

City of Cambridge

#5 6/29/81

PETITION OF John M. Woolsey, Jr.

Accessory Apartment Definition

Petition filed with the City Clerk

March 25, 1981

(All hearings to be completed 65 days from filing date with the City Clerk.)

1 day March

30 days April

31 days May

3 days June

65 days = June 3, 1981 = all hearings

March 30, 1981

In City Council

Referred to Planning Board for report

March 30, 1981

Planning Board Hearing

May 5, 1981

(CITY COUNCIL must act within 90 days of the Planning Board's hearing which would be August 3, 1981.)

26 days - May

30 days - June

31 days - July

3 days - Aug.

90 days = August 3, 1981

City Council Hearing published

Chronicle

- April 30, 1981

May 7, 1981

Hearing before the City Council

5-19-81

Report to the City Council

Referred w/o recommendation to Council

Passed to a second reading as amended

Published

June 8, 1981

- Chronicle - June 18, 1981

Ready for Ordination

Published

Passed to be Ordained 6/29/81 8-0-1

Published Chronicle July 2, 1981

COMPLETION DATE:

August 3, 1981

City of Cambridge

MASSACHUSETTS

In City Council

June 29 1981

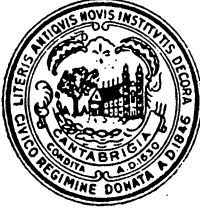
*4-5 Not finished Business
Accessory Appt Amendment
H.B. #3*

C. Kyle

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane	✓			
Mr. Thomas W. Danehy			✓	
Ms. Sandra Graham	✓			
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci	✓			
Mr. David A. Wylie	✓			
Mayor Francis H. Duehay	✓			

8 0 1

Passed to be Ordained-



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-One

AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

The Zoning Map accompanying the ordinance passed to be ordained September 26, 1977 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by adding a new definition in Article 2.000 entitled "Accessory Apartment", which reads as follows:

Accessory Apartment. An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as a single family detached dwelling and designed for the occupancy of a single family.

Also, add new subsection 4.22 Accessory Apartments as follows and recodify existing subsections 4.22 and 4.23 as 4.23 and 4.24, 4.24-4.243 as 4.25-4.253, 4.25-4.255 as 4.26-4.265 and 4.26-4.264 and 4.27-4.274 respectively.

4.22 Accessory Apartments

The purpose of this subsection 4.22 is to allow for the creation of accessory apartments in Residence A districts. These districts contain a number of large single family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of subsection 5.31. Given contemporary life styles, housing needs and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of such residential districts. This subsection 4.22 gives the Board of Zoning Appeal authority to relax such requirements in certain instances as enumerated below.

4.221

In a residence A district the Board of Zoning Appeal may grant a special permit for alteration of a single family, detached dwelling legally in existence as of the effective date of this subsection 4.22, to provide one accessory apartment if the following conditions are met:

1. The dwelling was constructed prior to June 1, 1940, and has not been substantially enlarged since that date. The addition in the aggregate of two hundred and fifty square feet or more of gross floor area shall be considered a substantial enlargement.
2. Prior to alteration the dwelling contains at least 3,500 square feet of gross floor area.
3. The lot on which such accessory apartment is located contains at least 3,000 square feet of lot area per dwelling unit.
4. Such accessory apartment shall not occupy more than 35% of the gross floor area of the principal dwelling in existence prior to the effective date of this subsection 4.22 and shall not be located in a garage.
5. Any alteration which would increase the floor area ratio beyond that permitted in the district or which would further increase an existing violation of the applicable floor area ratio shall not be permitted.

In granting a special permit the Board may impose such conditions, including requirements for off-street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes to a building with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

4.222

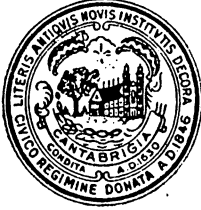
The requirement for an off-street parking space specified in Article 6.000 shall not apply for the addition of one accessory apartment in a single family, detached dwelling in a Residence A district.

In City Council June 29, 1981.

Passed to be ordained by a yeas and nays vote:- Yeas 8; Nays 0; Absent 1.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-One

AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

The Zoning Map accompanying the ordinance passed to be ordained September 26, 1977 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by adding a new definition in Article 2.000 entitled "Accessory Apartment", which reads as follows:

Accessory Apartment. An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as a single family detached dwelling and designed for the occupancy of a single family.

Also, add new subsection 4.22 Accessory Apartments as follows and recodify existing subsections 4.22 and 4.23 as 4.23 and 4.24, 4.24-4.243 as 4.25-4.253, 4.25-4.255 as 4.26-4.265 and 4.26-4.264 and 4.27-4.274 respectively.

