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March 18, 2015

~~VIA HAND DELIVERY~~
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Ms. Donna P. Lopez
City Clerk
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

Re: Revision to the Basement Housing Overlay District

Dear Ms. Lopez,

On behalf of Chestnut Hill Realty, a Cambridge landowner, enclosed please find our submittal for minor revisions to the Basement Housing Overlay District Zoning Bylaw, Section 20.600 approved in December 2012. The revisions to the Bylaw were developed in conjunction with the Cambridge Law Department. The minor changes further define the intent and applicability of the Bylaw.

We would respectfully request that this petition be placed on the agenda for the Councils next meeting on March 30, 2015.

Thank you for your attention and assistance. Please do not hesitate to contact me should you require any additional information.

Very Truly Yours,



Matthew Zuker

Enclosures

The undersigned hereby petitions the City Council of the City of Cambridge to amend the Cambridge Zoning Ordinance, as most recently amended, as follows:


To amend the Basement Housing Overlay District in order to accurately reflect the underlining purpose and intent of the Basement Housing Overlay District Bylaw by modifying the following sections of Section 20.600:

1. Section 20.610 is amended to add the words “wholly or partially” between the words “building” and “on” so to read “the corridor along Massachusetts Avenue between Harvard Square and Porter Square contains a significant number of buildings *wholly or partially* on lots with a base district among the Residence C family of use categories”
2. Section 20.620 (a) is amended to read “a. the structure is located *wholly or partially* within a Residence C, C-1, C-1A, C-2A, C-2B, C-3, C-3A, or C-3B base zoning district”
3. Section 20.620(d) is amended to add the following language **“Portions of those structures that meet the applicability requirements set forth above that are not located within a Residence C family zoning district would be treated for all dimensional and use requirements as if wholly located within a Residence C family zoning district.”**
4. Section 20.630 is amended to delete the word “the” and replace it with “any” so to read “generally applicable in *any* base zoning district shall apply.”
5. Section 20.630 (b) is amended to add the word “dimensional” after “nonconforming” so to read “no nonconforming *dimensional* element or aspect of the existing structure shall be extended or increased”
6. Add Section 20.660 **“Notwithstanding the base district in which any part of the structure is located, the entirety of any structure that meets the applicability requirements of Section 20.620 and that is in the Basement Housing Overlay District shall be eligible for the special permit created by this Section 20.600.**

Where any proposed dwelling units in that structure are to be located in any portion of the structure that is in a base zone in which the use would not otherwise be allowed, or would not be allowed without separate approval under Article 8, those dwelling units shall be eligible to be allowed pursuant to a Special Permit under this Section 20.600 and upon the grant of that Special Permit shall be allowed without need for approval under Article 8 or the grant of any variance or additional zoning approvals.

This zoning petition for amendment of the Cambridge Zoning Ordinance is respectfully submitted by the owner of the land to be affected by the change, for consideration and adoption by the Cambridge City Council in accordance with the provisions of Massachusetts General Laws Chapter 40A §6.

CHAUNCY COURT, LLC

By: 
Peter Poras, Treasurer
CM-BC Corp., It's Manager

JOHN HARVARD, LLC

By: 
Peter Poras, Treasurer
CM-BC Corp., It's Manager

20.600 BASEMENT HOUSING OVERLAY DISTRICT

20.610 Establishment and Scope. There is hereby established the Basement Housing Overlay District which shall be governed by the Regulations and procedures specified in this Section 20.600. The purpose of this Section 20.600 is to allow for the creation of studio or one-bedroom apartment units in appropriate unused basement level space of certain existing multifamily residential buildings that have one or more existing basement level apartment units. Given the increasing expense of unsubsidized rental housing in Cambridge, the shortage of reasonably priced, affordable studio and one bedroom units, and the difficulty this poses for local workers, students and the elderly, it is in the public interest to permit the creation of additional units under circumstances which promote the maintenance and improvement of older buildings, including improved stormwater and wastewater management, and which provide additional housing without building new structures or increasing the size of existing structures. The corridor along Massachusetts Avenue between Harvard Square and Porter Square contains a significant number of buildings wholly or partially on lots with a base district among the Residence C family of use categories (Res. C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, C-3B) which because of their age, location, current existence of one or more basement units, and proximity to public transit options, present an ideal set of circumstances for the City to encourage the creation of basement units and thereby explore the desirability and viability of possible expansion of similar development elsewhere in the City.

20.620 Applicability. The regulations of this Section 20.600 shall apply within the Basement Housing Overlay District to existing structures designed and built for residential use, which also meet all of the following standards:

- a. the structure is located wholly or partially within a Residence C, C-1, C-1A, C-2A, C-2, C-2A, C-2B, C-3, C-3A, or C-3B base zoning district;
- b. the structure is currently occupied by at least thirty (30) dwelling units;
- c. the structure was built before 1930 and its footprint or foundation has not been expanded or altered after the effective date of this Section 20.600 except as may be required and approved as a condition to the grant of a special permit hereunder;
- d. the structure currently contains at least one dwelling unit located entirely at the basement level.

