

## CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 498-9011

EXECUTIVE DEPARTMENT  
JAMES L. SULLIVAN  
City Manager

January 26, 1981

To the Honorable, the City Council:

With respect to Amendment to the Zoning Ordinances relative to Accessory Apartment use, I have been advised by David R. Vickery, Assistant City Manager for Community Development, that due to time constraints said amendment must be re-filed.

Very truly yours,

Robert W. Healy  
Acting City Manager

RWH/mbf

Agenda # 9

C

Refiling of the Accessory Apartment use  
proposed amendment.

In City Council,

January 26, 1981

1/26/1981

Placed on File

September 24

Cambridge, November 5, revised 1980

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 dwelling and designed for the occupancy of a single family."

2. Amend 4.21 g. 3 by inserting the following after the words "paragraph 4.21 g,"

shall not apply to subsection 4.22 but..., ....

3. 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 and Residence B districts. These districts contain a number of large one and two family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited 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 relaxes such requirements in certain instances as enumerated below.

4.221 In a Residence A or Residence B district, a single family, detached dwelling or two-family dwelling legally in existence as of the effective date of this subsection 4.22, may be altered to provide one accessory apartment as-of-right provided that prior to alteration the dwelling contains at least 3,500 square feet of gross floor area. However, such accessory apartment shall only be permitted on lots containing at least 2,500 square feet per dwelling unit in a Residence A district and at least 1,800 square feet per dwelling unit in a Residence B district. 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. 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 Residence A or Residence B district.

**PETITION**

**of** .....

**for** .....

**No.** .....

.....**19**

**In City Council,**

**19**

**Referred to the Committee on**

**Attest:**

**City Clerk.**

4.222 In a Residence A district, the following exterior changes to a building, resulting from the creation of one accessory apartment, shall not be allowed unless granted a special permit by the Board of Zoning Appeal.

- (1) A change to any face of a building oriented toward a public way.
- (2) A change to any other face of a building if said change is located within ten feet of a face of the building oriented toward a public way. In the case of multiple building faces oriented toward a public way, said ten feet distance shall be measured from the face with the greatest setback from the public way.

In addition to the criteria of subsection 10.43, the Board shall evaluate such special permit application with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood.

4.223 In a Residence A or Residence B district a single family, detached dwelling or two family dwelling, legally in existence as of the effective date of this subsection 4.22, may be further altered to provide a second accessory apartment, not to exceed a total of three or four dwelling units respectively. 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. A second accessory apartment may be permitted only if a special permit is granted by the Board of Zoning Appeal and only upon the Board's determination that:

- (1) The dwelling contains at least 3500 square feet of gross floor area plus at least 1000 square feet of gross floor area for each accessory apartment or dwelling unit in excess of two.
- (2) The lot contains at least 2500 square feet per dwelling unit in a Residence A district and at least 1800 square feet per dwelling unit in a Residence B district.
- (3) In the Residence A district, any proposed exterior changes, resulting from the creation of a second accessory apartment, shall be compatible with the appearance and character of the neighborhood.
- (4) The criteria specified in subsection 10.43 shall be satisfied.

4.224 In reviewing a special permit application for the addition of a second accessory apartment in either the Residence A or B district, the Board shall determine the amount of required parking. In making such determination the Board shall consider the particular on-street parking situation in such neighborhood. If the Board decides that parking for the second accessory apartment must be located off-street, such space shall be either behind the dwelling or behind the required front yard setback. If not located behind the dwelling the Board may require that such space be screened from the street and abutting properties with appropriate landscaping. In no instance shall required open space be reduced below the minimum in order to provide such space.



RECEIVED BY  
OFFICE OF CITY CLERK  
CITY OF CAMBRIDGE, MASSACHUSETTS  
Nov 13 3 31 PM '80  
CAMBRIDGE, MASS.

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

November 5, 1980

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, October 28, 1980 on the above petition which was filed by the Planning Board.

## The Petition

This petition would allow for the creation of accessory apartments in single family, detached dwellings or two family dwellings in either Residence A or B districts. These districts contain a number of large homes that are underutilized. However, such homes cannot be converted 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 and provide some additional needed housing in the city without substantial detriment to those Residence A and B districts.

## The Hearing

At the September 2, 1980 public hearing, Community Development Staff presented a summary of the proposed amendment. Citizen questions focused on how the amendment would work. Two citizens, Ted Hartry of 18 Brown Street, (representing Neighborhood 10) and Manuel Uribe of 90 Putnam Avenue indicated that they would be in favor of such proposed amendment. There were no comments in opposition to the amendment.

