

City of Cambridge

HOUSING COMMITTEE MEMBERS

*Councillor Jim Braude, Chair
Councillor Kathleen L. Born
Councillor Henrietta Davis
Councillor Marjorie C. Decker
Vice Mayor David P. Maher*

In City Council April 23, 2001

The Housing Committee held a public meeting on March 27, 2001, beginning at 4:03 P.M. in the Ackermann Room for the purpose of discussing whether a zoning prohibition of lodging houses in Residence C and C-1 zoning districts is consistent with the City's goal of promoting affordable housing.

Present at the hearing were Councillor Jim Braude, chair of the committee, Councillor Marjorie Decker, Councillor Henrietta Davis, Councillor Kathleen L. Born and City Clerk D. Margaret Drury. Also present were Darcy Jameson, Director of Housing for the Community Development Department (CDD), Lester Barber, Director of Land Use and Zoning for CDD, Stephanie Ackert, Director of Planning and Development for the Department of Human Services Department (DHS) and Benjamin Barnes, Chairman of the Licensing Board.

Councillor Braude convened the hearing and explained the purpose. He requested that Mr. Barber provide some history of the restriction of lodging houses in Residence C and C-1 districts.

Mr. Barber stated that Cambridge adopted zoning in 1924. At that time lodging houses were permitted in Residence C districts, which was the zoning district designation for most of the city's multifamily housing. In 1962, lodging houses were still allowed in Residence C districts. In 1976, the definition of lodging houses in the zoning ordinance was altered, but the use was still an allowed use in Residence C. In 1977, the City Council adopted an amendment that prohibited any new lodging houses in Residence C districts. In 1987, the Residence C-1 district was created, and it continued the prohibition of lodging houses.

Mr. Barber went on to explain that the current problem arose at the time when the zoning ordinance was amended to change the manner of regulating hotels in 1997. Prior to the amendment, hotels were listed on the table of uses under the classification of "Transient accommodations," along with tourist housing and lodging houses (**Attachment A**). Hotels were allowed as of right in some districts. The amendments prohibited hotels in some districts and required a special permit for the use in other districts. In printing the amended text, the subcategories of tourist housing and lodging houses were omitted from the category labeled "Transient accommodations" (**Attachment B**). This inadvertent omission was only recently discovered.

According to Mr. Barber, examination of the use category and the footnote would clearly put a reader on notice that there is an inconsistency. He added that since the omission was inadvertent and was not intended by the City Council, there has been an administrative determination that the law still prohibits lodging houses in Residence C and C-1 districts, but, in answer to a question from Councillor Braude, said that Council affirmation of the prohibition would remove any possible confusion.

Councillor Davis stated that she believes that the prohibition of lodging houses in Residence C and C-1 districts furthers the City's goal of supporting affordable housing. Nonprofits that are proposing to create affordable lodging houses can use the Chapter 40B comprehensive permit approach to build in these zoning districts, without facing the increased costs that would be associated with allowing for-profit developers to create upscale lodging house-type accommodations as of right.

In response to a question from Councillor Braude, Darcy Jameson informed the committee that there are still lodging houses in the Residence C and C-1 districts. They are lodging houses that were created before the zoning was changed to prohibit them, and so they are "grandfathered in" as allowed nonconforming uses. A new owner can choose to continue to maintain the property as a boarding house. However, no new lodging houses can be created without variances, and if the legal use of one of the nonconforming lodging houses is abandoned, it cannot be reinstated. Mr. Barber noted that community residences for disabled persons are also allowed in these districts.

In response to a question from Councillor Davis about how the License Commission defines lodging houses, Benjamin Barnes said that under the License Commission regulations, a lodging house is defined as a building in which four or more unrelated persons live and share a kitchen and bathroom.

Councillor Braude asked whether that definition applies to the situation where several college kids are renting one house or big apartment. He asked whether the License Commission gets complaints about this type of shared living. Mr. Barnes said that occasionally there are complaints. In those instances, he requests that the Inspectional Services Department (ISD) send an inspector out to determine if there is a violation. If ISD determines that the dwelling really is a lodging house, the License Commission sends the owner a letter.

