



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: Community Development Department (CDD) Staff

Date: November 13, 2023

Re: **Lodging Houses Zoning Petition (Pierson et. al.)**

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Overview

Petitioner: Allene R. Pierson, et. al., (group of at least 10 registered voters)

Zoning Articles: Article 4.000 (Use Regulations)

Amendment Summary: Amend Section 4.31(i)(3) of the Table of Use Regulations such that "Lodging House" is changed from a permitted use ("Yes⁷") to a prohibited use ("No") in the Residence C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, and C-3B zoning districts.

Planning Board Action: Recommendation to City Council

Memo Contents: Background information on zoning for lodging houses; summary of the petition; and comments on proposed amendment.

Background on Lodging Houses

What are Lodging Houses?

Lodging houses, sometimes used interchangeably with “rooming houses,” “boarding houses,” or “single-room occupancy” (“SRO”) units, are a type of residential use in which occupants rent rooms or “sleeping units” (as defined in the state building code) that might have internal cooking or bath facilities but which rely largely on common facilities to provide bathroom, kitchen, or dining needs of residents. Lodging houses differ from the majority of housing in Cambridge that consists of “dwelling units” – homes or apartments with self-contained sleeping, living, cooking, and bathroom facilities that support household living.

A century ago, “lodging houses” were often characterized as residential options serving single people moving to the city for work. Today, at least in Cambridge, lodging houses are more likely to cater to students, to groups needing more supportive housing or services, or more generally to people who need to find more affordable living options than typical dwelling units. As a result, many of the lodging houses in Cambridge are affiliated with an educational institution in some way or with a not-for-profit housing organization.

As discussed further below, the distinction between a “lodging house” and a “hotel” can sometimes be difficult to make from a regulatory point of view, and sometimes the terms can be used interchangeably. In concept, occupants of a lodging house are typically considered “residents” – that is, the lodging house is intended to be their residential address for some period of time. Conversely, a hotel is not intended to be the “address” of a person staying there.

How are Lodging Houses Regulated?

Lodging houses are defined in Article 2 of the Cambridge Zoning Ordinance as “A dwelling where lodgings are let to four or more persons not within the second degree of kinship to the person conducting it, including fraternity housing but not including dormitories or charitable, educational or philanthropic institutions.” Lodging houses also have a similar definition in Massachusetts General Law Chapter 140 Section 22, which contains state licensing requirements – as a result, a lodging house in Cambridge requires a license from the Cambridge Licensing Commission, which is required to be renewed annually. The state building code, based on the 2015 International Building Code (IBC), defines a lodging house as “a one-family dwelling where one or more occupants are primarily permanent in nature and rent is paid for guest rooms.”

In the Zoning Ordinance, Lodging Houses are grouped under a subcategory of residential uses in the Table of Use Regulations called “Transient accommodations” alongside “Tourist home in an existing dwelling” and “Hotel or motel” uses. “Transient” is not defined in the Zoning Ordinance, but it generally

means occupancy for a short, defined period of stay (the building code defines “transient” as “occupancy of a dwelling unit or sleeping unit for not more than 30 days”) and do not constitute one’s primary residence. Transient accommodations typically cater to travelers, tourists, and other “guests” and do not include a tenancy or leaseholder agreement.