## Planning Board discussion

Following the Public Hearing, the Planning Board discussed the proposed amendment. It was noted that the wording "exterior changes readily visible from the street" (subsection 4.221 and 4.222(3) of the original petition), was unclear. It was also suggested that portions of the amendment that dealt with exterior changes in the Residence A district only, should be separate from other sections or recodified as a different subsection. The Board instructed the staff to make the above changes.

Findings

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

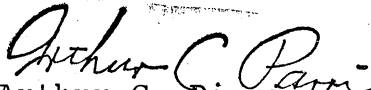
1. There are a number of large detached, single family and two-family dwellings in the Residence A and B districts which are underutilized. Many of these homes are occupied by families much smaller in size than those of another era.
2. Many of the homeowners of such dwellings are caught in a financial 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 and B districts.

The Board further finds that the original petition should be amended because:

6. There were a number of needed language and codification changes.
7. Subsection 4.223 (of original petition) was deemed unnecessary and should be deleted.

Based on the above findings, the Board recommends that this petition be APPROVED, as amended (see attached revised amendment).

Respectfully submitted for  
the Planning Board

  
Arthur C. Parris,  
Chairman

ACP:lf

Comm. from Arthur C. Parris, Chairman, Planning Board, transmitting their recommendation on the petition to amend the Zoning Ordinance by adding a new subsection 4.22, Accessory Apartments.

In City Council,

November 17, 1980

*11/17/80 Report Received  
and Referred to the  
Hearing Board  
Ordinance Committee  
on Tuesday Nov. 18/80*

- COMMITTEE ON ORDINANCES MEETING Nov. 18, 1980 -  
Presiding Chairman Dorelytic Time 7:30 pm

Present L. Velucci<sup>724</sup>, L. Tranter<sup>720</sup>, L. DeLlucan<sup>72</sup>  
Mayor Puchay<sup>726</sup>, C. Russell<sup>740</sup>  
Absent Dr. J. J. Doherty, Gene McCallum

Proponents  
David Vekony Position as req of P.B. Not Community  
Development introducing Markbery  
Markbery

David V re large single families affluent governments  
ETA & III P.B. B sections Need for add housing  
All Increased Costs  
Markbery Future offered PD recommendation - Dated  
Nov 5, 1980

Dorelytic Support of 1 could be 2 no technicalities  
Mark - didn't see a great difference but some req. are  
different

Mayor Puchay Accessory Appr could be 2/3 of home -  
Mark - possible but not practical - This would increase  
the density in some neighborhoods

Mayor - Would like to see impact and density on  
even high in city before we can get in  
this

David Vekony No record or even have in every  
neighborhood - Mayor We need an analysis rather than



145/ The diff is Enging Housing and this proposal  
L. Wylie to David  
This is a PB - alone others  
ANY ALL. 70% - Other 1200 vs 600 -  
DV Long Housing No Kitchen, Bath w/ every unit -  
DV 80% of Long Housing must be elderly

747/04 No one Appeared in favor or Call of the  
Chair had called for Opposition  
Mrs Wifford comments NOT BE recorded as opposed  
BUT SPRING issue  
85 speaker Stuart rep Howard by Person Fund  
No Chance to Study - Should send for add hearings  
in neighborhoods where it will have greatest  
impact

Resolving 23% of City - great impact  
75% would like studying how PB come -  
Address if Max limit on processing Req  
23% of total prob

- 2/ Change in Area density - Draw in  
Areas affected
- 3/ Planning Req NOT BE ADDED  
Traffic problem - Should get  
STREETS for density
- 4/ Impact of FIRST APPVT Study  
Before the second
- 5/ Discard more for large vs small units

1:55 PM

Mr. Tiffert at Lincoln - Concord - No comparison  
on media density and size of lots

Studies A+B produce largest per capita

When you increase density you increase  
costs of care

No reason to heighten standards for discussion

II / Thus however

70 Wash Avenue A-2

Need to preserve caution -

1/ Too expensive argument in A+B zones

2/ Dynamic - Housing Costs  
large demand for housing in Cambridge

3/ Need for more <sup>real</sup> rental units argument - (affects  
200 houses - ? minimal effect)

4/ Allows division of 2 to 1 - without permit  
2 to 3 with permit.