Councillor Davis said that Cambridge's housing policy is to discourage this type of arrangement, because it drives up rents and displaces families.

Councillor Born stated that she too can see the interpretation of the prohibition as assisting the development of affordable housing, since only affordable housing projects could get the variance required for a lodging house. Ms. Jameson agreed. She said that if the zoning is changed to allow lodging houses to be developed as-of-right in these zoning districts, it will subject the nonprofit developers to competition from for-profit developers.

Councillor Braude asked Michael Haran, Executive Director of CASCAP, which has developed many affordable single room occupancy buildings, to explain the comprehensive permit. Mr. Haran stated that M.G.L. Ch. 40B provides an opportunity for nonprofit developers of affordable housing to make one application for all permits and variances required for the project. The application is made to the Board of Zoning Appeal. The applicant must try to comply with all of the zoning regulations that it can. However, the burden of proof is not on the developer to prove hardship that requires a variance, the burden is shifted to the objection abutter to prove that granting the variance would result in hardship.

Councillor Decker asked what led to the original prohibition of lodging houses. Mr. Barber stated that research would be required to answer the question, but he would not be surprised to find that it related to concerns about the number of cars that could come along with more occupants. Councillor Born noted that given the time of adoption of the prohibition in the 1970's, it could also have been occasioned by a fear of communes.

Mr. Barnes stated that there are very few licensed lodging houses in residential dorms. Most of them are dorms. Mr. Barber noted that dorms do not qualify as lodging houses under the zoning law, so with or without the prohibition, dorms are not regulated by the section of the zoning law under consideration.

Councillor Braude then invited public comment.

Karen Carmean, Cambridge Street, stated that when she first moved to Cambridge, her neighborhood had lots of rooming houses, and they housed poets and all kinds of artists, who could not afford to pay a great deal for housing. Now these rooming houses are gone.

Councillor Davis made the following motion:

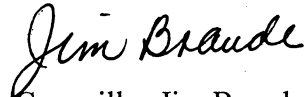
Ordered: That the Housing Committee recommend that the technical language change in the zoning ordinance to clarify that lodging houses are prohibited in Residence C and C-1 districts be refiled by the City Council for referral to the Planning Board and Ordinance Committee for hearing and report.

The motion was passed without objection on a voice vote.

Councillor Braude thanked all of those present for their attendance and interest.

The meeting was adjourned at 5:02 p.m.

