



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex

Inman & Broadway

EXTENSION 344

To James L. Sullivan,
City Manager
From David R. Vickery, Assistant City Manager **Date** November 30, 1979
for Community Development
Subject Progress on Institutional Regulations

The following report has been proposed in response to Council Order #4 on September 24, 1979 and Council Order #14 on November 19, 1979.

Chapter 565 of the Acts of 1979 enables the City of Cambridge to regulate and restrict the use of land or structures for religious or educational purposes within specified residentially zoned districts. Initially this law will affect those sections of the City zoned Residence A-1, A-2, B and C-1. A copy of Chapter 565 and a map showing the affected zoning districts are appended to this report. To implement the State Law the Cambridge Community Development Department will prepare amendments to the Zoning Ordinance specifying regulations for controlling institutional development. These regulations will include standards for permitted institutional use within residential neighborhoods, will specify prohibited uses and use levels and will establish a review procedure and criteria for the discretionary approval or disapproval for other institutional uses in neighborhoods.

Formulation of the institutional control strategy and the preparation of ordinance amendments and development guidelines must be preceded by a thorough careful analysis of the spatial distribution of institutions, their physical attributes, their impacts on neighborhoods and the problems of institutional expansion. Over the last month the Community Development Department has begun basic research into the history of the expansion of institutional landuses into the residential community. It has reviewed actual conversions, the neighborhood reaction and the legal structure within which the City has had to operate.

A large part of our time to date has been devoted to an inventory of the shift in residential properties into institutional use. A review of all tax exempt properties recorded in 1969, 1974, and 1979 was done and all changes in those properties were identified. The conversion of residential property by type by each institutional classification was then totaled (see summary attached). A Map of the distribution of those changes is now being prepared. As a first step towards identifying and organizing the kinds of institutional activity which will be regulated and those which will not, we have developed an institutional land use classification scheme. A copy of this classification is attached. The classification will be used as a structure for institutional control policy recommendations and for the regulations to be drafted based on that policy.

Finally, our efforts to date have included inquiries to Harvard, Lesley and M.I.T. regarding their institutional expansion plans. Further discussions will be necessary with these and other institutions. Though Harvard is exempt from Chapter 565, we are analysing the pattern and impact of its growth in the event that its legal status changes or that voluntary compliance with some or all regulations can be negotiated.

In the next few months we expect to finalize a policy and implementation program for institutional regulation. Our research will require that we first study the variety of activities carried on by institutions, such as instructional, dormitory, office, laboratory research, home care, recreational and cultural functions. We will also be studying the physical attributes of these functions such as intensity of use, hours of operation, traffic generation and noise. Analysis of these functions and their characteristics will permit an evaluation of the range of impacts that each activity may have on a residential neighborhood. These impacts will be evaluated for different kinds of residential areas,

by the proximity of the neighborhood to existing institutional centers and in terms of upper limit thresholds of any kind of activity allowable in any neighborhood.

From this neighborhood impact analysis we intend to prepare sets of performance standards which dictate acceptable levels of activity by neighborhood type. Specific standards will be set for each type of activity for each institutional classification. These standards will immediately establish certain groups of activities that should be prohibited from locating in residential neighborhoods. Those which would be conditionally acceptable and those allowed as of right in the zoning district.

For the group of activities which might be conditionally allowed we will probably recommend a review mechanism including a special permit requirement for any residential conversion. Application for conversion would be reviewed by a City Agency such as the Planning Board. Performance standards for a neighborhood will be compared to the expected characteristics of the activity. The application may be denied on grounds of potential violation of specific standards, or approved with condition placed on design, lot coverage, intensity of use or other mitigating measures which might make the use compatible with the neighborhood environment.

Other study that the Department will undertake will be a review of approaches taken by other jurisdictions to limit institutional use and research into interpretations made by the courts as to such regulations.

It is advisable to proceed cautiously in preparing an institutional control ordinance. The most important restraint on the preparation of the ordinance is that we make recommendations for an ordinance that are fair, reasonable and in the best interests of the citizens of Cambridge. The probability of a legal challenge to any ordinance is great and the regulation must be written to best withstand that test. The Cambridge ordinance will likely be a precedent for other community attempts to similarly regulate the institutional conversion of residential property and the better our own effort is prepared the greater are the chances for its success locally and as a model for those other places.