Range houses of every type in every  
neighborhood - over period of time

One zoning will change others around it

Suggest great caution - Quality of  
Height in dispute - Don't intermingle

Purpose of zoning

Relaxing of zoning Bad idea - more  
with - more zoning more stable

8/13/PM

John Penn

27 Franklin St New B Zone  
Now Density Reg and Parking Reg. are most  
ESSENTIAL -

g/ Acc hapt should not be more than certain  
change if the whole

Never will solve pressure of housing  
in Cambridge -

MAY WANT down zoning in neighborhoods not  
density increase -

STPAT like see how it works

8/11/PM

Paul Hawkins -

17 Willard St Hugh Ten Bush NOT against

AS SUCH - Meeting many concerns on legs -

IF revised would then be more considerate -

Four concerns expressed - should be revised

8/13/PM

Rob has room 116

4 Town Place

A Density Panel - keep city on human scale  
B) Protection of surrounding 1/3 of City w/o

notice to homeowners -

Developers know the hospital

City to deny now

8/15PM No one opposed to the call of the State

DV in name to CV Person Increased costs on etc -

- More Costs -

Housing Needs -

f20  
C. Graham re NOTIFICATION - OK sent notice to  
Neigh Ten - Question on Notice - Why not  
more neighborhood input -

C. Graham Concept of AA is good - Need all hearings -  
I support that - We must deal w/ info  
elicited source -

Some of problems must be ironed out  
w/ INFRA of the Concept Iron out

f25  
The Bugs

OK. The Survival - Financial Disaster - two toas etc to  
Survive

POSTAL PROGRAM FOR A REASONABLE  
time in order to have Dave V  
go and talk to people what this  
is ALL ABOUT.

Would vote FOR IT - Finish or cv. speech

Change det what is reasonable time for  
Dave V to do his homework - and  
come back with results ~~by~~ the  
Committee

Mayor Roebuck Notice expired me by PB -  
Suggest at least 2 MONTHS

F32

Peop need proper NOTICE OF HIGHWAY &  
DEFINITION should be looked out (Accessing report)  
City Council info - # of units affected  
Analysis of Assessment Practices  
Traffic Pattern study  
Forward floppy document w/ early  
analysis of problem -  
Need full discussion by all people affected

#35 C.D.S When Chain reconvened consider 2-hour  
Requirements

#36/ to voted - ReVote motion ok/h



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

November 5, 1980

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, October 28, 1980 on the above petition which was filed by the Planning Board.

## The Petition

This petition would allow for the creation of accessory apartments in single family, detached dwellings or two family dwellings in either Residence A or B districts. These districts contain a number of large homes that are underutilized. However, such homes cannot be converted 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 and provide some additional needed housing in the city without substantial detriment to those Residence A and B districts.

## The Hearing

At the September 2, 1980 public hearing, Community Development Staff presented a summary of the proposed amendment. Citizen questions focused on how the amendment would work. Two citizens, Ted Hartry of 18 Brown Street, (representing Neighborhood 10) and Manuel Uribe of 90 Putnam Avenue indicated that they would be in favor of such proposed amendment. There were no comments in opposition to the amendment.

## Planning Board discussion

Following the Public Hearing, the Planning Board discussed the proposed amendment. It was noted that the wording "exterior changes readily visible from the street" (subsection 4.221 and 4.222(3) of the original petition), was unclear. It was also suggested that portions of the amendment that dealt with exterior changes in the Residence A district only, should be separate from other sections or recodified as a different subsection. The Board instructed the staff to make the above changes.

Findings

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


1. There are a number of large detached, single family and two-family dwellings in the Residence A and B 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 and B districts.

The Board further finds that the original petition should be amended because:

6. There were a number of needed language and codification changes.
7. Subsection 4.223 (of original petition) was deemed unnecessary and should be deleted.

Based on the above findings, the Board recommends that this petition be APPROVED, as amended (see attached revised amendment).

Respectfully submitted for  
the Planning Board

  
Arthur C. Parris,  
Chairman

ACP:lf

September 24

Cambridge, November 5, revised 1980

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 dwelling and designed for the occupancy of a single family."

2. Amend 4.21 g. 3 by inserting the following after the words "paragraph 4.21 g,"

shall not apply to subsection 4.22 but..., ....

3. 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 and Residence B districts. These districts contain a number of large one and two family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited 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 relaxes such requirements in certain instances as enumerated below.

4.221 In a Residence A or Residence B district, a single family, detached dwelling or two-family dwelling legally in existence as of the effective date of this subsection 4.22, may be altered to provide one accessory apartment as-of-right provided that prior to alteration the dwelling contains at least 3,500 square feet of gross floor area. However, such accessory apartment shall only be permitted on lots containing at least 2,500 square feet per dwelling unit in a Residence A district and at least 1,800 square feet per dwelling unit in a Residence B district. 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. 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 Residence A or Residence B district.

4.222 In a Residence A district, the following exterior changes to a building, resulting from the creation of one accessory apartment, shall not be allowed unless granted a special permit by the Board of Zoning Appeal.