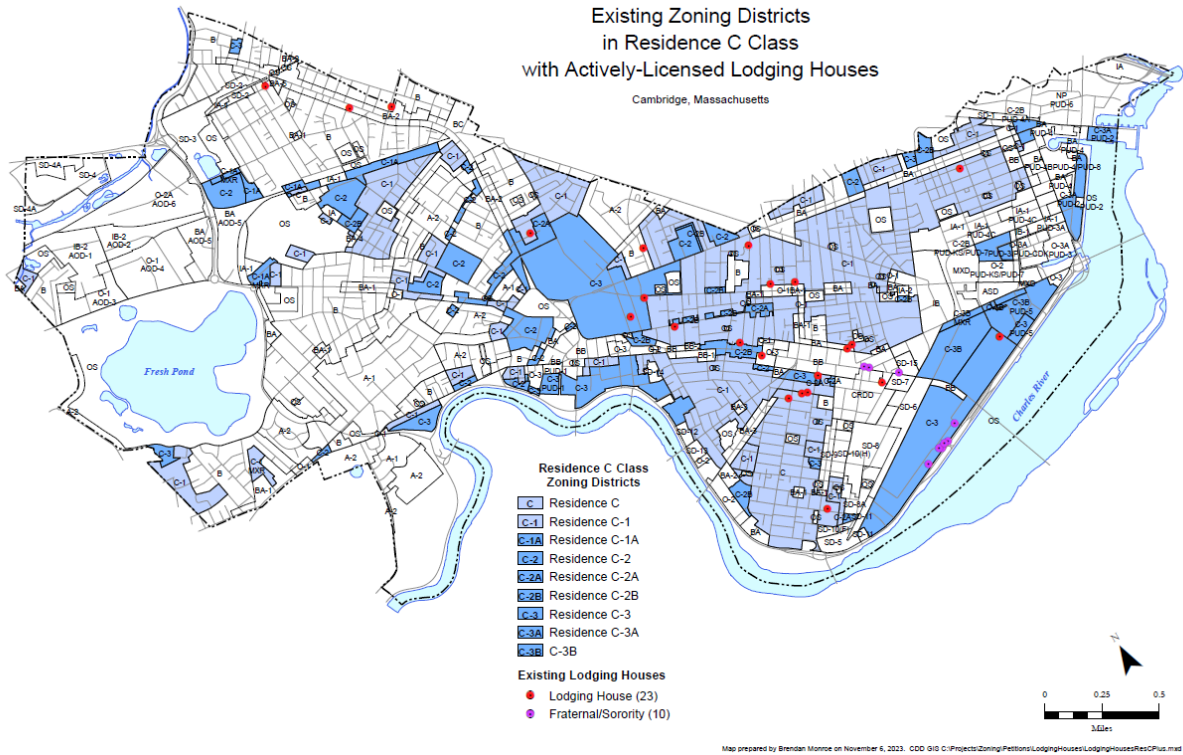
Despite this categorization, the definition of “Lodging House” in the Zoning Ordinance does not distinguish transient from non-transient but could include any living arrangement where unrelated persons rent individual rooms. The building code also classifies lodging houses as being either “transient” or “nontransient.” Neither “Tourist home in an existing dwelling” nor “Hotel or motel” are defined in the Zoning Ordinance – similarly, “hotel” and related terms are not defined in the building code or in state licensing statute, although they are regulated by both.

Lodging Houses are generally permitted in the “Residence C-X” category of districts (C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, and C-3B) as well as Office and Business districts throughout the City, with the exception of Office 1 districts. In Industry A, A-1, A-2 and B districts, Lodging Houses are permitted only via special permit from either the Planning Board or the Board of Zoning Appeal. Motels, Hotels, and Tourist Homes are permitted in a similar range of districts with some key differences, including that motels and hotels are prohibited in Residence C and C-1 districts and require a special permit in many other Residence districts.

Lodging Houses are excluded from operating as “short-term rentals” under Section 4.60 of the Zoning Ordinance, which defines a short-term rental as “Any rental of a residential dwelling unit, or of a bedroom within a dwelling unit, in exchange for payment, as residential accommodations for a duration of less than thirty (30) consecutive days.”

Where are Lodging Houses in Cambridge?

The map below illustrates where Lodging Houses are permitted throughout the City, along with point data that illustrates locations of active Lodging House licenses in the City. Many existing Lodging Houses are located in Residence C zoning districts. This map excludes lodging houses that are classified as “college dormitories” (which are separately defined and regulated in zoning).