4.22 Accessory Apartments

The purpose of this subsection 4.22 is to allow for the creation of accessory apartments in Residence A districts. These districts contain a number of large single family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of subsection 5.31. Given contemporary life styles, housing needs and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of such residential districts. This subsection 4.22 gives the Board of Zoning Appeal authority to relax such requirements in certain instances as enumerated below.

4.221

In a residence A district the Board of Zoning Appeal may grant a special permit for alteration of a single family, detached dwelling legally in existence as of the effective date of this subsection 4.22, to provide one accessory apartment if the following conditions are met:

1. The dwelling was constructed prior to June 1, 1940, and has not been substantially enlarged since that date. The addition in the aggregate of two hundred and fifty square feet or more of gross floor area shall be considered a substantial enlargement.
2. Prior to alteration the dwelling contains at least 3,500 square feet of gross floor area.
3. The lot on which such accessory apartment is located contains at least 3,000 square feet of lot area per dwelling unit.
4. Such accessory apartment shall not occupy more than 35% of the gross floor area of the principal dwelling in existence prior to the effective date of this subsection 4.22 and shall not be located in a garage.
5. Any alteration which would increase the floor area ratio beyond that permitted in the district or which would further increase an existing violation of the applicable floor area ratio shall not be permitted.

In granting a special permit the Board may impose such conditions, including requirements for off-street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes to a building with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

4.222

The requirement for an off-street parking space specified in Article 6.000 shall not apply for the addition of one accessory apartment in a single family, detached dwelling in a Residence A district.

In City Council June 29, 1981.

Passed to be ordained by a yeas and nays vote:- Yeas 8; Nays 0; Absent 1.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

June 3, 1981

To the Honorable, the City Council:

Subject: Planning Board recommendation on the petition to amend the Zoning Ordinance by adding a new subsection 4.22, Accessory Apartments.

In accordance with Chapter 40A of the General Laws, the Planning Board held a public hearing on Tuesday, May 5, 1981 on the above petition filed by John M. Woolsey, Jr. et al.

The Petition

This petition would allow for the creation of accessory apartments in single family, detached dwellings in Residence A zoning districts (Residence A-1 and A-2). These districts contain a number of large homes that are underutilized. However, such homes often cannot be converted under existing zoning due to the floor area ratio and/or lot area per dwelling unit requirements of subsection 5.31. This amendment would allow such requirements to be relaxed in certain cases subject to special permit approval by the Board of Zoning Appeal.

The Hearing

At the public hearing, Mr. Woolsey explained the intent of his petition. He reminded the Board and those present that home owners in Residence A districts can now have a customary home occupation and/or two non-transient lodgers (as accessory uses, Section 4.20). These as-of-right uses, he suggested, might have more impact than an accessory apartment. In conclusion, Mr. Woolsey indicated that allowing accessory apartments would make better use of excess space in such large homes.

Those who spoke in favor of the petition included Thomas Anninger of Neighborhood 10, Jerry and Amy Durant's and Mr. Durant's mother, Elizabeth, and Bess Hopkins of 8 Lincoln Lane. Mrs. Hopkins also sent a letter in support of the petition. Robert LaTremouille was opposed to the amendment.

Findings

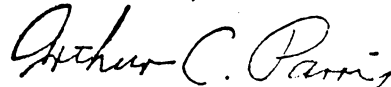
After careful consideration of this petition, staff review and the testimony delivered at the public hearing, the Board finds that:

1. There are a number of large detached, single family dwellings in the Residence A districts which are underutilized. Many of these homes are occupied by families much smaller in size than those of another era.
2. Many of the homeowners of such dwellings are caught in a financial squeeze due to the high cost of energy and maintenance.
3. Most of these dwellings exceed the maximum permitted floor area ratio and/or are located upon lots that lack the sufficient lot area per dwelling unit requirements of subsection 5.31 for the district in which they are located.
4. The alteration or conversion of these dwellings is prohibited because the particular aforementioned requirements of subsection 5.31 cannot be met.
5. Given the smaller size of present day families, the City's housing needs (particularly renter needs), and those items mentioned above, it would be beneficial to the City and its residents to allow greater flexibility in the use of such dwellings without substantial detriment to the Residence A districts.
6. With the aid of the department computer, it was determined that there are approximately 800 single family, detached dwellings in Residence A districts (A-1 and A-2). It was then calculated (by extrapolation) based upon the requirements of the amendment, that the owners of 152 single family, detached dwellings would be able to take advantage of the amendment. In other words, the owners of about 19% of all the single family, detached dwellings in Residence A districts would be able to add an accessory apartment under the proposed petition.
7. The staff has also designated on the zoning map how six randomly selected blocks in Residence A districts would be affected. Of the 85 lots examined, it was found that 21 lots (containing single-family detached dwellings) would qualify under the accessory apartment amendment or approximately 25%.

