



# City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-Five

## 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 Zone Map accompanying ordinance passed to be ordained September 26, 1979 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by deleting the existing Section 5.25 - FAR Exceptions and substituting in place thereof a new Section 5.25 - Floor Area Ratio as follows:

A. 5.25 Floor Area Ratio

a. The maximum ratio of floor area to lot area indicated in Section 5.30 - District Dimensional Regulations shall be permitted only upon compliance with the provisions of Sections 11.100, 11.200, 11.300 of this Ordinance. Maximum Floor Area Ratios permitted without reference to the provisions of Sections 11.100 - 11.200 shall be 80% of those indicated in Section 5.30 for lots of one (1) acre or less, and 50% for lots greater than one (1) acre, as illustrated by the following schedule.

<u>Maximum FAR in Table 5.30</u>	<u>80% of FAR in Table 5.30</u>	<u>50% of FAR in Table 5.30</u>
.5	.4	.25
.75	.6	.375
1.00	.8	.50
1.25	1.00	.625
1.50	1.20	.75
1.75	1.40	.875
2.00	1.60	1.00
2.50	2.00	1.25
3.0	2.40	1.50
4.0	3.20	2.0

b. FAR Exceptions. A parking garage, or that portion of a structure devoted to parking automobiles, shall be exempt from the requirements as to floor area ratio but shall conform to all other dimensional requirements of the district in which it is located.

- B. Also, to amend the Zoning Ordinances of the City of Cambridge by creating three new sections 11.100, 11.200 and 11.300 as follows:

11.100 Low and Moderate Income Household Inclusionary Housing Requirements for Residential Development.

11.101 Purpose.

This Section 11.100 is intended to require the provision of low and/or moderate income family housing as a component of many new housing developments in the City of Cambridge; to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.102 Applicability.

11.102.1 The provision of this Section 11.100 shall apply to any residential development containing any one or combination of the following uses:

- (a) Detached dwelling for one family (4.31a)
- (b) Two family dwelling (4.31b)
- (c) Townhouse development (4.31d)
- (d) Multifamily dwellings (4.31g)
- (e) Existing dwelling converted for more than two families (4.31h)
- (f) Elderly oriented congregate housing (4.31e)
- (g) Existing dwelling converted for elderly oriented congregate housing (4.31f)

11.102.2 The uses listed in the above Section 11.102.1 shall comply with the provisions of this Section 11.100 when they are created by (a) new construction or (b) conversion of a non-residential structure to residential use. For the purpose of this Subsection 11.102.2 new construction shall include substantial rehabilitation costing more than 50% of the replacement value of the structure. No provision of this Section 11.102.2 regarding substantial rehabilitation shall modify any requirements for a removal permit for housing units subject to rent control. However, substantial rehabilitation of dwellings subject to Cambridge's rent control ordinance and approved by the Cambridge Rent Control Board shall not be subject to the provisions of this Section 11.100.

11.103 Quantity Requirements.

11.103.1 Purpose.

These requirements are intended to ensure that most new residential development in the City contain units available to low and moderate income families who are not served by new market rate housing construction.

11.103.2 Any residential development containing uses subject to this Section 11.100 as determined by Section 11.102 above shall make provision for units suitable for, affordable by and available to low and moderate income households (herein after known as required units) in an amount equal to at least 25% percent of the total number of residential units authorized. The requirements of this Section 11.100 shall apply to the total development authorized on the subject lot (as defined in Section 11.305) only after application of both of the following threshold and exemption provisions:

Threshold

- (a) Total gross floor area of all development on the lot (residential and other uses) is greater than 80% of that permitted by the applicable base zoning designation for lots of one (1) acre or less, or 50% for lots greater than one (1) acre. This threshold provision shall not be applicable, however, to any development that does not conform to the dimensional requirements of the applicable base zoning district which are permitted or required as-of-right, as detailed in Section 5.30.

Exemption

- (b) More than nine (9) dwelling units have been constructed after the effective date of this Section 11.100. The twenty-five (25%) percent requirements of this Section 11.103 shall however be applied only to dwelling units constructed in excess of the seven units described in this paragraph (b).

Where the application of the 25% requirement results in a fractional number one additional inclusionary unit shall be provided.

11.103.3 All requirements of Section 11.300 shall be met.

11.200 Low and Moderate Income Linkage Housing Requirements for Office, Institutional and Retail Development.

11.201 Purpose

This Section 11.200 is intended to assist in the provision of adequate housing for all citizens of Cambridge; to encourage a reasonable mix of housing opportunities in all city neighborhoods and in commercial development and to mitigate the escalation of the cost of housing in Cambridge as a result of new large scale non-residential development.

11.202 Applicability

11.202.1 The provision of this Section 11.200 shall apply to any office, institutional and retail development containing any one or combination of the following uses; except a non-profit hospital.