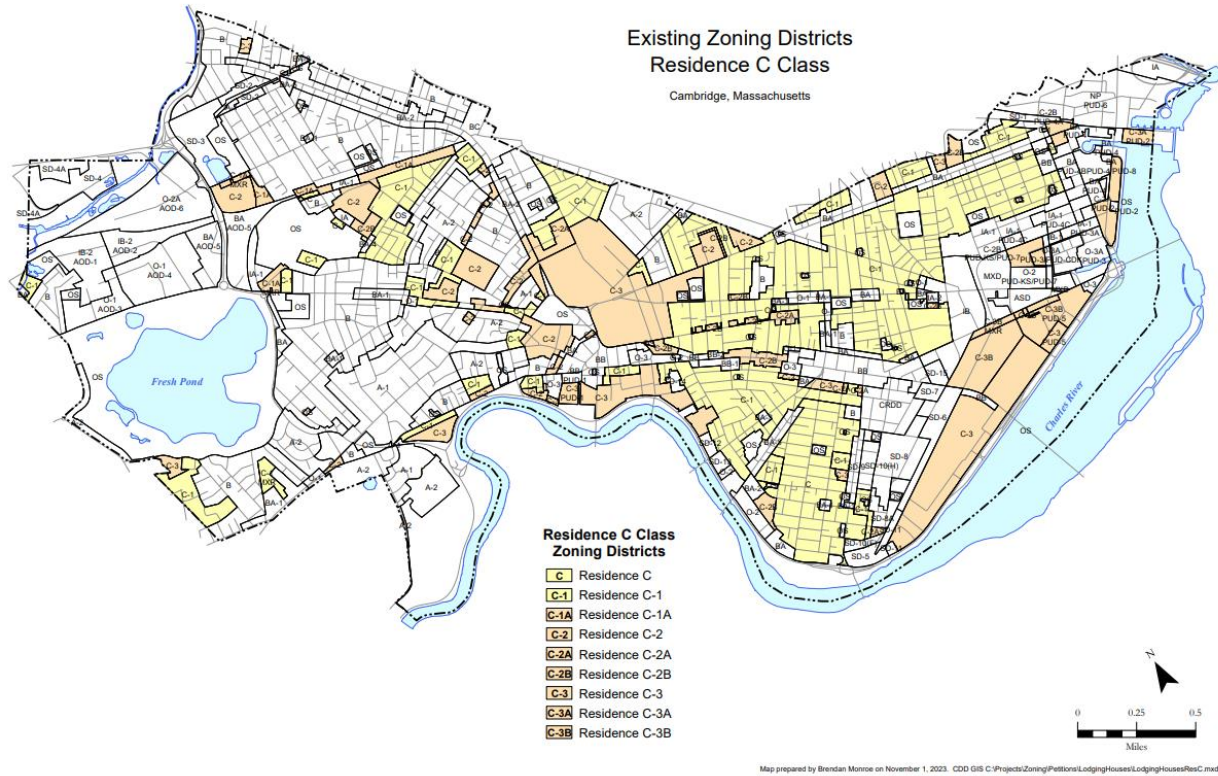


Source: Cambridge GIS, 2023

Summary of Petition Changes & Comments on Proposed Zoning

The Petition proposes to prohibit Lodging Houses in the entire “Residence C-X” category of districts. The Petition includes statements regarding concerns over Lodging Houses competing with non-transient residential uses in Residential zoning districts.

The following map illustrates the areas of the City affected by the proposed changes:



Considerations

Envision Cambridge (2019) does not directly address Lodging Houses or transient accommodations in its Housing recommendations, but offers the following goals related to different housing types:

- **Housing Diversity:** Provide a variety of housing options for individuals and families of different socioeconomic levels, life stages, and physical needs.
- **Housing Stability:** Support the ability of Cambridge residents to remain in Cambridge. Maintain a range of housing options to enable households to transition to units best suited to meet their needs.
- **Market Affordability:** Support overall market affordability and lead the region in mitigating housing cost increases.

Although lodging houses have not been a frequent topic of discussion by the Planning Board or City Council in recent years, the City Council did introduce a policy order in 2018 that directed the City to

consider allowing “SROs” citywide to support affordable housing programs¹. The topic of “SROs” also came up in discussions of the Affordable Housing Overlay (AHO) proposal for 116 Norfolk Street, which is being expanded and converted from an SRO configuration to small, self-contained dwelling units under the AHO. The Cambridge Housing Authority (CHA) indicated that the COVID-19 pandemic made SRO housing less well suited to the needs of the population being served there.

In the background materials to the Petition, the Petitioners state that the Housing Committee in 2001 made a recommendation to the City Council that the Zoning Ordinance be amended to clarify that Lodging Houses should be prohibited in the Residence C and C-1 zoning districts, suggesting that the reference to footnote 7 in the Table of Use Regulations next to the “Yes” in the Lodging House land use category indicates that the Zoning Ordinance intended to prohibit lodging houses as well as hotels in those districts. It is not clear if that omission was intentional or unintentional. Moreover, the Petition takes an extra step by prohibiting Lodging Houses in the Residence C-2, C-2A, C-2B, C-3, C-3A, and C-3B districts, which affects many areas where lodging houses currently exist.

Another concern raised by the Petitioners is that Lodging Houses compete with other residential uses. The extent to which lodging houses truly compete in that way is unclear, given that they are very rare compared to dwellings that contain dwelling units. This is true both within the overall housing stock and within new housing construction in Cambridge.

Although they are small in number, it is important to consider the residential needs that are served by Lodging Houses, which can provide more economical or supportive housing options for different groups. With reference to the map above, the proposed zoning change could make many existing lodging houses non-conforming, including some operated by not-for-profit housing organizations, which would impact their ability to make modifications to their sites in the future. It is also possible that in the current housing market, lodging houses could serve a new function similar to their historic role as workforce housing for individuals or small households moving to Cambridge from elsewhere. These needs might be more difficult to meet if lodging houses are limited to non-residential districts.

Finally, based on public testimony, it should be noted that the Petition appears to be motivated in part by a specific case where a new lodging house is proposed at 2 Garden Street, in a Residence C-2 district. CDD has not been involved in the review of that case. The site did receive a dimensional variance from the Board of Zoning Appeal for a proposed addition, but still requires review by ISD and Licensing to determine whether the use complies with zoning and meets all applicable licensing requirements for what is proposed.

¹ https://cambridgema.iqm2.com/Citizens/Detail_LegiFile.aspx?ID=6687