8. The petition should be amended by adding the following phrase at the end of proposed subsection 4.222(3),
"and shall not be located in a garage."

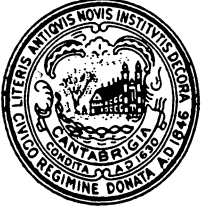
Based on the above findings, the Board recommends that this petition be APPROVED as amended.

Respectfully submitted,
for the Planning Board



Arthur C. Parris
Chairman

ACP:lf



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

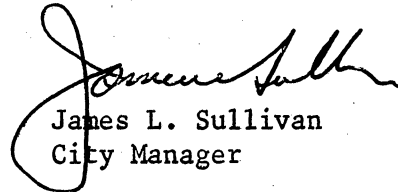
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

June 8, 1981

To the Honorable, the City Council:

I transmit herewith the Planning Board recommendation on the petition to amend the Zoning Ordinance by adding a new subsection 4.22, Accessory Apartments.

Very truly yours,


James L. Sullivan
City Manager

JLS/b

Planning Board's recommendation on the
accessory apartment petition.

In City Council,

June 18, 1981

1-18/1981

*Referred to the
Petition - Comm Unit
#50*

City of Cambridge

In City Council June 1, 1981.....

The Ordinance Committee

to which

was referred the petition of John M. Woolsey, et al to amend the text of the Zoning Ordinances by adding a new accessory use entitled "Accessory Apartment" in Residence A Districts by the addition of one apartment per dwelling unit by Special Permit from the Board of Zoning Appeal subject to specific dimensional requirements, met on Tuesday, May 19, 1981 at 6:45 p.m.

Councillor David Wylie presided and called for the proponents to appear.

In response to the call of the Chair the Committee heard from John M. Woolsey, Jr. of 16 Channing Place who outlined the proposed amendment and stressed the safeguards built into the proposal, the permit process before the Board of Zoning Appeals in section 4.22 and 4.221. He stated that the figure 2,000 sq. ft. be inserted for the proposed 2,500 sq. ft. in 4.221 paragraph (2). He further discussed the problem of parking outlined in Section 4.222 of the proposal and the necessity for BOZA appeals to meet this requirement. In answer to questions by the Committee he stated that only one accessory apartment could be added and no others could be added under the amendment.

Casimir DeRham, Jr. of 47 Lakeview Avenue recorded himself in favor and noted that the petition was signed by fourteen registered voters.

The Committee was informed that the Dept. of Community Development was conducting a survey of Available Homes which would be affected, that the survey was not ready at this time.

No one else appeared in favor at the call of the Chair, Councillor Wylie now requested the opposition to come forward.

The Committee heard from Robert LaTremouille of 4 Trowbridge Place who recorded his opposition.

Kenneth Kreuger of 65 Grozier Road recorded his opposition and stated that the amendment was grossly defective as proposed; that a conflict was present in the articles in relation to the requirements of 2,500 sq. ft. and 3,000 sq. ft. He outlined the square feet requirements in the various residential districts would be B districts; that Brattle Street, West Cambridge and Historical districts would be affected and that exterior appearances would be changed by additions to houses, and parking would be a problem for abutters.

The Chairman stated that any change would be minimum; that 12,000 sq. ft. would be required for a new lot; that BOZA could require no exterior change; that language could be added to meet this problem.

Mayor Duehay outlined the problems which exist in large single family residences with reduced family size and large unused living spaces; the cost of operations continually rising, the severity of the tax structure and the fact that some residences have 2 or 3 lodgers now and that the proposed amendment would eliminate situations which were illegal and difficult of detection.

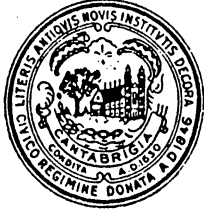
The Chairman declared the hearing closed when no further opposition appeared.

Mayor Duehay then moved that the proposed amendment be referred to the full City Council without recommendation.

There being no objection, the motion - carried and the amendment was referred to the June 1, 1981 meeting of the City Council.

For the Committee,

Councillor David A. Wylie,
Chairman.