- (1) A change to any face of a building oriented toward a public way.
- (2) A change to any other face of a building if said change is located within ten feet of a face of the building oriented toward a public way. In the case of multiple building faces oriented toward a public way, said ten feet distance shall be measured from the face with the greatest setback from the public way.

In addition to the criteria of subsection 10.43, the Board shall evaluate such special permit application with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood.

4.223 In a Residence A or Residence B district a single family, detached dwelling or two family dwelling, legally in existence as of the effective date of this subsection 4.22, may be further altered to provide a second accessory apartment, not to exceed a total of three or four dwelling units respectively. 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. A second accessory apartment may be permitted only if a special permit is granted by the Board of Zoning Appeal and only upon the Board's determination that:

- (1) The dwelling contains at least 3500 square feet of gross floor area plus at least 1000 square feet of gross floor area for each accessory apartment or dwelling unit in excess of two.
- (2) The lot contains at least 2500 square feet per dwelling unit in a Residence A district and at least 1800 square feet per dwelling unit in a Residence B district.
- (3) In the Residence A district, any proposed exterior changes, resulting from the creation of a second accessory apartment, shall be compatible with the appearance and character of the neighborhood.
- (4) The criteria specified in subsection 10.43 shall be satisfied.

4.224 In reviewing a special permit application for the addition of a second accessory apartment in either the Residence A or B district, the Board shall determine the amount of required parking. In making such determination the Board shall consider the particular on-street parking situation in such neighborhood. If the Board decides that parking for the second accessory apartment must be located off-street, such space shall be either behind the dwelling or behind the required front yard setback. If not located behind the dwelling the Board may require that such space be screened from the street and abutting properties with appropriate landscaping. In no instance shall required open space be reduced below the minimum in order to provide such space.

PUBLIC NOTICE  
RELATIVE TO ZONING.

# 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 the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Tuesday, November 18, 1980 at 7:00 p. m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on a petition of the Planning Board 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 the Residence A and Residence B district. One accessory apartment would be permitted as-of-right within existing single and two family dwellings or accessory buildings provided that exterior changes are minimal and specific dimensional requirements are met. Two accessory apartments would be permitted by special permit subject to specific requirements and findings by the Board of Zoning Appeal.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

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

For the Committee,

Councillor, David A. Wylie,  
Chairman.

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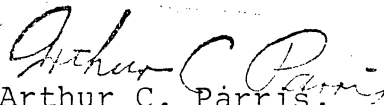
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#### 4.22 Accessory Apartments

The purpose of this subsection 4.22 is to allow for the creation of accessory apartments in Residence A and Residence B districts. These districts contain a number of large one and two family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited 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 relaxes such requirements in certain instances as enumerated below.

4.221 In a Residence A or Residence B district, a single family, detached dwelling or two-family dwelling legally in existence as of the effective date of this subsection 4.22, may be altered to provide one accessory apartment as-of-right provided that prior to alteration the dwelling contains at least 3,500 square feet of gross floor area. However, such accessory apartment shall only be permitted on lots containing at least 2,500 square feet per dwelling unit in a Residence A district and at least 1,800 square feet per dwelling unit in a Residence B district. 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. 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 Residence A or Residence B district.

4.222 In a Residence A district, the following exterior changes to a building, resulting from the creation of one accessory apartment, shall not be allowed unless granted a special permit by the Board of Zoning Appeal.

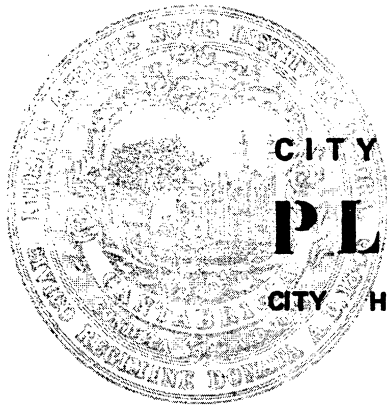
- (1) A change to any face of a building oriented toward a public way.
- (2) A change to any other face of a building if said change is located within ten feet of a face of the building oriented toward a public way. In the case of multiple building faces oriented toward a public way, said ten feet distance shall be measured from the face with the greatest setback from the public way.

In addition to the criteria of subsection 10.43, the Board shall evaluate such special permit application with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood.