- (h) Hotel or Motel (4.31 i(2) )
- (i) Radio and television studio (4.32f)
- (j) Office and laboratory use (4.34)
- (k) Retail business and consumer service establishments (4.35)
- (l) Institutional Uses (4.33 as detailed in 4.56c 5, 6,8; d 1,2; e 1-7)

11.202.2 (a) The uses listed in the above Section 11.202.1 shall comply with the provisions of this Section 11.200 when they are created by (a) new construction or (b) conversion from any use not listed in 11.202.1 above. For the purpose of this Subsection 11.202.2 new construction shall include substantial rehabilitation costing more than 50% of the replacement value of the structure.

(b) Except for non-residential structures converted to residential use which shall be subject to Section 11.100 no structure once subject to the provisions of this Section 11.200 shall be additionally subject to this Section if converted to another use listed in Subsection 11.202.1

11.203 Quantity Requirements

11.203.1 Purpose

These requirements are intended to ensure that the increased demand for housing generated by new employees brought to Cambridge by commercial and other non-residential development does not further disadvantage low and moderate income families already unable to secure adequate affordable housing.

- 11.203.2 Any office, institutional or retail development subject to this Section 11.200 as determined by Section 11.202 above shall make provision for residential dwelling units suitable for, affordable by and available to low and moderate income households (required units) in an amount equal to one required unit for each 12,000 square feet of gross floor area authorized on the subject lot as defined in Section 11.305 after application of both of the following threshold and exemption provisions. Where the application of the above requirement results in a fractional number one additional unit shall be provided.
- a. Exemption

The first 30,000 square feet of gross floor area constructed after the effective date of this Section 11.200 shall be exempt from requirements of this Section 11.200 Where the gross floor area constructed is as a result of substantial rehabilitation of an already existing structure, 50,000 square feet shall be exempt.

- b. Threshold

The total gross floor area of all development on the subject lot, as defined by Section 11.200, is greater than 80% of that permitted by the applicable base zoning designation for lots of one (1) acre or less, and 50% for lots greater than one (1) acre. Nevertheless, with the exception of the gross floor area identified in paragraph (a) above all gross floor area constructed after the effective date of this Section 11.200 shall be subject to the linkage requirements of this Section 11.200 once the 80% or 50% thresholds have been exceeded. This threshold provision shall not be applicable, however, to any development that does not conform to the dimensional requirements of the applicable base zoning district that are permitted/required as-of-right, as detailed in Section 5.30.

- 11.203.3 All requirements of Section 11.300 shall be met.

11.300 STANDARDS, CRITERIA, PROCEDURES, AND ADMINISTRATION FOR INCLUSIONARY AND LINKAGE HOUSING REQUIREMENTS.

- 11.301 Special Permit

All residential, office, retail and institutional development subject to Sections 11.100 and 11.200 shall be permitted only after issuance of a special permit from the Planning Board of the City of Cambridge. In issuing a special permit the Board shall find that the provisions of Section 10.40 have been met as well as the purposes, standards and criteria established in these Sections 11.100, 11.200 and 11.300.

11.301.1 All deeds, agreements, site plans, and other documents necessary to demonstrate compliance with the provisions of Sections 11.100 - 11.300 shall be submitted to the Planning Board as part of the special permit application.

Should a special permit be issued all agreements necessary to ensure the construction of units or equivalent payment to the City shall be executed before the issuance of a building permit. No certificate of occupancy for any building in an authorized development shall be issued until the units required have been constructed, the payment required has been made to the City, or an arrangement has been made for compliance over an agreed upon length of time, not to exceed ten (10) years.

Any required payments or deferred compliance obligations shall constitute a lien on the property. The Planning Board shall require the execution of such surety as may be necessary to ensure compliance should it be made after the issuance of a certificate of occupancy.

11.302 Options for provision of required units

11.302.1 The low and moderate income units required in Sections 11.100 and 11.200 may be provided in any one or combination of the following ways:

- (a) Construction of new units on the permit site or on another site or sites elsewhere in Cambridge provided the provisions of this Section 11.300 are met.
- (b) Cash payment to the City of Cambridge to be administered in accordance with policies and standards developed by the Cambridge Inclusionary Housing and Linkage Advisory Committee herein established to be used to make available housing units for low and moderate income households in a manner and at locations in conformance with of this Section 11.300. Such cash payment may be made over ten years provided any deferred payments are made in constant dollars as determined by the Consumer Price Index.
- (c) Conveyance of vacant land to the City of Cambridge which in all aspects of location, zoning, access, shape, etc. is suitable for the construction of housing and has a current appraised fair market value at least equal to (b) above.

11.303 Determination of cash equivalency

The cash equivalent of the required units, as authorized in 11.302.1 (b) above, shall be \$40,000 per required unit, adjusted annually by the Community Development Department using the consumer price index for the Boston Metropolitan Area as published by the United States Department of Labor or any successor agency.

11.304 Characteristics of Required Units

The following standards shall be applied to all required units built or financed in whole or in part through the provisions of Sections 11.100-11.200. The Advisory Committee may, as part of its responsibilities, develop such policies and standards as may be appropriate to advance the intent of the following regulations.

- 11.304.1 The required units shall be intended and designed for families and shall contain a minimum of two bedrooms. For the purpose of this Section 11.300 a family shall be three or more persons related by blood, marriage or operation of law, or as defined by any public subsidy program employed.