Portions of those structures that meet the applicability requirements set forth above that are not located within a Residence C family zoning district would be treated for all dimensional and use requirements as if wholly located within a Residence C family zoning district.

20.630 Standards. Where it is proposed to create additional dwelling units by converting existing Gross Floor Area, which is not presently occupied by dwelling units, into dwelling units at the basement level of the existing structure, the dimensional and parking standards generally applicable in any base zoning district shall apply. However, where some or all of those requirements cannot be met, the Planning Board may waive some or all of the dimensional and parking standards generally applicable in the base district upon issuance of a special permit, subject to the following limitations:

- a. Where the Floor Area Ratio of the existing structure exceeds the maximum Floor Area Ratio allowed in the base zoning district, the Gross Floor Area of the existing structure shall not be increased.
- b. Where the existing structure or lot does not conform to the height, yard, or private open space requirements generally applicable in the district, the Planning Board may approve those dimensional characteristics of the existing building or lot. However, no nonconforming dimensional element or aspect of the existing structure shall be extended or increased, with the exception that the permitted lot area per dwelling unit may be decreased, and incursions into setback areas may be approved by the Planning Board only for the purpose of providing or altering window wells or egress stairs as may be deemed advisable in response to safety and flooding concerns.

- c. The number of dwelling units in the existing structure shall not be increased by more than ten (10) units or fifteen percent (15%) of the number of dwelling units in the existing building, whichever is fewer.
- d. Newly created dwelling units shall be restricted to studio or one-bedroom apartments only.
- e. The Planning Board may reduce or waive the number of accessory off-street motor vehicle parking spaces required by Article 6.000 upon making a finding that such reduction will not result in substantial adverse impacts to on-street parking, based on information provided by the Applicant regarding the availability of alternate transportation options or other factors that would result in a reduced demand for parking. As a condition of a special permit, the Planning Board may require measures to minimize parking demand generated by the building. The requirements of Article 6.000 may not otherwise be waived.
- f. At least one additional secure long-term bicycle storage space shall be created on the lot for each new dwelling unit created under the provisions of this Section. Such bicycle parking spaces shall conform to the design standards of Section 6.49, and the *City of Cambridge Bicycle Parking Guide*, published spring 2008 or later.

20.640 Conditions for Grant of Special Permit. Prior to granting a special permit pursuant to this Section the Planning Board shall determine that the proposed conversion of basement space to dwelling units complies with the General Special Permit Criteria set forth in Section 10.43 as well as with the following requirements:

- a. Each new unit converted from existing basement space shall comply with all building, health, and accessibility codes applicable to residential dwelling units in the basement of structures. A special permit granted pursuant to this Section shall be conditioned upon full compliance with all building and sanitary code requirements applicable to basement units to be approved by the Commissioner of Inspectional Services at the time of application for a building permit. As a condition of the special permit, the Planning Board may require reasonable measures as are deemed necessary for the adequate privacy and security of the occupants.
- b. Buildings must contain, or install, full separation between storm water and sanitary sewer lines from the building to the connection in the street regardless of whether the street in which the building is connected currently is separated.
- c. Adequate, properly installed, backflow prevention devices that comply with all building code and other applicable requirements must be installed for all newly created units along with any additional measures determined to be advisable by the City Engineer.

An application for a special permit pursuant to this Section shall include a report on historical occurrences and future likelihood of basement flooding in the area of the proposed conversion, prepared by a registered professional engineer, with a functional scope determined by the City Engineer to be appropriate to the location of the project. In general, the report shall assess the likelihood of flooding in the basement units by way of sewer system backups or overland flooding and identify proposed mitigation to prevent any such flooding. The Applicant shall obtain approval of the report and proposed mitigation, if any, from the City Engineer prior to submitting a special permit application. As a condition of the special permit, the Planning Board may require preventive measures to safeguard against future flooding in the proposed basement-level units as recommended by the City Engineer.

20.650 Affordability. The Inclusionary Housing requirements of Section 11.200 shall apply to any new dwelling units that exceed the threshold for an inclusionary Project as set forth in Section 11.201. Any project which receives a special permit pursuant to this Section, but does not exceed the threshold for an Inclusionary Project, shall provide no less than one Affordable Unit, as defined in section 11.201 and subject to the Standards for Construction and Occupancy of Affordable Units set forth in Section 11.204.

20.660 Notwithstanding the base district in which any part of the structure is located, the entirety of any structure that meets the applicability requirements of Section 20.620 and that is in the Basement Housing Overlay District shall be eligible for the special permit created by this Section 20.600. Where any proposed dwelling units in that structure are to be located in any portion of the structure that is in a base zone in which the use would not otherwise be allowed, or would not be allowed without separate approval under Article 8, those dwelling units shall be eligible to be allowed pursuant to a Special Permit under this Section 20.600 and upon the grant of that Special Permit shall be allowed without need for approval under Article 8 or the grant of any variance or additional zoning approvals.