For the Committee,


Councillor Jim Braude,
Chair 

4.30 TABLE OF USE REGULATIONS

	Open Space	Res A 1&2	Res B	Res C, C-1, 2, 2A, 2B, 3, 3A	Off 1,2,3, 3A	Bus A-1, A-2	Bus A	Bus B, B-1, B-2	Bus C, C-1	Ind A-1, A-2	Ind A	Ind B-1, B-2	Ind B	Ind C	
4.31 Residential Uses															
a. Detached dwelling occupied by not more than one family	No	Yes	Yes	Yes	Yes ¹	Yes	Yes	Yes	Yes	Yes	No	No	No	No	
b. Two family dwelling	No	No	Yes	Yes	Yes ¹	Yes	Yes	Yes	Yes	Yes	No	No	No	No	
c. Existing one-family detached dwelling converted for two families ^{15,16}	No	Yes ²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	
d. Townhouse development	No	No	Yes ³	Yes ³	Yes ^{1,3}	Yes ³	Yes	Yes	Yes	PB	No	No	No	PUD ⁴	
e. Elderly oriented congregate housing	No	PB	PB	Yes ⁵	Yes ⁵	Yes ⁵	Yes	Yes	Yes	Yes ⁵	No	No	No	PUD ⁴	
f. Existing dwelling converted for elderly oriented congregate housing ¹⁷	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	
g. Multifamily dwelling	No	No	No	Yes ⁵	Yes ^{1,5}	Yes ⁵	Yes	Yes	Yes	PB	No	No	No	PUD ⁴	
h. Existing dwelling converted for more than two families ¹⁶	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	
i. Transient accommodations															
1. Tourist house in an existing dwelling	No	No	No	Yes	Yes ¹	No	SP	Yes	Yes	SP	SP	No	SP	SP	
2. Hotel or motel	No	No	No	Yes ⁷	Yes ^{1,6}	No	SP	Yes	Yes ⁵³	No	SP	No	SP	PUD ⁴	
3. Lodging House	No	No	No	Yes ⁷	Yes ^{1,6}	Yes	Yes	Yes	Yes	SP	SP	No	SP	No	
j. Trailer Park or mobile home park	No	No	No	No	No	SP	SP	No	No	No	No	No	No	No	
4.32 Transportation, Communication & Utility Uses															
a. Bus or railroad passenger station	No	No	No	No	No	Yes	Yes	Yes	Yes	SP	Yes	Yes	Yes	Yes	
b. Automobile parking lot or parking garage for private passenger cars ¹⁸	No	No	SP	SP	Yes	SP	SP	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
c. Railroad freight terminal, railroad yard and shops	No	No	No	No	No	No	No	No	No	No	No	Yes	Yes	No	
d. Truck or bus terminal, yard or building for storage or servicing of trucks, trailers or buses, parking lot for trucks	No	No	No	No	No	No	No	No	No	No	SP	No	Yes	No	
e. Radio and Television transmission station, including towers	No	No	No	No	No	No	No	No	No	SP ⁸	SP	No	SP	SP	
f. Radio and television studio	No	No	No	No ⁹	Yes	Yes	Yes	Yes ¹⁰	Yes	Yes	Yes	Yes	Yes	Yes	



City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-Seven

AN ORDINANCE

In Amendment to the "Zoning Ordinances of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:
That the Zoning Ordinance of the City of Cambridge is hereby amended as follows:

In Section 4.30 - Table of Use Regulations, line i 2, Hotel and motel, delete the current notation "Yes 7" in column four and substitute therefor the following

Res
C, C-1,
2, 2A,
2B, 3
3A

- i. Transient accommodations

7

2. Hotel or motel

SP

Amend the text of the Zoning Ordinance by deleting the existing Footnote 7, Section 4.40 - Footnotes to the Table of Use Regulations, in its entirety and substituting therefor the following:

7. Subject to the following provisions:

- (a) Hotels and motels shall be prohibited in Residence C or Residence C-1 districts;
- (b) Hotels and motels shall be permitted as of right in Residence C-3A districts and in Residence C-2, 2A, 2B, and 3 districts where at least fifty (50) percent of the area of the lot upon which the hotel or motel is located, and the point of entry from a street for all vehicular access to the hotel or motel, is located within the Harvard Square Overlay District, the Central Square Overlay District, the Museum of Science, Avenue Overlay District.

According to Mr. Barber, examination of the use category and the footnote would clearly put a reader on notice that there is an inconsistency. He added that since the omission was inadvertent and was not intended by the City Council, there has been an administrative determination that the law still prohibits lodging houses in Residence C and C-1 districts, but, in answer to a question from Councillor Braude, said that Council affirmation of the prohibition would remove any possible confusion.

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S-12 Cal 2
1

Committee Report #1

Committee Report from Councillor
Jim Braude, Chair of the Housing
Committee for a meeting held on
March 27, 2001 for the purpose of
discussing whether a zoning
prohibition of lodging houses in
Residence C and C-1 zoning
districts is consistent with the
City's goal of promoting affordable
housing.

In City Council
January 14, 2002

PLACED ON FILE

In City Council April 23, 2001

Charter Right Exercised
by Councillor
Braude

In City Council
May 7, 2001

Tabled by
Councillor Braude

In City Council
December 17, 2001
Referred to 2002-2003 City
Council on motion of
Councillor Braude