4.223 In a Residence A or Residence B district a single family, detached dwelling or two family dwelling, legally in existence as of the effective date of this subsection 4.22, may be further altered to provide a second accessory apartment, not to exceed a total of three or four dwelling units respectively. 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. A second accessory apartment may be permitted only if a special permit is granted by the Board of Zoning Appeal and only upon the Board's determination that:

- (1) The dwelling contains at least 3500 square feet of gross floor area plus at least 1000 square feet of gross floor area for each accessory apartment or dwelling unit in excess of two.
- (2) The lot contains at least 2500 square feet per dwelling unit in a Residence A district and at least 1800 square feet per dwelling unit in a Residence B district.
- (3) In the Residence A district, any proposed exterior changes, resulting from the creation of a second accessory apartment, shall be compatible with the appearance and character of the neighborhood.
- (4) The criteria specified in subsection 10.43 shall be satisfied.

4.224 In reviewing a special permit application for the addition of a second accessory apartment in either the Residence A or B district, the Board shall determine the amount of required parking. In making such determination the Board shall consider the particular on-street parking situation in such neighborhood. If the Board decides that parking for the second accessory apartment must be located off-street, such space shall be either behind the dwelling or behind the required front yard setback. If not located behind the dwelling the Board may require that such space be screened from the street and abutting properties with appropriate landscaping. In no instance shall required open space be reduced below the minimum in order to provide such space.



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

November 5, 1980

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, October 28, 1980 on the above petition which was filed by the Planning Board.

## The Petition

This petition would allow for the creation of accessory apartments in single family, detached dwellings or two family dwellings in either Residence A or B districts. These districts contain a number of large homes that are underutilized. However, such homes cannot be converted 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 and provide some additional needed housing in the city without substantial detriment to those Residence A and B districts.

## The Hearing

At the September 2, 1980 public hearing, Community Development Staff presented a summary of the proposed amendment. Citizen questions focused on how the amendment would work. Two citizens, Ted Hartry of 18 Brown Street, (representing Neighborhood 10) and Manuel Uribe of 90 Putnam Avenue indicated that they would be in favor of such proposed amendment. There were no comments in opposition to the amendment.

## Planning Board discussion

Following the Public Hearing, the Planning Board discussed the proposed amendment. It was noted that the wording "exterior changes readily visible from the street" (subsection 4.221 and 4.222(3) of the original petition), was unclear. It was also suggested that portions of the amendment that dealt with exterior changes in the Residence A district only, should be separate from other sections or recodified as a different subsection. The Board instructed the staff to make the above changes.

Findings

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

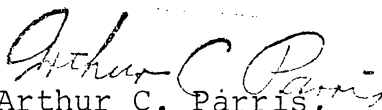
1. There are a number of large detached, single family and two-family dwellings in the Residence A and B districts which are underutilized. Many of these homes are occupied by families much smaller in size than those of another era.
2. Many of the homeowners of such dwellings are caught in a financial 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 and B districts.

The Board further finds that the original petition should be amended because:

6. There were a number of needed language and codification changes.
7. Subsection 4.223 (of original petition) was deemed unnecessary and should be deleted.

Based on the above findings, the Board recommends that this petition be APPROVED, as amended (see attached revised amendment).

Respectfully submitted for  
the Planning Board

  
Arthur C. Parris,  
Chairman

ACP:lf

September 24

Cambridge, November 5 revised 1980

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 dwelling and designed for the occupancy of a single family."

2. Amend 4.21 g. 3 by inserting the following after the words "paragraph 4.21 g,"

shall not apply to subsection 4.22 but..., ....

3. 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 and Residence B districts. These districts contain a number of large one and two family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited 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 relaxes such requirements in certain instances as enumerated below.

4.221 In a Residence A or Residence B district, a single family, detached dwelling or two-family dwelling legally in existence as of the effective date of this subsection 4.22, may be altered to provide one accessory apartment as-of-right provided that prior to alteration the dwelling contains at least 3,500 square feet of gross floor area. However, such accessory apartment shall only be permitted on lots containing at least 2,500 square feet per dwelling unit in a Residence A district and at least 1,800 square feet per dwelling unit in a Residence B district. 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. 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 Residence A or Residence B district.

4.222 In a Residence A district, the following exterior changes to a building, resulting from the creation of one accessory apartment, shall not be allowed unless granted a special permit by the Board of Zoning Appeal.

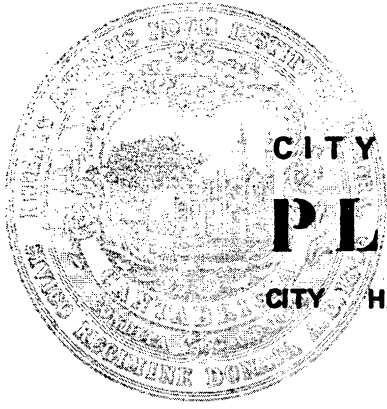
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In addition to the criteria of subsection 10.43, the Board shall evaluate such special permit application with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood.