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-One

AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

The Zoning Map accompanying the ordinance passed to be ordained September 26, 1977 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by adding a new definition in Article 2.000 entitled "Accessory Apartment", which reads as follows:

Accessory Apartment. An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as a single family detached dwelling and designed for the occupancy of a single family.

Also, add new subsection 4.22 Accessory Apartments as follows and recodify existing subsections 4.22 and 4.23 as 4.23 and 4.24, 4.24-4.243 as 4.25-4.253, 4.25-4.255 as 4.26-4.265 and 4.26-4.264 and 4.27-4.274 respectively.

4.22 Accessory Apartments

The purpose of this subsection 4.22 is to allow for the creation of accessory apartments in Residence A districts. These districts contain a number of large single family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of subsection 5.31. Given contemporary life styles, housing needs and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of such residential districts. This subsection 4.22 gives the Board of Zoning Appeal authority to relax such requirements in certain instances as enumerated below.

4.221

In a residence A district the Board of Zoning Appeal may grant a special permit for alteration of a single family, detached dwelling legally in existence as of the effective date of this subsection 4.22, to provide one accessory apartment if the following conditions are met:

1. The dwelling was constructed prior to June 1, 1940, and has not been substantially enlarged since that date. The addition in the aggregate of two hundred and fifty square feet or more of gross floor area shall be considered a substantial enlargement.
2. Prior to alteration the dwelling contains at least 3,500 square feet of gross floor area.
3. The lot on which such accessory apartment is located contains at least 3,000 square feet of lot area per dwelling unit.
4. Such accessory apartment shall not occupy more than 35% of the gross floor area of the principal dwelling in existence prior to the effective date of this subsection 4.22 and shall not be located in a garage.
5. Any alteration which would increase the floor area ratio beyond that permitted in the district or which would further increase an existing violation of the applicable floor area ratio shall not be permitted.

In granting a special permit the Board may impose such conditions, including requirements for off-street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes to a building with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

4.222

The requirement for an off-street parking space specified in Article 6.000 shall not apply for the addition of one accessory apartment in a single family, detached dwelling in a Residence A district.

Passed to a second reading as amended at the City Council meeting held on June 8, 1981 and on or after June 29, 1981 the question comes on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk

Marlboro Lights

The spirit of Marlboro
in a low tar cigarette.



Warning: The Surgeon General Has Determined
That Cigarette Smoking Is Dangerous to Your Health.

12 mg "tar," 0.8 mg nicotine av. per cigarette, FTC Report Dec. '79



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

Notice of a Public Hearing

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, May 5, 1981, at 8:45 p.m. in the Community Development Department Conference Room, 57 Inman Street, Cambridge, MA. on a petition by John M. Woolsey et al to amend the text of the Zoning Ordinance by adding a new accessory use entitled "Accessory Apartment".

This petition would allow for the creation of accessory apartments in Residence A districts. One accessory apartment per dwelling unit would be allowed by special permit from the Board of Zoning Appeal provided that specific dimensional requirements are met.

The complete text of this petition is on file at the office of the City Clerk, City Hall, Cambridge. Questions concerning this petition may be addressed to Marc Levye at 498-9034.

PUBLIC NOTICE
RELATIVE TO ZONING

6PM
5-19-81

City of Cambridge

MASSACHUSETTS

Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition, and amendments thereto, that a public hearing will be held on Tuesday, May 19, 1981 at 6:00 p.m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on a petition by John M. Woolsey, et al to amend the text of the Zoning Ordinance by adding a new accessory use entitled "Accessory Apartment".

This petition would allow for the creation of accessory apartments in Residence A districts. One accessory apartment per dwelling unit would be allowed by special permit from the Board of Zoning Appeal provided that specific dimensional requirements are met.

Copies of this petition are on file in the office of the City Clerk, City Ma., Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor David A. Wylie
Chairman.

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray
that the Zoning Ordinance of the City of Cambridge be amended as follows:

1. Add new definition, "accessory apartment" to article 2.000 as follows:

"Accessory Apartment. An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as a single family detached dwelling and designed for the occupancy of a single family."

2. Add new subsection 4.22 Accessory Apartments as follows and recodify existing subsections 4.22 and 4.23 as 4.23 and 4.24, 4.24-4.243 as 4.25-4.253, 4.25-4.255 as 4.26-4.265 and 4.26-4.264 as 4.27-4.274 respectively.

4.22 Accessory Apartments

The purpose of this subsection 4.22 is to allow for the creation of accessory apartments in Residence A districts. These districts contain a number of large single family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of subsection 5.31. Given contemporary life styles, housing needs and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of such residential districts. This subsection 4.22 gives the Board of Zoning Appeal authority to relax such requirements in certain instances as enumerated below.