Where housing is to be devoted exclusively to elderly, handicapped, and other special needs households these restrictions as to unit and family size shall not apply.

- 11.304.2 For the purpose of these Sections 11.300 a low/moderate income household shall be one having an eligible income not exceeding 80% of the median family income for the Boston Metropolitan Area; the median family income shall be as determined by the federal Department of Housing and Urban Development or any successor agency, and shall be adjusted for family size.

Units shall be offered so that eligible households shall pay no more than thirty (30) percent of their eligible maximum household income for the units provided (monthly rent or mortgage and taxes for purchased units).

- 11.304.3 The required units shall, to a reasonable extent, serve a diversity of incomes and family sizes and shall to the extent possible preferentially serve Cambridge residents. It is the intent of these Sections 11.100 - 11.300 that very low income as well as moderate income households be served.

The Advisory Committee shall establish standards for the size of required units which shall be consistent with the size of similar units in public, assisted, and market rate housing.

- 11.304.4 The required units shall be dispersed throughout the housing development and not concentrated in any one location.
- 11.304.5 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units required for low and moderate income households will be available for a minimum of twenty years for those low and moderate income households.
- 11.304.6 Where the housing is to be constructed in stages the required low and moderate income units shall be provided in each stage in the same proportion as required for the total development unless otherwise permitted by the Planning Board.
- 11.304.7 The provisions of this Section 11.300 shall not apply to housing constructed by a public agency or non-profit corporation using a federal, state or local housing assistance program.
- 11.304.8 The City of Cambridge encourages developers to exceed the inclusionary housing requirements of Section 11.100. It is the intention of these Sections 11.100-11.300 that such developments should receive priority access to available housing subsidies.

11.305 Property Subject to this Section

The provisions of Sections 11.100-200 shall apply to all new construction and converted buildings constructed on a lot after the effective date of these Sections 11.100-300. For the purpose of Sections 11.100 - 11.200 a lot shall be defined as:

- (a) a lot or adjacent lots in the same ownership in existence on November 15, 1984 regardless of any subsequent change in ownership or control or subdivision thereof; or
- (b) a group of such Lots in different or the same ownership on November 15, 1984 which has been assembled in whole or in part for development purposes or which constitutes a development parcel.

The provisions of Sections 11.00 and 11.200 shall be applied to the cumulative number of units and/or gross floor area constructed on a lot after November 15, 1984 as determined by this Section 11.305

11.306 Cambridge Inclusionary Housing and Linkage Advisory Committee

There shall be established a Cambridge Inclusionary Housing and Linkage Advisory Committee which shall be governed by a seven member board whose members shall be residents of Cambridge and appointed by the City Manager, as follows:

- (a) a representative from the Cambridge Housing Authority
- (b) a representative of a Cambridge based non-profit housing corporation, on a rotating basis.
- (c) a Cambridge tenant
- (d) a Cambridge homeowner
- (e) a Cambridge based business person or real estate developer
- (f) a Cambridge lender
- (g) Cambridge City Manager or his designee

11.306.1 Powers, Duties and Responsibilities of the Advisory Committee

The Advisory Committee shall:

- (a) Review the dispersal of all funds and land conveyed to the City of Cambridge under the provisions of these Sections 11.100 and 11.200.
- (b) Develop such policies production and standards as may be appropriate for the of housing required and/or financed under the provisions of these Sections 11.100 - 11.300.
- (c) Provide assistance to the Planning Board in the administration of this Section 11.300

The Advisory Committee shall have all powers necessary to carry out its responsibilities under the provisions of this Section 11.306 and shall receive staff, technical and administrative assistance from the Cambridge Community Development Department.

- 11.306.2 All deeds, agreements, site plans, and other documents submitted to the Planning Board in application for a special permit under Sections 11.100, 11.200 and 11.300 shall be submitted to the Advisory Committee for review prior to the issuance of a special permit. Within sixty-five (65) days of such submittal to the Advisory Committee it shall make a report to the Planning Board as to whether all requirements of this Section 11.300 have been met. No special permit may

be granted until the Board has received such written report from the Advisory Committee, or 65 days have elapsed.

- C. The Zoning amendments A and B shall take affect upon ordination by the City Council. Building Permits issued before ordination shall conform to the Zoning Provisions currently in effect.

0-17

Comm. from Paul E. Healy, City Clerk, transmitting for informational purposes a copy of Calendar Item No. 14; the same being a proposed amendment to the Zoning Ordiannces as submitted by the Planning Board & amended by the Council at its meeting of February 25, 1985 by creating a new Section 11.90 entitled "Low & Moderate Income Household Inclusionary Housing Requirements for Residential, Office, Institutional and Retail Development".

*Planning Board  
 Petition as included  
 And received 2/25/85  
 This petition is placed  
 on file - doc so  
 expiration of time limit-*

In City Council,

March 4, 1985

*3/4/1985*

*Referred to Calendar  
 #14 - which was  
 placed on file - time  
 limit having expired-*