4.223 In a Residence A or Residence B district a single family, detached dwelling or two family dwelling, legally in existence as of the effective date of this subsection 4.22, may be further altered to provide a second accessory apartment, not to exceed a total of three or four dwelling units respectively. 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. A second accessory apartment may be permitted only if a special permit is granted by the Board of Zoning Appeal and only upon the Board's determination that:

- (1) The dwelling contains at least 3500 square feet of gross floor area plus at least 1000 square feet of gross floor area for each accessory apartment or dwelling unit in excess of two.
- (2) The lot contains at least 2500 square feet per dwelling unit in a Residence A district and at least 1800 square feet per dwelling unit in a Residence B district.
- (3) In the Residence A district, any proposed exterior changes, resulting from the creation of a second accessory apartment, shall be compatible with the appearance and character of the neighborhood.
- (4) The criteria specified in subsection 10.43 shall be satisfied.

4.224 In reviewing a special permit application for the addition of a second accessory apartment in either the Residence A or B district, the Board shall determine the amount of required parking. In making such determination the Board shall consider the particular on-street parking situation in such neighborhood. If the Board decides that parking for the second accessory apartment must be located off-street, such space shall be either behind the dwelling or behind the required front yard setback. If not located behind the dwelling the Board may require that such space be screened from the street and abutting properties with appropriate landscaping. In no instance shall required open space be reduced below the minimum in order to provide such space.



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

November 5, 1980

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, October 28, 1980 on the above petition which was filed by the Planning Board.

## The Petition

This petition would allow for the creation of accessory apartments in single family, detached dwellings or two family dwellings in either Residence A or B districts. These districts contain a number of large homes that are underutilized. However, such homes cannot be converted 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 and provide some additional needed housing in the city without substantial detriment to those Residence A and B districts.

## The Hearing

At the September 2, 1980 public hearing, Community Development Staff presented a summary of the proposed amendment. Citizen questions focused on how the amendment would work. Two citizens, Ted Hartry of 18 Brown Street, (representing Neighborhood 10) and Manuel Uribe of 90 Putnam Avenue indicated that they would be in favor of such proposed amendment. There were no comments in opposition to the amendment.

## Planning Board discussion

Following the Public Hearing, the Planning Board discussed the proposed amendment. It was noted that the wording "exterior changes readily visible from the street" (subsection 4.221 and 4.222(3) of the original petition), was unclear. It was also suggested that portions of the amendment that dealt with exterior changes in the Residence A district only, should be separate from other sections or recodified as a different subsection. The Board instructed the staff to make the above changes.

Findings

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

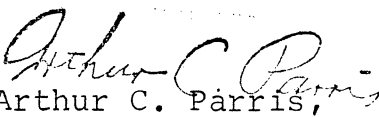
1. There are a number of large detached, single family and two-family dwellings in the Residence A and B districts which are underutilized. Many of these homes are occupied by families much smaller in size than those of another era.
2. Many of the homeowners of such dwellings are caught in a financial 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 and B districts.

The Board further finds that the original petition should be amended because:

6. There were a number of needed language and codification changes.
7. Subsection 4.223 (of original petition) was deemed unnecessary and should be deleted.

Based on the above findings, the Board recommends that this petition be APPROVED, as amended (see attached revised amendment).

Respectfully submitted for  
the Planning Board

  
Arthur C. Parris,  
Chairman

September 24

Cambridge, November 5 revised 1980

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:

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2. Amend 4.21 g. 3 by inserting the following after the words "paragraph 4.21 g,"

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3. 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

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4.222 In a Residence A district, the following exterior changes to a building, resulting from the creation of one accessory apartment, shall not be allowed unless granted a special permit by the Board of Zoning Appeal.

- (1) A change to any face of a building oriented toward a public way.
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CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

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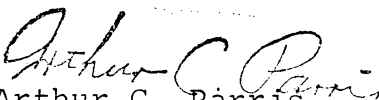
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The Board further finds that the original petition should be amended because:

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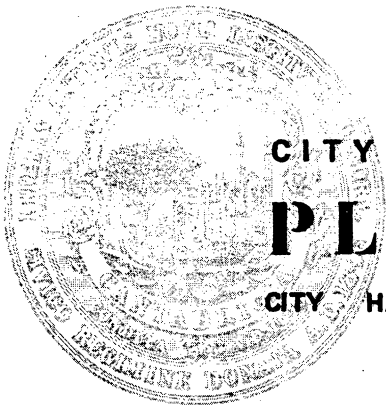
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CITY OF CAMBRIDGE, MASSACHUSETTS  
**PLANNING BOARD**

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

November 5, 1980

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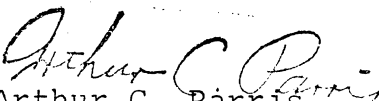
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5. Given the smaller size of present day families, the City's housing needs (particularly renter needs), and those items mentioned above, it would be beneficial to the City and its residents to allow greater flexibility in the use of such dwellings without substantial detriment to the Residence A and B districts.

