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In the Year One Thousand, Nine Hundred Seventy-Six

Introduced by Councillor Duehay

AN ORDINANCE

In amendment to an Ordinance entitled: "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 February 13, 1961 entitled: "Zoning Ordinances of the City of Cambridge" is hereby amended by adding after Article VIII a new Article IX entitled: "Community Residence" which will read as follows:-

ARTICLE IX COMMUNITY RESIDENCE AND PERSONAL CARE LODGING HOUSE

Section 1. Statement of Purpose.

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

Section 2. Definitions.

A. Community Residence

1. A residence in which:-

- a. the sponsor or caretaker provides, or arranges for the provision of varying degrees of personal supervision, personal care and personal relationship, in a residential environment, to persons residing therein, with mental, physical, or social problems, such as alcoholism, drug dependence, mental disorders, juvenile delinquency, or

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other problems in which the resident has special needs or requires special care; and

- b. the sponsor or caretaker is acting in collaboration with and under regulation, licensure, or certification of one or more of the agencies of the Commonwealth, including but not limited to, the departments of Public Health, Mental Health, Corrections, Youth Services, or the Division of Alcoholism, or the Committee on Law Enforcement, or the Office for Children, or the Commission for the Blind.
2. A Community Residence may include a facility referred to as a Halfway House, a Personal Care Residence, a Group Facility, a Group Care Facility, a Group Home, a Community Transitional Facility, or by any other terminology, provided the conditions described above in paragraph a. are satisfied.
 3. For the purpose of this Article Community Residences shall not include, lodging houses as defined in Chapter 140, Section 22 of the Massachusetts General Laws or in Article II of this ordinance, except as defined in Section 2, paragraph b. below.

B. Personal Care Lodging House

A dwelling where lodgings are let to four or more persons not within the second degree of kinship to the person conducting it, and where the person conducting it provides varying degrees of personal supervision, personal care and personal relationship, in a residential environment, to persons residing therein, with mental, physical, or social problems, such as alcoholism, drug dependence, mental disorders, juvenile delinquency, or other problems in which the residents has special needs or requires special care.

C. Group Quarters

A living arrangement for groups containing four or more persons not related to the person in charge.

D. Neighborhood

That geographical area within Cambridge whose boundaries are defined on the Cambridge Planning Board's map entitled Cambridge Neighborhoods, as attached hereto and incorporated herein by reference.

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Section 3. Special Permit Required for Community Residence or Personal Care Lodging House

A. No Community Residence or Personal Care Lodging House shall be established or maintained in Cambridge unless such Community Residence or Personal Care Lodging House has obtained a Special Permit as required in Article 1., Section 5. Such Special Permit must be renewed biennially after hearing in accordance with the criteria stated below.

B. At the time of application for a special permit the applicant shall file with the secretary to the Board of Zoning Appeal.

For Community Residence:

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

For Personal Care Lodging House:

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

Special Permit Criteria

The Board of Zoning Appeal shall grant or renew a Special Permit for the establishment of a Community Residence or Personal Care Lodging House in accordance with the procedures outlined in Article 1., Section 4 of this ordinance if the Board finds that such Community Residence or Personal Care Lodging House has met all of the following criteria.

1. The operation of the Community Residence or Personal Care Lodging House as proposed, must not result in bringing the number of Community Residences and Personal Care Lodging Houses within that same neighborhood above one Residence for every 5000 population, or any increment exceeding one half of that number, living in other than Group Quarters within that same neighborhood, as determined by the most recent United States Census. For the purpose of computing

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the total number of Residences within a particular neighborhood, the number of Community Residences that were in existence at the time of the enactment of this Article shall be included. (See Cambridge Neighborhoods Map).