In allowing Cambridge to regulate institutional land uses, the General Court has bestowed upon Cambridge a unique privilege. It is essential the the City exercise this privilege in a manner which not only effectively accomplishes the objectives behind Chapter 565, but which is also legally sound. We may have only one opportunity to do so. Therefore, Cambridge's new regulations must be designed with care and thoroughness. We are well aware that there is a need for those regulations right now. However, we believe that a few months of objective analysis of the problems of institutional expansion and possible solutions leading to the design of a well thought out strategy will be a worth while investment in a supportable institutional land use regulation system which will last for many years.

We look forward to sharing policy recommendations and draft regulations with the City Council as they are prepared during the winter. We expect to have the first drafts available for Council consideration in February.

Chapter 565.

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Seventy-nine

AN ACT

RELATIVE TO USE OF CERTAIN LAND IN THE CITY OF CAMBRIDGE
WITHIN RESIDENTIAL DISTRICTS.

Be it enacted by the Senate and House of Representatives in General Court
assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of section three of chapter forty A of the General Laws, the city of Cambridge is hereby authorized to regulate and restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by a religious sect or denomination, or by a nonprofit educational corporation within all residencially zoned districts which require a lot area of one thousand two hundred square feet or more per dwelling unit.

SECTION 2. The provisions of section one of this act shall not apply to land or structures owned or controlled by Harvard College.

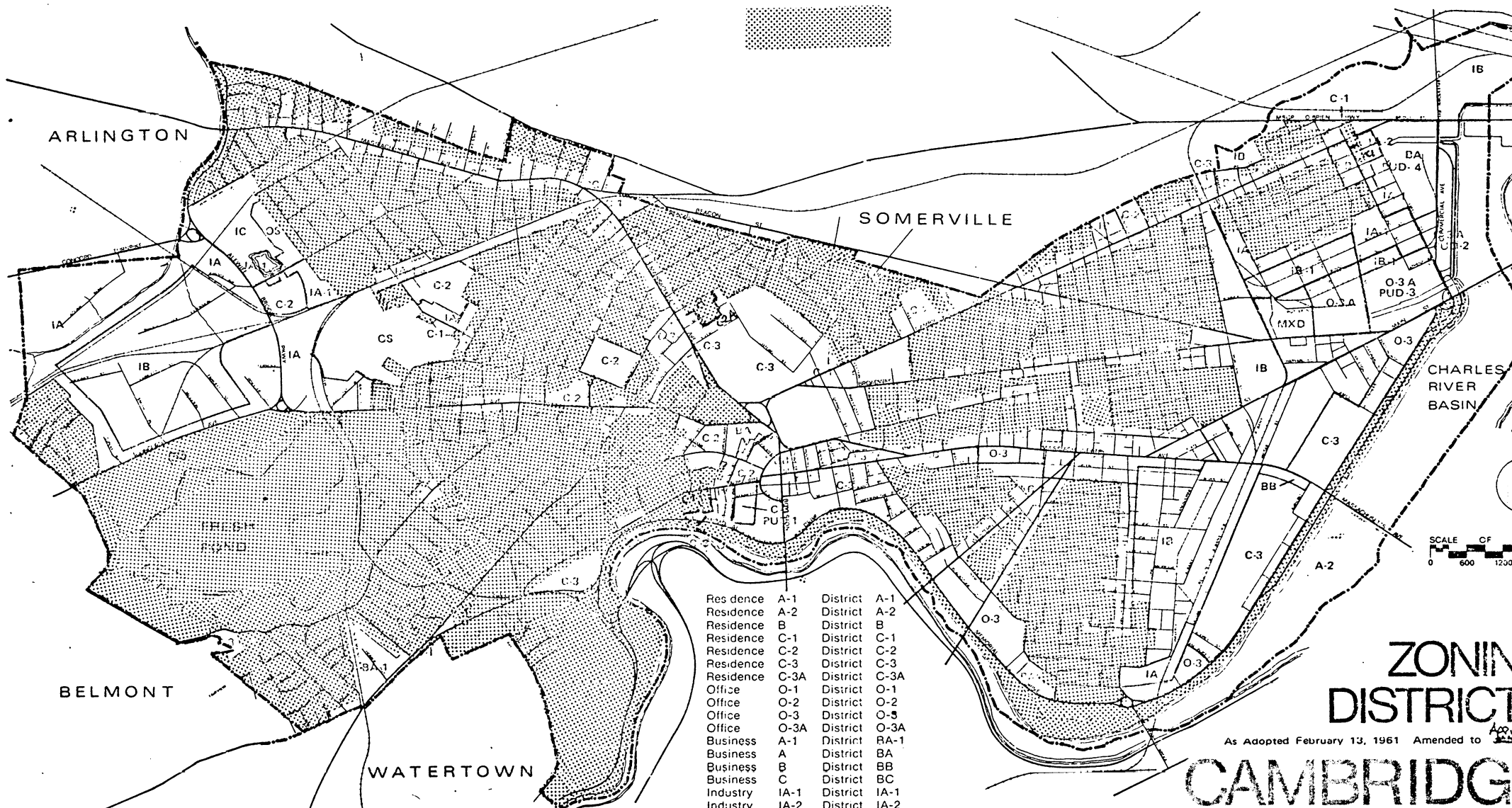
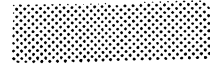
Approved August 21, 1979.