The Board further finds that the original petition should be amended because:

6. There were a number of needed language and codification changes.
7. Subsection 4.223 (of original petition) was deemed unnecessary and should be deleted.

Based on the above findings, the Board recommends that this petition be APPROVED, as amended (see attached revised amendment).

Respectfully submitted for  
the Planning Board

  
Arthur C. Parris,  
Chairman

ACP:lf

September 24

Cambridge, November 5 revised 1980

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 dwelling and designed for the occupancy of a single family."

2. Amend 4.21 g. 3 by inserting the following after the words "paragraph 4.21 g,"

shall not apply to subsection 4.22 but..., ....

3. 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 and Residence B districts. These districts contain a number of large one and two family homes that are underutilized. Alteration of these homes to provide additional dwelling units would be prohibited 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 relaxes such requirements in certain instances as enumerated below.

4.221 In a Residence A or Residence B district, a single family, detached dwelling or two-family dwelling legally in existence as of the effective date of this subsection 4.22, may be altered to provide one accessory apartment as-of-right provided that prior to alteration the dwelling contains at least 3,500 square feet of gross floor area. However, such accessory apartment shall only be permitted on lots containing at least 2,500 square feet per dwelling unit in a Residence A district and at least 1,800 square feet per dwelling unit in a Residence B district. 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. 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 Residence A or Residence B district.

4.222 In a Residence A district, the following exterior changes to a building, resulting from the creation of one accessory apartment, shall not be allowed unless granted a special permit by the Board of Zoning Appeal.

- (1) A change to any face of a building oriented toward a public way.
- (2) A change to any other face of a building if said change is located within ten feet of a face of the building oriented toward a public way. In the case of multiple building faces oriented toward a public way, said ten feet distance shall be measured from the face with the greatest setback from the public way.

In addition to the criteria of subsection 10.43, the Board shall evaluate such special permit application with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood.

4.223 In a Residence A or Residence B district a single family, detached dwelling or two family dwelling, legally in existence as of the effective date of this subsection 4.22, may be further altered to provide a second accessory apartment, not to exceed a total of three or four dwelling units respectively. 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. A second accessory apartment may be permitted only if a special permit is granted by the Board of Zoning Appeal and only upon the Board's determination that:

- (1) The dwelling contains at least 3500 square feet of gross floor area plus at least 1000 square feet of gross floor area for each accessory apartment or dwelling unit in excess of two.
- (2) The lot contains at least 2500 square feet per dwelling unit in a Residence A district and at least 1800 square feet per dwelling unit in a Residence B district.
- (3) In the Residence A district, any proposed exterior changes, resulting from the creation of a second accessory apartment, shall be compatible with the appearance and character of the neighborhood.
- (4) The criteria specified in subsection 10.43 shall be satisfied.

4.224 In reviewing a special permit application for the addition of a second accessory apartment in either the Residence A or B district, the Board shall determine the amount of required parking. In making such determination the Board shall consider the particular on-street parking situation in such neighborhood. If the Board decides that parking for the second accessory apartment must be located off-street, such space shall be either behind the dwelling or behind the required front yard setback. If not located behind the dwelling the Board may require that such space be screened from the street and abutting properties with appropriate landscaping. In no instance shall required open space be reduced below the minimum in order to provide such space.

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nonconformity of structures shall be allowed. In a Residence A district changes to the exterior design of the structure which are readily visible from the street shall be minimal. If more than minimal exterior changes readily visible from the street are involved a building permit shall not be issued unless a special permit therefore has been granted by the Board of Zoning Appeal which shall evaluate such special permit application with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood. The requirement for an off-street parking space specified in Section 6.30 shall not apply for the addition of one accessory apartment in a Residence A or Residence B district.

