Affordable Units additional off street parking shall be provided at the rate of 60% of the parking otherwise required in Section 6.36.

For purposes of this Section 6.12 (d) an Affordable Housing Project shall be a residential development in which at least fifty percent (50%) of the dwelling units are considered Affordable Units for occupancy by Eligible Households as defined in Section 11.200 of the Zoning Ordinance.

6.35.1 Reduction of Required Parking. Any minimum required amount of parking may be reduced only upon issuance of a special permit from the Board of Zoning Appeals. A special permit shall be granted only if the Board determines and cites evidence in its decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units. In making such a determination the Board shall also consider whether or not less off street parking is reasonable in light of the following:

- (1) The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station.

- (2) The availability of public or commercial parking facilities in the vicinity of the use being served provided the requirements of Section 6.23 are satisfied.
- (3) Shared use of off street parking spaces serving other uses having peak user demands at different times, provided that no more than seventy-five (75) percent of the lesser minimum parking requirements for each use shall be satisfied with such shared spaces and that the requirements of Subsection 6.23 are satisfied.

Example: Office and Theatre uses with peak user demands at different times. Office requires a minimum of one hundred and fifty (150) spaces and the theatre requires a minimum of one hundred (100). Seventy-five (75) percent of the lesser minimum requirement is seventy-five (75) (75% of 100). Therefore seventy-five (75) spaces can be shared but twenty-five (25) (100-25) would still be required, making the total amount of required parking for both uses (150 + 25) one hundred and seventy-five (175).

- (4) Age or other occupancy restrictions which are likely to result in a lower level of auto usage; and
- (5) Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, significant negative impact on the historic resources on the lot, impairment of the urban design objectives of the city as set forth in Section 19.30 of the Zoning Ordinance, or loss of pedestrian amenities along public ways.
- (6) The provision of required parking for developments containing affordable housing units, and especially for developments employing the increased FAR and Dwelling unit density provisions of Section 11.200, will increase the cost of the development, will require variance relief from other zoning requirements applicable to the development because of limitations of space on the lot, or will significantly diminish the environmental quality for all residents of the development.

In City Council June 6, 2005.

Passed to be ordained as amended by a yea and nay vote:-

Yea 6; Nays 2; Absent 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk