

Dear Planning Board,

I have filed a zoning petition with the primary goals increasing housing and addressing affordability.

There is little consensus on how many people Cambridge should house, where we should house them, or how tall and big that housing should be. I've heard many arguments about how upzoning may lead to buildings that may or may not fit into their surroundings, or about how neighborhood character should be preserved. I've also heard many arguments on the other side of the housing politics spectrum about how no neighborhood should be treated differently than any other.

What I think most of us can agree on that Cambridge is great, and I'd personally love to have more of it. Unfortunately, our current zoning laws make that difficult if not impossible in some cases. Many existing homes are technically non-compliant such that a similar building couldn't be built across the street on an identical lot. Even the home where I live couldn't be built today on the same plot of land. My home isn't out of place, nor are any of the ones I pass by every day walking around my neighborhood The Port. And yet, zoning says they are.

A common occurrence in my neighborhood is that a poorly maintained building or home will reach its end of life and be purchased by a developer. Instead of being replaced by a multi-family, it's stripped to the bones and converted to a "luxury" home that can fetch higher rent. The cost of land divided by the number of units. That's the name of the game.

My petition attempts to fix this by changing the zoning to more closely match what already exists with the goal of creating more housing. It is an upzone, and a step in the right direction, one on which I hope we can build consensus. With this plan, next time an old building is replaced with a new one, it can be built with more units which hopefully can all cost less to rent or buy. I can't promise that a developer will do that. What I can tell you is that the cost of land isn't going down, so we need the number of homes to go up.

To that end, I submit this petition for your consideration and greatly appreciate your time.

Sincerely,  
Charles Franklin

## Franklin Proposal FAQ

### What goal am I trying to achieve?

My goal is to build consensus around what I think should be an easy win, addressing how our current zoning laws make it difficult if not impossible to build more homes like we already have. Many existing homes are technically non-compliant such that a similar building couldn't be built across the street on an identical lot. Even the home where I live couldn't be built today on the same plot of land.

My petition attempts to fix this by changing the zoning to more closely match what already exists with the goal of creating more housing. I'm not trying to make a statement about how tall I think Cambridge should be, how many people should live here, or if all neighborhoods should be treated the same. This is what I think could be the next step in a larger plan for addressing our city's housing concerns.

### Does this abolish single family zones?

Yes, with a footnote. My plan enables townhouses in what are currently single-family zones, and enables multi-families as well as townhouses in what are currently duplex zones. My plan continues to treat these parts of Cambridge differently not because they should be, but because they already are. My plan is intended to be mostly restorative not reformative. There are already townhouses or similar structures in West Cambridge, so we should allow more. Additionally, townhouses are effectively horizontal multi-families while being architecturally similar to single-families.

### Will this lead to larger single families?

No. My increases in allowed size (FAR) and height explicitly exclude single family homes and duplexes. However, there are provisions to address existing non-conforming single-family homes, which are in Article 8 for the interested.

### What's with the bulk/imaginary planes?

They're similar to what's commonly known as step-backs. It's what gave a lot of NYC's mid 20<sup>th</sup>-century skyscrapers their iconic look, although that style of architecture has fallen out of favor. Depending on the details, you can also use them to define a de facto mansard roof. For an example of a mansard roof, see 212 Hampshire Street. I added this as a requirement in certain zones in exchange for additional height as a way to make said height more tolerable from the street while not meaningfully decreasing living space.

### Why are there no provisions for inclusionary housing?

I considered this for a while, but ultimately decided to not add additional provisions for Inclusionary Housing in this petition. The Inclusionary program is tricky both from a legal and financial perspective. It's also somewhat transactional, while my petition is intended to be restorative.

I probably could be convinced to move from this position. Though, it's probably too late for this petition as at this point a substantial change like that would require a resubmission. It's possible having one inclusionary unit as an additional requirement for getting the extra height and size could be added to section 5.31.4 seeing as it's added by this petition. Anyone have a "not legal advice" legal opinion on whether that can be added? Email me.

### Will this lower rents?

I can't make that promise. What I can say is that most developers aren't charities and they're not going to build homes at a loss. The price of land isn't going down, so the number of units on each lot has to go up. That will lower the construction cost per unit which will make slowing rent increases at least a possibility.

### Will this fight displacement?

In theory it's possible. I want it to, but I can't say with any certainty that it will. And if it does, it will be indirect. A slow-down in the increase of rent will stem-displacement, but as I stated before I can't promise that this will happen. Rent increases certainly aren't going to slow down with our current zoning.

The fact is that there are very few ways to directly attack displacement. One of them is rent-stabilization, but that's way out of scope for this petition. Some would say that the Inclusionary and Affordable programs help fight displacement. I personally am of the opinion that these programs help with affordability but not displacement. They are very beneficial programs that I'm glad we have and believe we should fund more. However, in my mind anything that requires people to move from their current home doesn't directly tackle displacement.

### How does this interact with the Affordable Housing Overlay (AHO)?

I've crafted this petition to make sure that the AHO continues to have an edge over market rate housing. I did make one amendment to the text of the AHO, but it amounts to legal book keeping. My proposal increases the base zoning FAR, so the FAR threshold for the AHO also has to increase to keep its effective bounds the same. In law, this is sometimes called "Mutatis mutandis," which translates to, "All necessary changes having been made". Do know that I'm not a lawyer and that I could be using that phrase wrong.

My provision for additional height and size on certain streets does trigger the aforementioned threshold, and I'm ok with this. It increases the effectiveness of the AHO ensuring that it continues to have an edge over market rate housing in those targeted areas.

### Where does this petition fit in with the proposed AHO amendments?

I see this petition as being complimentary to the proposed amendments, not as a substitution. I'd like to see both passed, the AHO first followed by this one.

# Amendments for Corrections

## Page 2

Append missing text to Section 3.20 Amendment: **Change the existing residential zone C-1 to C**

## Page 6

Fix typo Table 5-1: Row "Res. C" column (1) 1.49<sup>(a)</sup> 0.75/1.49<sup>(a)</sup>

Replace amended Section 5.30.11 with the following simplification:

**5.30.11**FAR and Height.

1. Where two numbers appear in Column (1) - Maximum Ratio of Floor Area to Lot Area and Column (6) Maximum Height in Feet, the first number shall apply to all permitted uses in the district except Residential Uses, Section 4.31 ~~a-h~~ d-h, and Dormitory (but excluding resident fraternity or sorority) Uses, Section 4.33 b(7), both of which shall be governed by the second number.
2. **Buildings containing both Non-Residential Uses and Residential Uses (4.31 d-h) may also be governed by the second number such that the additional allowed height and floor space is dedicated to Residential Uses (4.31 d-h) and all Residential Uses are on stories above all the Non-Residential Uses.**

## Page 8

Fix typo Section 5.31.2(q): Residential Uses (4.31 ~~a-h~~ d-h) [...]

Append to added Section 5.31.4(d):

**The recommended method of compliance is use of a mansard roof for the top occupiable floor.**

## Page 9

Fix typo Table 5-3: Row "Bus. B" column (1) should say "4.0/7.0"

Fix typo Table 5-3: Row "Bus. C" column (3) should say "none" under the strikethrough text

Fix typo: Section header should read "5.32.2", not "5.34.2".

## Page 10

Append paragraph in Section 5.33.2(k) ending with "dormer-style windows":

**The recommended method of compliance is use of a mansard roof for the top occupiable floor.**

## Page 11

Fix typo Section 5.32.2(q): Residential Uses (4.31 ~~a-h~~ d-h) [...]

Fix amended Section 5.33.9.3

3. Minimum Linear Frontage. The required ground floor non-residential use shall occupy a minimum of 75% of the linear frontage of the building facing ~~Massachusetts Avenue~~ the front lot line. **Where the parcel has frontage on two or more streets, this provision shall apply only to the front wall plane facing the principal abutting arterial street.**

## Page 13

Remove amendments to Section 11.12.3

## Page 15

Fix typo in Section 20.23(a): Residence C: ~~1.5~~ 1.49

Fix typo in Section 20.43: [...] Residence C the FAR shall be ~~1.5~~ 1.49. [...]

## Page 17

Fix typo in Section 21.43.2(b): [...] An FAR of ~~1.5~~ 1.49 shall be authorized on the site [...]

# Optional Amendments for Reductions or Enhancements

These are additional amendments that the Ordinance Committee could adopt if they so chose.

## Reduction of Maximum Height in Central Square

If 120 feet as of right is too much for Central Square, the following amendment can replace the existing one on page 16 to reduce it to 90 feet as of right and 120 feet by special permit.

### Replace amended Section 20.304.2

**20.304.2** Building Height Limitations. The maximum height of buildings in the Central Square Overlay District shall be governed by the requirements of this Section 20.304.2; however, at locations where the base zoning district establishes a more restrictive height limitation, the more restrictive shall apply.

1. As of Right Height Limitations. The maximum height of ~~any building~~ a building for Non-Residential Uses shall be fifty-five (55) feet. ~~The maximum height of a building with either purely Residential or mixed Residential and Non-Residential Uses shall be ninety (90) feet when all stories partially or entirely above fifty-five (55) feet are dedicated to Residential Uses (4.31 a-h),~~ except as further limited below:

(a - b) [...]

- (c) In a Business B district where a lot abuts a street not mentioned in Section 20.304.2(a), portions of a building in excess of sixty (60) feet are set back from the street line at least ten (10) feet and that those portions are also set back from one or more forty-five degree (45°) bulk control planes beginning sixty (60) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.

2. Special Permit for Additional Height. Additional height may be permitted as follows:

- (a) The maximum allowable height in the Central Square Overlay District may be increased up to eighty (80) feet upon issuance of a Special Permit by the Planning Board ~~provided that those~~. A structure of purely Residential or mixed Residential and Non-Residential Use may be increased up to one-hundred and twenty (120) feet by special permit provided that those portions in excess of eighty (80) feet are dedicated to Residential Uses (4.31 a-h). ~~It both cases,~~ portions in excess of sixty (60) feet ~~are must be~~ set back from the street line ~~by~~ at least ten (10) feet and ~~that those portions are also~~ set back from one or more forty-five degree (45°) bulk control planes beginning sixty (60) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.

(b) [...]

## Inclusionary Amendment

This amendment adds an inclusionary component to residential zones. It shouldn't change the fundamental character of this petition or be considered a taking, as it only applies to residential buildings using the relaxed restrictions for multi-family homes which didn't previously exist. It would not apply to the types of buildings that can currently be built. It would go on page 6.

### Add Section 5.30.11.3

3. Any building in a Residential district that both uses the additional height and/or floorspace as allowed by this section as well as creates at least five (5) dwelling units shall be considered an Inclusionary Housing Project in addition to those already defined by Article 2.