4.221

In a Residence A district the Board of Zoning Appeal may grant a special permit for alteration of a single family, detached dwelling legally in existence as of the effective date of this subsection 4.22, to provide one accessory apartment if the following conditions are met:

- (1) Prior to alteration the dwelling contains at least 3,500 square feet of gross floor area.
- (2) The lot on which such accessory apartment is located contains at least 2,500 square feet of lot area per dwelling unit.
- (3) Such accessory apartment shall not occupy more than 35% of the gross floor area of the principal dwelling in existence prior to the effective date of this subsection 4.22.

- (4) Any alteration which would increase the floor area ratio beyond that permitted in the district or which would further increase an existing violation of the applicable floor area ratio shall not be permitted.

In granting a special permit the Board may impose such conditions, including requirements for off-street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes to a building with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

4.222

The requirement for an off-street parking space specified in Article 6.000 shall not apply for the addition of one accessory apartment in a single family, detached dwelling in a Residence A district.

- | | |
|-------------------------|-------------------------------------|
| ✓ John H. Woolsey Jr. | 16 Manning Place, Cambridge 8-1 |
| ✓ CASIMIR J. DE RYAM JR | 117 ... Cambridge |
| ✓ Robert P. Moncreiff | 11 Gray Gardens East, Cambridge 9-4 |
| ✓ Robert P. Moncreiff | 11 ... Cambridge 8-3 |
| ✓ CASPAR D. ... | 144 Cottage Hill, Cambridge 6-1 |
| ✓ John W. Ferry | 107 Colde Hill Cambridge Mass 6-1 |
| ✓ Elizabeth G. Ferry | 15 Trill Street Cambridge, Mass |
| ✓ Elizabeth S. Chapin | 15 Trill Street Cambridge Mass |
| ✓ Annette S. Dykema | 7 Riederel Ave. Camb. Mass |
| ✓ Annette S. Dykema | 7 Riederel Ave. Cambridge, Ma. |

Registered Voters

Petition of John M. Woolsey, Jr., 16
Chauncy Pl, et al, for an amendment to
the Zoning Ordinances of the City of
Cambridge to add a new definition in
Article 2.000 entitled "accessory
apartment".

In City Council,

March 30, 1981

3/30/1981

*Referred to the
Planning Board
&
COMMITTEE ON ORDINANCES*

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray
that the Zoning Ordinance of the City of Cambridge be amended as follows:

1. Add new definition, "accessory apartment" to article 2.000 as follows:

"Accessory Apartment. An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as a single family detached dwelling and designed for the occupancy of a single family."

2. Add new subsection 4.22 Accessory Apartments as follows and recodify existing subsections 4.22 and 4.23 as 4.23 and 4.24, 4.24-4.243 as 4.25-4.253, 4.25-4.255 as 4.26-4.265 and 4.26-4.264 as 4.27-4.274 respectively.

4.22 Accessory Apartments

The purpose of this subsection 4.22 is to allow for the creation of accessory apartments in Residence A districts. These districts contain a number of large single family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of subsection 5.31. Given contemporary life styles, housing needs and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of such residential districts. This subsection 4.22 gives the Board of Zoning Appeal authority to relax such requirements in certain instances as enumerated below.

4.221

(1) The dwelling was constructed prior to the Board of Zoning Appeal may grant a family, detached dwelling of this subsection enlarged since that date. The addition in the following conditions aggregate of two hundred and fifty square feet or more of gross floor area shall be considered a substantial enlargement. The following conditions shall be considered a substantial enlargement:

3,500 square feet

(3)(2) The lot on which such accessory apartment is located contains at least ~~2,500~~ 3,000 square feet of lot area per dwelling unit.

(4)(3) Such accessory apartment shall not occupy more than 35% of the gross floor area of the principal dwelling in existence prior to the effective date of this subsection 4.22.

(5) Any alteration which would increase the floor area ratio beyond that permitted in the district or which would further increase an existing violation of the applicable floor area ratio shall not be permitted.

In granting a special permit the Board may impose such conditions, including requirements for off-street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes to a building with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

4.222

The requirement for an off-street parking space specified in Article 6.000 shall not apply for the addition of one accessory apartment in a single family, detached dwelling in a Residence A district.

✓ John H. Woolsey Jr.	16 Manning Place, Cambridge 8-1
✓ CASIMIR de RYAM (JR) Casimir de Ryam	11 L... Cambridge
✓ Robert P. Monsreiff	11 Gray Gardens East, Cambridge 9-
✓ Helmut M... GASPARD D. Belin	4 ... Cambridge 8-3
✓ John W. Ferry	144 Coolidge Hill, Cambridge 8-1
✓ Elizabeth G. Ferry ELIZABETH G. FERRY	144 Coolidge Hill, Cambridge Mass 8-1
✓ Elizabeth J. Chapin ELIZABETH J. CHAPIN	15 Trill Street Cambridge, Mass
✓ Melville Chapin MELVILLE CHAPIN	15 Trill Street Cambridge, Mass
✓ Jerry H. Dykema JERRY H. DYKEMA	7 Reeders Ave. Camb. Mass
✓ Annette L. Dykema	7 Reeders Ave. Cambridge, Ma

Registered Voters.

16 Channing Place
Cambridge, Mass. 02138

May 27, 1981

Councillor David A. Wylie
Chairman, Committee on Ordinances
City Council
City Hall
Cambridge, Massachusetts 02139

Re: Accessory Apartment Zoning Proposal

Dear Mr. Chairman:

In accordance with your request at the hearing on the accessory apartment zoning proposal on May 19, 1981, I am submitting two possible amendments to the draft which is now before your committee.

The first amendment, designed to insure that the benefits of the proposal will only be available to pre-World War II houses, would insert in Section 4.221 a new subsection (1) to read as follows:

"(1) The dwelling was constructed prior to January 1, 1940, and has not been substantially enlarged since that date. The addition in the aggregate of two hundred and fifty square feet or more of gross floor area shall be considered a substantial enlargement."

Present subparagraphs 1, 2, 3 and 4 would be renumbered to reflect this insertion. This change, which is similar to a provision in the Weston zoning ordinance, would make it impossible to have an accessory apartment in a new house or a newly enlarged house.

The second amendment would change "at least 2,500 square feet of lot area per dwelling unit" in present subparagraph (2) of Section 4.221 to read "at least 3,000 square feet of lot area per dwelling unit." This change was requested by the Board of Directors of the Neighborhood 10 Association, and would require a lot area of at least 6,000 square feet before a special permit for an accessory apartment could be entertained by the Board of Zoning Appeal.

Councillor David A. Wylie

-2-

May 27, 1981

I am enclosing a marked-up copy of the proposed zoning amendment setting forth these changes.

There is, I believe, a substantial amount of underutilized space in the large older houses in Cambridge. With the substantial increase in the cost of maintaining these houses there will be increased pressure to use this space for professional offices (doctors, psychiatrists, architects, etc.) and for lodgers, both uses which are permitted as of right under the existing ordinance.

An accessory apartment should be available as an alternate use. A single small apartment may be less of a detriment to the neighborhood than two lodgers or a professional office. It would be a reasonable use of existing space, would add to the rental housing stock of the city and would maintain the existing visual appearance of the neighborhood.

Under the proposal it will be necessary to apply to the Board of Zoning Appeal for a special permit for each accessory apartment. This will permit neighbors to be heard on each application, and will permit the Board to impose appropriate conditions depending on the circumstances of each case.

I hope you will not hesitate to call on me if you would like to discuss this further.

Sincerely,

John M. Woolsey, Jr.

John M. Woolsey, Jr.

cc: ✓ Mayor Francis H. Duehay



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JUN 4 4 23 PM '81
CAMBRIDGE, MASS.
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

June 3, 1981

To the Honorable, the City Council:

Subject: Planning Board recommendation on the petition to amend the Zoning Ordinance by adding a new subsection 4.22, Accessory Apartments.

In accordance with Chapter 40A of the General Laws, the Planning Board held a public hearing on Tuesday, May 5, 1981 on the above petition filed by John M. Woolsey, Jr. et al.

The Petition

This petition would allow for the creation of accessory apartments in single family, detached dwellings in Residence A zoning districts (Residence A-1 and A-2). These districts contain a number of large homes that are underutilized. However, such homes often cannot be converted under existing zoning due to the floor area ratio and/or lot area per dwelling unit requirements of subsection 5.31. This amendment would allow such requirements to be relaxed in certain cases subject to special permit approval by the Board of Zoning Appeal.

The Hearing

At the public hearing, Mr. Woolsey explained the intent of his petition. He reminded the Board and those present that home owners in Residence A districts can now have a customary home occupation and/or two non-transient lodgers (as accessory uses, Section 4.20). These as-of-right uses, he suggested, might have more impact than an accessory apartment. In conclusion, Mr. Woolsey indicated that allowing accessory apartments would make better use of excess space in such large homes.

