

City of Cambridge

PETITION OF *City Council*

Re: *Community Residences and Personal Care Lodging Houses*
Petition filed with the City Clerk

Nov. 18, 1985

(all hearing to be completed 65 days from filing date with the City Clerk)

12 days Nov.
31 days Dec.
22 days Jan.
65 days - *January 22, 1986 = all hearings*

In City Council

November 18, 1985
November 18, 1985

Referred to the Planning Board for report

Planning Board Hearing

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

City Council hearing published

Hearing before the City Council

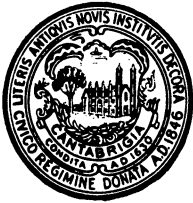
Report to the City Council

Passed to a second reading
published

Ready for Ordination
. published

COMPLETION DATE:


*Placed on file due to hearing
not held in required time
limit.*



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

498-9034

TO: Robert W. Healy, City Manager

FROM:  Mary T. Flynn, Interim Director
of the Community Development Department

SUBJECT: Proposed Revisions to the Cambridge Zoning
Ordinance Relative to Community Residences and
Personal Care Lodging Houses

The attached revisions of the Cambridge Zoning Ordinance, jointly developed by this Department and the Department of Human Services, are provided in response to your request of September 9 regarding regulation of community residence facilities.

Re-examination of the existing ordinance (Section 11.20) is warranted, given the significant changes in housing stock, social service systems, and demographics that Cambridge has experienced since the ordinance was adopted in 1975. Due in part to these changes, the ordinance has proven unexpectedly restrictive. Since the adoption of the ordinance ten years ago, only one new residence has been developed despite attempts by numerous local agencies; as a result, persons in need of supervised housing are without appropriate care and place a serious social burden on those neighborhoods where low cost shelter can still be found.

The aim of the proposed revisions is to continue the intent of the original ordinance; that is, to protect neighborhoods from over saturation by community residences while allowing for the development of needed facilities. Three significant changes are suggested.

First, the maximum permitted density of residences, currently determined in terms of facilities per neighborhood, is re-stated as a percentage of residence beds in relation to the neighborhood's total population. This change provides a more sensitive measure of the burdens that a community incurs by housing special-needs groups, as well as a degree of additional flexibility in siting. It will also encourage the development of smaller group homes, which are both less intrusive in the surrounding neighborhood and more effective in meeting the needs of clients.

The revisions suggest an upper limit of persons housed in community residences equal to one percent of the total population residing in a neighborhood. Based on the application of nationally established standards to the Cambridge population and on a survey of state and local agencies, one percent is clearly a conservative estimate of the proportion of Cambridge residents who need a supportive housing environment, but not an institutional one. (This figure is supported by the experience of urban communities in Minnesota, Wisconsin and New York State which have used population ratios to limit community residence density; limits between 10% and 1% are used though 1% is seen most frequently.) Therefore, an upper limit of one percent residence beds is recommended.

The second significant change proposed in the ordinance is establishment of a process through which the Zoning Board may grant a special permit for the development of a community residence which exceeds the density limit, if this will have the net effect of increasing the City's inventory of low and moderate income housing. In view of the continuing crisis in affordable housing supply, this is seen as a useful incentive for the conversion of new property to housing use and the preservation of existing low and moderate housing stock.

Finally, provisions also regulating community residences in the Institutional Use Section of the Zoning Ordinance have been modified to make them consistent with the regulatory framework of the Community Residence Section.

These changes are recommended as increasing the responsiveness of the Zoning Ordinance to populations with special housing needs, while continuing to promote the equitable distribution of facilities among neighborhoods. Changes to the 1975 ordinance have been underlined in the recommended revision.

Amend the Text of the Zoning Ordinance of the City of Cambridge as follows:

I. Delete existing lines 4.33e(3) and (4) and substitute therefore the following:

3. Community residence⁵⁰ No SP SP SP SP SP SP SP SP SP SP No No No

4. Personal Care Lodging⁵⁰ house No SP SP SP SP SP SP SP SP SP SP No SP No

II. Create a new footnote "50" in Section 4.40 Footnotes to the Table of Use Regulation as follows:

50 Subject to the requirements of Section 11.20

III. Delete existing Section 11.20 - Community Residences and Personal Care Lodging House and substitute therefore the following:

11.20 Community Residences and Personal Care Lodging Houses

11.21 Statement of Purpose. This section 11.20 of the Ordinance has been adopted to regulate the creation and maintenance of Community Residences and Personal Care Lodging Houses in Cambridge for the protection of the health, safety and welfare of the people living in Community Residences or Personal Care Lodging Houses and of the public. This section is intended to ensure that all Community Residences or Personal Care Lodging Houses are established and maintained under the guidance of a duly authorized agency of the Commonwealth of Massachusetts or of the City and that they comply with applicable health and safety laws and regulations. Further, this section is intended to prevent the concentration of Community Residences and Personal Care Lodging Houses in any one area of Cambridge, which concentration would tend to cause an institutional setting in that area.

11.22 Permits. No Community Residence or Personal Care Lodging House shall be established or maintained in Cambridge unless such Community Residence or Personal Care Lodging House has obtained a Special Permit as required, but any such Special Permit shall be for a term not in excess of two years. Such Special Permit must be renewed on expiration of the initial Special Permit, and every two years thereafter, after hearing in accordance with the criteria stated below.