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COMMUNITY
DEVELOPMENT DEPT.

AREAS COVERED BY CHAPTER 565



Residence	A-1	District	A-1
Residence	A-2	District	A-2
Residence	B	District	B
Residence	C-1	District	C-1
Residence	C-2	District	C-2
Residence	C-3	District	C-3
Residence	C-3A	District	C-3A
Office	O-1	District	O-1
Office	O-2	District	O-2
Office	O-3	District	O-3
Office	O-3A	District	O-3A
Business	A-1	District	RA-1
Business	A	District	BA
Business	B	District	BB
Business	C	District	BC
Industry	IA-1	District	IA-1
Industry	IA-2	District	IA-2
Industry	A	District	IA
Industry	IB-1	District	IB-1
Industry	B	District	IB
Industry	C	District	IC
Mixed Use Devel.		District	MXD
Open Space		District	OS
PUD Overlay		District	PUD

ZONING DISTRICTS

As Adopted February 13, 1961 Amended to April 1, 1962

CAMBRIDGE

Community Development Department 19



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT
City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

(617) 498-9034

INSTITUTIONAL PROPERTY ACQUISITION: 1969-1978¹

	<u>1/1/69 - 12/31/73</u>	<u>1/1/74 - 12/31/78</u>	<u>1969-1978</u>
<u>Residential Properties</u>	30	58	88
By municipal agencies ²	4	14	18
% increase over previous period		93%	
<u>Non - res. Properties</u>	13	42	55
By municipal agencies ²	6	17	23
<u>Total Properties</u>	43	100	143
% increase over previous period		133%	
<u>Dwelling Units</u> ³	166	188	354
% increase over previous period		13%	

Notes:

1. Properties acquired by governmental, religious, educational and other institutions during the time period as indicated on lists of tax exempt properties. Properties acquired by such institutions which are still on the tax rolls are not included.
2. Cambridge Housing Authority and Cambridge Redevelopment Authority
3. CHA and CRA units not included.

Source: Cambridge Assessors Office lists of tax exempt properties (1/1/69, 1/1/74, 1/1/79)

Institutional Activity Classification

1. Municipal
 - a. City of Cambridge
 - b. Cambridge Housing Authority
 - c. Cambridge Redevelopment Authority
2. Other Government
 - a. County
 - b. Regional and State (MDC, MBTA, Commonwealth)
 - c. Federal
3. Harvard University
 - a. tax exempt properties
 - b. non-exempt properties
4. Radcliffe College
 - a. tax exempt properties
 - b. non-exempt properties
5. MIT
 - a. tax exempt properties
 - b. non-exempt properties
6. Leslie College
 - a. tax exempt properties
 - b. non-exempt properties
7. Other Colleges, Institutes, Professional Schools and Laboratories
8. Private pre-school, elementary, secondary or preparatory schools
9. Religious Organizations
 - a. churches
 - b. schools
 - c. rectories
 - d. cemetaries & vacant
10. Charitable & Benevolent
 - a. Community Residence
 - b. Societies land Brotherhoods
 - c. community service



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
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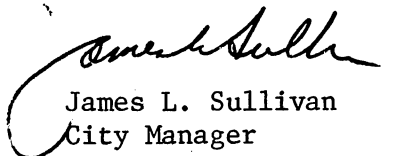
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

December 3, 1979

To the Honorable, the City Council:

With respect to Awaiting Report Item No. 13 relative to the implementation of Chapter 565 of the Acts of 1979, enclosed please find copy of a report from David Vickery, Assistant City Manager for Community Development.

Very truly yours,


James L. Sullivan
City Manager

JLS/mbf
Enc.

S-643

Response to Awaiting Report no. 13 re:
Chapter 565 of the Acts of 1979.

12/3/79

- Placed on File -