

ORDINANCE NUMBER 1371

Final Publication Number 3377. First Publication in the Chronicle on August 20, 2015.

City of Cambridge

In the Year Two Thousand and Fifteen

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 Zoning Ordinances of the City of Cambridge be amended as follows:

Amend Section 11.200 of the Zoning Ordinance as listed below.

1. In Section 11.201, Definitions:

- Delete the current definition of “Project, Incentive” and replace with the following definition of Incentive Project:
“Incentive Project shall mean any new development that consists of at least thirty thousand (30,000) square feet of Gross Floor Area devoted to one or more of the following uses as listed in Section 4.30 of the Zoning Ordinance: Sections 4.31 i-1 (Hotel or motel), 4.32 f (Radio and television studio), 4.33b(5) (College or University not exempt by statute, specifically including those uses and facilities listed in Subsection 4.56(c) 4, 5, and 6), 4.33c (Noncommercial Research Facility), 4.33d (Health Care Facilities), 4.33e (Social Service Facilities), 4.34 (Office and Laboratory Use), 4.35 (Retail and Consumer Service Establishments), 4.36 (Open Air or Drive In Retail Service), 4.37 (Light Industry, Wholesale Business and Storage), and 4.38 (Heavy Industry). For the purpose of this definition, new development shall mean
(1) construction of new buildings or additions to existing buildings to accommodate uses in the above list, or (2) substantial rehabilitation of buildings to accommodate uses in the above list for which the buildings were not originally used or (3) Gross Floor Area whose use is changed from a use not included in the above list to a use included in the above list. In no case shall Gross Floor Area devoted to a Municipal Service Facility or Other Government Facility be considered an Incentive Project.”
- Create a definition of Middle Income Household as follows:
“Middle Income Household shall mean any household whose total income exceeds that of an Eligible Household as defined in this Section 11.200 but does not exceed one hundred twenty (120) percent of the median income of households in the Boston Standard

Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust.”

- Replace the terms “Project, Inclusionary,” “Project, Phased” and “Project, Voluntary Inclusionary” with “Inclusionary Project,” “Phased Project” and “Voluntary Inclusionary Project,” respectively, and re-alphabetize the listing.
- Replace the current phrase that currently reads “or for the twelve months” to read “or within the twelve months” in the definition of Phased Project.

2. Delete Section 11.202 in its entirety, and move the current text that follows to the start of Subsection 11.203.3 after the words “Requirements for Inclusionary Housing”:

“The provisions of this Section 11.200 shall apply to any Inclusionary Project and may be applied to any Voluntary Inclusionary Project. These provisions shall apply with respect to developments in all zoning districts of the city except those governed by the provisions of Article 15.000.”

3. Replace Subsection 11.203.1 in its entirety, including subordinate Paragraphs (a) and (b), with the following text, with applicable dates to be entered upon adoption of the amendments to the Ordinance:

“11.203.1 Housing Contribution. The developer or owner of an Incentive Project shall make a Housing Contribution in accordance with this Section 11.203.1.

1. Calculation of Housing Contribution. The Housing Contribution shall be calculated by multiplying the Gross Floor Area devoted to the uses that qualify the new development as an Incentive Project by the Housing Contribution Rate effective at the time the Superintendent of Buildings issues the first building permit for the Incentive Project. If a building permit is not required, the Housing Contribution Rate shall be the rate effective at the time the Housing Contribution is provided.

2. Housing Contribution Rate. The Housing Contribution Rate effective on September 28, 2015 shall be twelve dollars (\$12.00) per square foot of Gross Floor Area devoted to the uses that qualify the new development as an Incentive Project. The effective rate shall be subject to annual escalation equal to annual percentage increases in the Consumer Price Index (CPI) Housing Index for Boston-Brockton-Nashua,

MA-NH-ME-CT or similar index to reflect changes in dollar values over time; however, annual decreases in CPI shall not cause the contribution rate to be decreased. In addition, on September 28 each year from 2016 to 2018, inclusive, the Housing Contribution Rate shall increase by one dollar (\$1.00). The table below sets forth the Housing Contribution Rate over time.

Effective Date	Housing Contribution Rate
September 28, 2015	\$12.00 per square foot.

3. Timing of Payment. The developer or owner of an Incentive Project shall provide the Housing Contribution to the Managing Trustee of the Affordable Housing Trust or its designee, who shall certify to the Superintendent of Buildings that the requirements of this Section are met prior to issuance of a certificate of occupancy for the Incentive Project. If the Gross Floor Area of an Incentive Project is subsequently increased accommodating uses that qualify as Incentive Project uses, then notwithstanding the size of the increase, a Housing Contribution calculated in the manner set forth in this Section shall be provided for every square foot of that increase.

4. Reevaluation of Housing Contribution Rate. The City shall initiate a reevaluation of the Housing Contribution Rate and any other aspect of these Incentive Zoning Provisions at an interval of no less than three (3) years from the time the rate was last amended by the City Council. Such reevaluation shall include a report provided to the City Council reviewing economic factors including but not limited to development activity, commercial rents per square foot, employment growth, housing trends measured in terms of, but not limited to, vacancy rates, production statistics, and prices for dwelling units, and the nexus between Incentive Projects and housing.”

4. In Section 11.204, Standards for Construction and Occupancy of Affordable Units:

- Amend the first paragraph to read as follows:
“The following standards are intended to provide guidance to the Board of Trustees of the Trust in making any report it may make to a special permit granting authority in connection with a special permit application and to the Developer of any Inclusionary Project or Voluntary Inclusionary Project. In granting any special permit the special permit granting authority may allow for deviations from, or further define, these standards consistent with the purpose of this Section 11.200.”
- Delete the current subordinate Paragraph (a) and renumber the subsequent paragraphs beginning with (a).

5. In Subsection 11.205.1, Uses of the Affordable Housing Trust:

- Amend subordinate Paragraph 1 to read as follows:
“1. Creation of new rental or ownership Affordable Units for Eligible Households and Middle Income Households. To encourage the development of Affordable Units through a variety of means, including, but not limited to, the provision of favorable financing terms or direct write down of costs for either non-profit or for-profit developers or to subsidize the purchase of sites, existing structures, or affordable units within a larger development.”
- Create a new subordinate Paragraph 4 to read as follows:
“4. Preservation of existing affordable housing. To provide acquisition and/or financing assistance to preserve affordability of existing housing at risk of losing its affordability.”

In City Council September 28, 2015.
Passed to be ordained as amended by a yeas and nays vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez
City Clerk