11.23 Application. At the time of application for a Special Permit the applicant shall file with the secretary to the Board of Zoning Appeal.

For Community Residence:

1. A copy of the application filed with the appropriate State agency stating the program and plan for operation to be pursued by the Community Residence plus any additional regulations required by the appropriate agency.
2. A letter from the appropriate State agency stating approval of the proposed Community Residence at the proposed location and its sponsor contingent on special permit approval.

For Personal Care Lodging House:

1. A letter of approval or renewal of license from the Licensing Commission, City of Cambridge.

11.24 Criteria. The Board of Zoning Appeal shall grant or renew a Special Permit for the establishment of a Community Residence or Personal Care Lodging House if the Board finds that such Community Residence or Personal Care Lodging House has met all of the following criteria.

1. The operation of the Community Residence or Personal Care Lodging House as proposed, must not bring the number of resident persons, exclusive of staff, housed in Community Residences and Personal Care Lodging Houses within the same neighborhood above 10 persons for every 1,000 population, or any increment exceeding one half of that number, living in other than group quarters within the same neighborhood, as determined by the most recent United States Census. In computing the total number of residents in Community Residences and Personal Care Lodging Houses within a particular neighborhood, the number of residents housed in Community Residences and Personal Care Lodging Houses that were in existence at the time of enactment of this Section 11.20 shall be included (See Cambridge Neighborhood Map).
2. A Community Residence or Personal Care Lodging House shall house no more than 20 persons, exclusive of staff.
3. The Community Residence or Personal Care Lodging House is 300 or more feet from an existing Community Residence or Personal Care Lodging House, measured in a straight line drawn between the principal entrances of the respective facilities. However, where the total number of residents served by the two facilities is more than twenty-four (exclusive of staff) the proposed facility shall be, in addition to the minimum 300 feet, separated by an additional 30 feet for every resident served by the two facilities over 24, or by a total distance of 780 feet, whichever is less.

4. A Community Residence or Personal Care Lodging House must have a House Committee.
 - a. 50% of whose members live within 500 feet of the Community Residence or Personal Care Lodging House with the remaining members living within the neighborhood in which the Community Residence or Personal Care Lodging House will be located; and
 - b. whose purpose it will be to assist in coordinating the programs and activities of the Community Residence or Personal Care Lodging House with the needs of the Cambridge Community, and to act as a liason between the Community Residence or Personal Care Lodging House and the neighborhood in which such Residence or Personal Care Lodging House is located; and
 - c. who will begin work within six months of the effective date of the Community Residence or Personal Care Lodging Permit.
 5. The occupants and staff of a Community Residence or Personal Care Lodging House shall not develop off-street parking spaces beyond those authorized at the time the special permit is granted.
 6. The Board of Zoning Appeal may require as a condition of the Special Permit such standards of exterior and interior repair and maintenance, planting, screening, fencing, etc. as in its discretion it may deem appropriate.
 7. The Board of Zoning Appeal shall renew a Sepcial Permit upon receipt of satisfactory evidence that the operation of the Community Residence or Personal Care Lodging House has been quiet, orderly, and in conformance with this Ordinance, has not resulted in excessive complaints to the Police Department and has not involved disturbance to the neighborhood.
- 11.25 Exceptions. The Board of Zoning Appeal may grant a special permit for a Community Residence or Personal Care Lodging House that exceeds the neighborhood density standards established in paragraph 11.24 (1) above if it can be demonstrated that the following standards have been met.
1. The Community Residence or Personal Care Lodging House will expand the inventory of housing in the City through conversion of non-residential uses to housing use; or

will ensure the continuance of existing housing for low-moderate income persons; or will preclude the loss of such low and moderate income housing to market rate housing; or will result in the conversion of market rate housing for use by low and moderate income persons.

2. The facility will serve the needs of the citizens of Cambridge.
3. All other criteria of Subsection 11.24 are met.
4. The general intent of this Section 11.20 will be met.

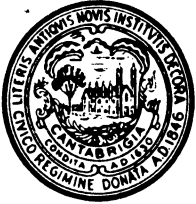
IV. A. Delete lines f (3) and F (4) in "Table 4.56 - Table of Institutional Use Regulations" and substitute therefor the following:

3. Community residence⁷ SP SP SP SP SP SP
4. Personal Care Lodging House⁷ SP SP SP SP SP SP

B. Create a new footnote "7" to

"Footnotes to Table of Institutional Use Regulations" as follows:

7. Subject to the provisions of Section 11.20.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

November 18, 1985

To the Honorable, the City Council:

Enclosed per request of City Council is a copy of proposed revisions to the Cambridge Zoning Ordinance relative to Community Residences and Personal Care Lodging Houses, submitted by Mary T. Flynn, Interim Director of the Community Development Department.

Very truly yours,

Robert W. Healy
City Manager

RWH/mb f
Enc.

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Re: proposed revisions to the Zoning Ordinances relating to Community Residences & Personal Care Lodging Houses.

*Copy sent to Leo Barber, Planning Board & Councilman David Sullivan, Ordinance Committee Chair
11/22/85 mh*

In City Council,

November 18, 1985

11/14/85

*Referred to the
Planning Board
and
Ordinance Committee
for
Planning Report*