



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: Community Development Department (CDD) Staff

Date: December 14, 2021

Re: **Karen Cushing, et al., Zoning Petition**

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Overview

Petitioner: Karen Cushing, et al. (group of at least 10 registered voters)

Zoning Articles: Section 11.207.6.1, Required Off-Street Accessory Parking for Affordable Housing Overlay (AHO) Projects

Petition Summary: Amend the current regulations to require off-street parking consistent with the base zoning district.

Planning Board Action: Recommendation to City Council

Memo Contents: Summary of the proposed zoning, background information on the topic of the Petition, and considerations and comments from staff.

Summary of Petition Effects

The Petition is intended to modify the parking requirements for all development under the Affordable Housing Overlay (“AHO”).

The Petition would amend Paragraph (a) of Section 11.207.6.1, which currently reads as follows:

(a) There shall be no required minimum number of off-street parking spaces for an AHO Project except to the extent necessary to conform to other applicable laws, codes, or regulations.

To be amended to read as follows:

(a) The required minimum number of off-street parking spaces for an AHO Project shall be the same as required in the base zoning district.

The Petition would also amend Paragraph (b) of Section 11.207.6.1, which currently requires the provision of an on-street or off-street area for pick-up/drop-off and short-term loading, by deleting the qualifying clause “... for which no off-street parking is provided ...” Such a facility is not otherwise required under base zoning, and is currently required only for AHO Projects that do not provide any off-street parking. The effect of the two proposed changes would be to require parking for an AHO Project, and to require a pick-up/drop-off location regardless of whether or not parking is provided.

If adopted, the proposed changes would potentially affect AHO Projects in all districts of the City that have not received a building permit prior to the first publication of notice of the Ordinance Committee or Planning Board's public hearing.

Background

Parking Requirements in Zoning

Off-street parking requirements have been part of the Zoning Ordinance since 1961. For non-transient residential uses, the standard “base” zoning requires a minimum of one off-street parking space per dwelling unit citywide, except in some special zoning districts (such as Kendall Square and Central Square) that have a reduced minimum parking requirement. If an existing dwelling unit predates the requirement, it is not required to provide parking. However, in nearly all cases where new dwelling units are being created – including new construction, adding units to an existing residential building, or conversion of a non-residential structure to residential use – one off-street parking space per new dwelling unit is required.

Unlike many other zoning requirements, parking requirements may be reduced or waived by special permit in all situations. To grant a reduction, the Board of Zoning Appeal (or Planning Board, if they have jurisdiction) would need to find 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” (Section 6.35.1). Specific considerations include:

- Availability of surplus off street parking in the vicinity of the use being served;

- Proximity of an MBTA transit station;
- Availability of public or commercial parking facilities in the vicinity;
- Shared use of parking spaces by uses with peak user demands at different times;
- Occupancy restrictions likely to result in a lower level of auto usage;
- Impacts of the parking requirement on the physical environment, 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, or loss of pedestrian amenities along public ways; and
- Impact on the provision of affordable housing units due to increased development costs or limitations of space on the lot.

A proposal seeking a special permit to reduce required off-street parking would submit a parking analysis with information supporting the necessary findings.

In recent years, it has been very common for residential developments to seek and receive special permits for reduced parking, especially in the case of larger residential buildings or development on physically constrained sites. It has been recognized in Cambridge and other cities that constructing new parking imposes significant site and cost constraints. Constructing underground parking is very expensive and not feasible in all site conditions, and can pose risks in areas that are prone to flooding. Surface parking or above-grade parking is less expensive, but is discouraged by the City's zoning and urban design objectives, and competes for space with other site features such as open space. Moreover, developers often contend that the demand from residents is not sufficient to fill all of the required parking spaces. Evidence from census data, vehicle registrations, and observation of existing residential developments with large off-street parking facilities have supported that argument.

Affordable Housing Overlay Standards

The Affordable Housing Overlay ("AHO"), adopted in 2020, was intended to facilitate the development of "100%-affordable" housing by relaxing some zoning requirements and creating an as-of-right permitting process. Proposals undergo advisory design review, but do not need special permits or variances if they meet the AHO standards.

The topic of parking was discussed extensively during the review of the AHO zoning in 2019 and 2020. Information about pre-existing affordable housing developments provided to CDD staff showed that the demand for parking in affordable housing was less than the one-space-per-unit standard, and closer to a rate of 0.4 space per dwelling unit, which was initially proposed as a minimum parking ratio.

Ultimately, the City Council opted not to impose a minimum requirement for off-street parking under the AHO, which means that affordable housing developers would determine the appropriate amount of parking based on the particular needs and constraints of a given project. Additional requirements in the Affordable Housing Overlay, such as required TDM programs and the provision of pick-up/drop-off and short-term loading areas, were included as mitigation measures for developments that propose very little or no parking.

To date, no building permit has been issued for an AHO project. There are three potential AHO developments that have submitted plans to begin the advisory review process at the Planning Board,

each of which has proposed to include parking, but at less than a one-space-per-unit ratio. An amendment to the AHO section of the Zoning Ordinance would impact any AHO development that had not yet been issued a building permit by the time the Petition's public hearing was advertised.

Zoning Considerations

Requiring parking under the Affordable Housing Overlay at the standard one-space-per-unit ratio would be a substantial change to the development standards for an AHO project, because of the considerable site and cost constraints imposed by requiring the construction of parking spaces. A requirement to provide one parking space per unit is often the most impactful determinant of how many housing units can be created on a site. The effects would be different for different sites, but would likely result in significant cost increases and/or a reduction in new housing units and/or open space. In many cases, projects would not be feasible without needing zoning relief.

Although parking relief can be sought by special permit under base zoning, the intent of the AHO is to provide a self-contained set of alternative development standards that apply as-of-right.

According to the Zoning Ordinance, "An AHO Project shall be permitted as-of-right if it meets all of the standards set forth in this Affordable Housing Overlay in place of the requirements otherwise applicable in the zoning district. Any development not meeting all of the standards set forth in this Affordable Housing Overlay shall be subject to the requirements otherwise applicable in the zoning district, including any requirements for special permits." This could be read to mean that if an AHO Project is seeking a special permit, it may also need to seek dimensional variances and other necessary relief (which could be pursued through the Comprehensive Permit procedure). If the zoning is amended to require parking, the City should carefully consider whether to allow an AHO Project to seek a reduction by special permit while still being allowed to follow the other AHO standards without needing relief. However, any need to seek zoning relief would introduce the risk of appeal, which was a major motivation for the as-of-right AHO process.

It was noted during discussions of the AHO that in order for a set of zoning requirements to enable development on a variety of different sites, it should allow for a degree of flexibility to respond to different site conditions. Each new layer of zoning requirements, especially if it has substantial impacts on both space and cost, imposes more constraints that limit development options for affordable housing. The result is not just that developments become less feasible, but that it becomes more difficult to design creative solutions that would meet other neighborhood and City objectives. It is important to consider the collective impact of all zoning requirements and to decide which priorities are most important to the City, allowing enough flexibility for a thoughtful design process.