Those who spoke in favor of the petition included Thomas Anninger of Neighborhood 10, Jerry and Amy Durant's and Mr. Durant's mother, Elizabeth, and Bess Hopkins of 8 Lincoln Lane. Mrs. Hopkins also sent a letter in support of the petition. Robert LaTremouille was opposed to the amendment.

Findings

After careful consideration of this petition, staff review and the testimony delivered at the public hearing, the Board finds that:

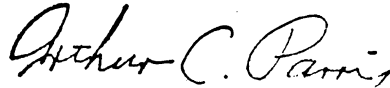
1. There are a number of large detached, single family dwellings in the Residence A districts which are underutilized. Many of these homes are occupied by families much smaller in size than those of another era.
2. Many of the homeowners of such dwellings are caught in a financial squeeze due to the high cost of energy and maintenance.
3. Most of these dwellings exceed the maximum permitted floor area ratio and/or are located upon lots that lack the sufficient lot area per dwelling unit requirements of subsection 5.31 for the district in which they are located.
4. The alteration or conversion of these dwellings is prohibited because the particular aforementioned requirements of subsection 5.31 cannot be met.
5. Given the smaller size of present day families, the City's housing needs (particularly renter needs), and those items mentioned above, it would be beneficial to the City and its residents to allow greater flexibility in the use of such dwellings without substantial detriment to the Residence A districts.
6. With the aid of the department computer, it was determined that there are approximately 800 single family, detached dwellings in Residence A districts (A-1 and A-2). It was then calculated (by extrapolation) based upon the requirements of the amendment, that the owners of 152 single family, detached dwellings would be able to take advantage of the amendment. In other words, the owners of about 19% of all the single family, detached dwellings in Residence A districts would be able to add an accessory apartment under the proposed petition.
7. The staff has also designated on the zoning map how six randomly selected blocks in Residence A districts would be affected. Of the 85 lots examined, it was found that 21 lots (containing single-family detached dwellings) would qualify under the accessory apartment amendment or approximately 25%.

4.221 (3)

8. The petition should be amended by adding the following phrase at the end of proposed subsection 4.222(3),
"and shall not be located in a garage."

Based on the above findings, the Board recommends that this petition be APPROVED as amended.

Respectfully submitted,
for the Planning Board



Arthur C. Parris
Chairman

ACP:lf

City of Cambridge

In City Council June 1, 1981

The Ordinance Committee

to which

was referred the petition of John M. Woolsey, et al to amend the text of the Zoning Ordinances by adding a new accessory use entitled "Accessory Apartment" in Residence A Districts by the addition of one apartment per dwelling unit by Special Permit from the Board of Zoning Appeal subject to specific dimensional requirements, met on Tuesday, May 19, 1981 at 6:45 p.m.

Councillor David Wylie presided and called for the proponents to appear.

In response to the call of the Chair the Committee heard from John M. Woolsey, Jr. of 16 Channing Place who outlined the proposed amendment and stressed the safeguards built into the proposal, the permit process before the Board of Zoning Appeals in section 4.22 and 4.221. He stated that the figure 2,000 sq. ft. be inserted for the proposed 2,500 sq. ft. in 4.221 paragraph (2). He further discussed the problem of parking outlined in Section 4.222 of the proposal and the necessity for BOZA appeals to meet this requirement. In answer to questions by the Committee he stated that only one accessory apartment could be added and no others could be added under the amendment.

Casimir DeRham, Jr. of 47 Lakeview Avenue recorded himself in favor and noted that the petition was signed by fourteen registered voters.

The Committee was informed that the Dept. of Community Development was conducting a survey of Available Homes which would be affected, that the survey was not ready at this time.

No one else appeared in favor at the call of the Chair, Councillor Wylie now requested the opposition to come forward.

The Committee heard from Robert LaTremouille of 4 Trowbridge Place who recorded his opposition.

Kenneth Kreuger of 65 Grozier Road recorded his opposition and stated that the amendment was grossly defective as proposed; that a conflict was present in the articles in relation to the requirements of 2,500 sq. ft. and 3,000 sq. ft. He outlined the square feet requirements in the various residential districts would be B districts; that Brattle Street, West Cambridge and Historical districts would be affected and that exterior appearances would be changed by additions to houses, and parking would be a problem for abutters.

The Chairman stated that any change would be minimum; that 12,000 sq. ft. would be required for a new lot; that BOZA could require no exterior change; that language could be added to meet this problem.

Mayor Duehay outlined the problems which exist in large single family residences with reduced family size and large unused living spaces; the cost of operations continually rising, the severity of the tax structure and the fact that some residences have 2 or 3 lodgers now and that the proposed amendment would eliminate situations which were illegal and difficult of detection.