"4.222 In a Residence A or Residence B district a single family detached dwelling or two family dwelling, legally in existence as of the effective date of this subsection 4.22, may be altered to provide two accessory apartments, not to exceed a total of three or four dwelling units respectively. Such alteration to create a second accessory apartment may be permitted without compliance with the floor area ratio and lot area per dwelling unit requirements specified in Section 5.31 only if granted a special permit by the Board of Zoning Appeal. Such accessory apartments shall be allowed by the Board only upon its determination that:

- (1) The dwelling contains at least 3500 square feet of gross floor area plus at least 1000 square feet of gross floor area for each accessory apartment or dwelling unit in excess of two.
- (2) The lot contains at least 2500 square feet per dwelling unit in a Residence A district and at least 1800 square feet per dwelling unit in a Residence B district.
- (3) In a Residence A district changes to the exterior design of the structure which are readily visible from the street shall be minimal. If more than minimal exterior changes readily visible from the street are involved a building permit shall not be issued unless a special permit therefore has been granted by the Board of Zoning Appeal which shall evaluate such special permit application with respect to the compatibility of the proposed exterior changes with the appearance and character of the neighborhood.
- (4) No alteration which would increase the floor area ratio to above 0.5 or which would increase the degree of nonconformity of structures shall be allowed.
- (5) The criteria specified in Section 10.43 shall be satisfied.
- (6) The requirement for an off-street parking space specified in Section 6.30 shall not apply for the addition of one accessory apartment as specified in Subsection 4.221. The Board shall determine if parking requirements must be met for the addition of a second accessory apartment. In making such determination the Board shall consider the particular on-street parking situation in such neighborhood. If the Board

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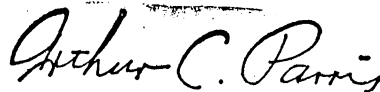
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decides that parking for the second apartment must be located off-street, such space shall be either behind the dwelling or behind the required front yard setback. If not located behind the dwelling the Board may require that such space be screened from the street and abutting properties with appropriate landscaping. In no instance shall required open space be reduced below the minimum or further reduced if already below the minimum in order to provide such space.

"4.223 Accessory buildings in Residence A and B districts, legally in existence as of the effective date of this subsection 4.22, may be altered to provide accessory apartments subject to the gross floor area requirements, total permitted number of dwelling units on the lot, and minimum lot area per dwelling unit requirements specified in subsections 4.221 and 4.222 if granted a special permit by the Board of Zoning Appeal. In determining compliance with the gross floor requirement, the gross floor areas of the dwelling and accessory building(s) may be added together but each such accessory building shall contain at least 1000 square feet of gross floor area prior to the creation of any accessory apartment(s). The creation of an accessory apartment or apartments in such accessory building(s) shall not increase the degree of non-conformity, if any, of the accessory building(s). The requirement for an off-street parking space specified in Section 6.30 shall not apply for the addition of one accessory apartment. The Board shall determine if parking requirements must be met for the addition of a second accessory apartment as specified in Subsection 4.222(6)."

Respectfully submitted

For the Planning Board



Arthur C. Parris  
Chairman

Cambridge, September 24, 1980

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

The undersigned respectfully

request 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 dwelling or accessory building and designed for the occupancy of a single family."

2. Amend 4.21f by inserting the following at the end of the third sentence.

"nor shall they apply to subsection 4.22."

3. Amend subsection 4.21h and 4.21j by adding the phrase, "Except as provided in subsection 4.22," before each subsection.

4. Add new subsection 4.22 Accessory Apartments and recodify existing subsections 4.22 and 4.23 as 4.23 and 4.24, 4.24-4.243 as 4.25-4.253, and 4.25-4.254 as 4.26-4.264.

"4.22 Accessory Apartments

The purpose of this subsection is to allow for, in certain instances as enumerated below, the creation of accessory apartments in Residence A and Residence B districts. These districts contain a number of larger homes where alteration to provide additional dwelling units would be prohibited under the dimensional requirements of subsection 5.31. Given contemporary life styles, housing needs and energy and maintenance costs, it would be beneficial to the City to allow greater flexibility in the use of such dwellings without substantially altering the environmental quality of such residential districts.

"4.221 In a Residence A or Residence B district, a single family, detached dwelling or two family dwelling, legally in existence as of the effective date of this subsection, may be altered to provide one accessory apartment as-of-right provided that prior to alteration the dwelling contains at least 3,500 square feet of gross floor area. Such alteration shall be permitted without complying with the floor area ratio and lot area per dwelling unit requirements specified in Section 5.31. However, such accessory apartment shall only be permitted on lots containing at least 2,500 square feet per dwelling unit in a Residence A district and at least 1,800 square feet per dwelling unit in a Residence B district. No alteration which would increase the floor area ratio to above 0.5 or which would increase the degree of

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1. 80-0-4

**PETITION**

of Planning Board  
for zoning amendment to add new  
No. section entitled "Accessory  
Apartment".  
Sept 29 1980

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

In City Council, Sept. 29 19: 80

*MP* Referred to the Committee on

Attest:

Copy sent to City Clerk.  
Planning Board & Comm.  
on Ordinances 9/30/80 (dl)  
1/26/81 placed on file  
due to expiration of  
time limit