The Chairman declared the hearing closed when no further opposition appeared.

Mayor Duehay then moved that the proposed amendment be referred to the full City Council without recommendation.

There being no objection, the motion - carried and the amendment was referred to the June 1, 1981 meeting of the City Council.

For the Committee,

Councillor David A. Wylie,
Chairman.

Cambridge,

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Mar 25 2 53 PM '01
CAMBRIDGE, MASS.

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray
that the Zoning Ordinance of the City of Cambridge be amended as follows:

1. Add new definition, "accessory apartment" to article 2.000 as follows:

"Accessory Apartment. An accessory use with one or more rooms with separate kitchen and bathroom facilities, constituting a dwelling unit, located within and under the same ownership as a single family detached dwelling and designed for the occupancy of a single family."

2. Add new subsection 4.22 Accessory Apartments as follows and recodify existing subsections 4.22 and 4.23 as 4.23 and 4.24, 4.24-4.243 as 4.25-4.253, 4.25-4.255 as 4.26-4.265 and 4.26-4.264 as 4.27-4.274 respectively.

4.22 Accessory Apartments

The purpose of this subsection 4.22 is to allow for the creation of accessory apartments in Residence A districts. These districts contain a number of large single family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of subsection 5.31. Given contemporary life styles, housing needs and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of such residential districts. This subsection 4.22 gives the Board of Zoning Appeal authority to relax such requirements in certain instances as enumerated below.

4.221

In a Residence A district the Board of Zoning Appeal may grant a special permit for alteration of a single family, detached dwelling legally in existence as of the effective date of this subsection 4.22, to provide one accessory apartment if the following conditions are met:

- (1) Prior to alteration the dwelling contains at least 3,500 square feet of gross floor area.
- (2) The lot on which such accessory apartment is located contains at least 2,500 square feet of lot area per dwelling unit.
- (3) Such accessory apartment shall not occupy more than 35% of the gross floor area of the principal dwelling in existence prior to the effective date of this subsection 4.22.

** shall not be located in a garage.*

- (4) Any alteration which would increase the floor area ratio beyond that permitted in the district or which would further increase an existing violation of the applicable floor area ratio shall not be permitted.

In granting a special permit the Board may impose such conditions, including requirements for off-street parking and limitations on other accessory uses of the premises, as it may deem appropriate to avoid detriment to the neighborhood or to nearby persons or property. The Board of Zoning Appeal shall evaluate each special permit application which involves exterior changes to a building with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood and may require that there be no change or minimal change to any face of a building oriented toward a public way or visible from a public way.

4.222

The requirement for an off-street parking space specified in Article 6.000 shall not apply for the addition of one accessory apartment in a single family, detached dwelling in a Residence A district.

- | | |
|--|-------------------------------------|
| ✓ John H. Woolsey Jr. | 16 Academy Place, Cambridge 8-1 |
| ✓ CASIMIR de PHAM JR | 47 Laker Ave, Cambridge 8-2 |
| ✓ Casimir de Pham Jr.
Robert P. Moncreiff | 11 Gray Gardens East, Cambridge 7-4 |
| ✓ Robert P. Moncreiff | 4 Willard St., Cambridge 8-3 |
| ✓ CASPARD, J.D. | 144 Coolidge Hill, Cambridge 8-1 |
| ✓ Gaspar d'Andréot Belin | 44 Codrill Hill, Cambridge Mass 8-1 |
| ✓ John W. Ferry | 15 Trail Street Cambridge, Mass 8-1 |
| ✓ Elizabeth G. Ferry | 15 Trail Street Cambridge, Mass 8-1 |
| ✓ ELIZABETH G. FERRY | 7 Reeders Ave. Camb, Mass 8-1 |
| ✓ Elizabeth P. Chapin | 7 Reeders Ave. Cambridge, Mass 8-1 |
| ✓ Melville Chapin | |
| ✓ Jere H. Dykema | |
| ✓ Annette L. Dykema | |

✓ = Registered Voters.

0-43

Petition of John M. Woolsey, Jr., 16
 Chauncy Pl, et al, for an amendment to
 the Zoning Ordinances of the City of
 Cambridge to add a new definition in
 Article 2.000 entitled "accessory
 apartment".

6/29/81

Passed to be ordained

8-0-1

In City Council,

March 30, 1981

3/30/1981

Referred to the
 Planning Board
 COMMITTEE ON ORDINANCES
 copy sent to Planning
 Board 3/31/81 (dl)
 copy sent to Comm on Ord
 3/31/81 (dl)