2. A Community Residence or Personal Care Lodging House shall house no more than 20 persons, exclusive of staff.
3. The Board may refuse to grant a Special Permit for the establishment of a Community Residence or Personal Care Lodging House at a location that is 300 feet or less from an existing Community Residence or Personal Care Lodging House.
4. A Community Residence or Personal Care Lodging House must have a House Committee,
 - a. 50% of whose members live within 500 feet of the Community Residence or Personal Care Lodging House with the remaining members living within the neighborhood in which the Community Residence or Personal Care Lodging House will be located; and
 - b. whose purpose it will be to assist in coordinating the programs and activities of the Community Residence or Personal Care Lodging House with the needs of the Cambridge Community, and to act as a liaison between the Community Residence or Personal Care Lodging House and the neighborhood in which such Residence is located; and
 - c. who will begin work within six months of the effective date of the Community Residence or Personal Care Lodging House Permit.
5. The occupants and staff of a Community Residence or Personal Care Lodging House shall park no more automobiles than off-street parking spaces presently provided or rented.
6. The premises of a Community Residence or Personal Care Lodging House shall be in a reasonable state of repair within six months of the original permit and maintained in such condition.
7. The Board of Zoning Appeal may renew a Special Permit upon receipt of satisfactory evidence that the operation of the Community Residence or Personal Care Lodging House has been quiet,

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orderly, and in conformance with this Ordinance, has not resulted in excessive complaints to the Police Department and has not involved disturbance to the neighborhood.

8. A Community Residence or Personal Care Lodging House must have been inspected by the Housing Inspection Division of the Cambridge Department of Health and Hospitals and this Department must have found that, for the use proposed, the property is in compliance with the Cambridge Housing Code and the Massachusetts Sanitary Code, including, but not limited to the minimum space requirements for each occupant.
9. The Community Residence or Personal Care Lodging House must have been inspected by the Cambridge Fire and Building Departments and these Departments must have found that, for the use proposed, the property is in compliance with the applicable fire and building codes.

DISTRIBUTION OF COMMUNITY RESIDENCES BY NEIGHBORHOOD

<u>NEIGHBORHOOD</u>	<u>TOTAL POPULATION*</u>	<u>POPULATION LIVING IN GROUP QUARTERS*</u>	<u>DIFFERENCE</u>	<u>Number of Residences per 5000</u>
1 (East Cambridge)	5,776	74	5,702	1
2	4,047	2,415	1,632	0
3	7,459	8	7,451	1
4	7,418	73	7,345	1
5 (Cambridgeport)	9,170	261	8,909	2
6 (Mid Cambridge)	14,823	3,021	11,802	2
7 (Riverside)	9,747	2,964	6,783	1
8	5,851	1,635	4,216	1
9	10,620	1,123	9,497	2
10	11,070	700	10,370	2
11 (North Cambridge)	12,155	334	11,821	2
12 (Cambridge Highlands)	561	13	548	0
13 (Strawberry Hill)	<u>1,664</u>	<u>31</u>	<u>1,633</u>	<u>0</u>
TOTALS	100,361	12,652	87,709	15

* Based on 1970 U. S. Census

ADDITIONAL TEXT CHANGES
TO ACCOMPANY THE
COMMUNITY RESIDENCE PETITION

1. In ARTICLE II "Definitions" renumber 5 through 35, so that numbers read 6 through 37.
2. In ARTICLE II "Definitions", add after number 4, "5. Community Residence. See Article IX, Section 2.A."

So that text shall read

"4. Building Line. A line.....of the General Laws.

5. Community Residence. See Article IX, Section 2.A.

6. District. A Section.....are uniform."

3. In ARTICLE II "Definitions", and after number 25, "26. Personal Care Lodging House. See Article IX, Section 2.b.

So that text shall read

"25. Nonconforming Use. Any Structure.....became effective.

26. Personal Care Lodging House. See Article IX, Section 2.B.

27. Public Open Space. Public Parks.....to the sky."

4. In ARTICLE II "Definitions" Paragraph 13. Family, delete the number "Five" and add "Four",

So that text shall read

"13. Family, one or more.....that a group of four or more..... constitute a family.

5. In ARTICLE II "Definitions" paragraph 18. Lodging House., delete the number "Five" and add "Four".

So that text shall read

"18. Lodging House. A dwelling where.....let to four or moreor philanthropic institutions,

6. In ARTICLE IV "Use Regulations" Section 2, Subsection 1. Residence, e. delete "or" and add after Lodging House, "** Personal Care

Lodging House.

**Personal Care Lodging House by Special Permit in C-2 and C-3 only no in C-1.

So that text shall read

"e. Non-family accommodations:.....Lodging House, or
**Personal Care Lodging House.

**Personal Care Lodging House by Special Permit in C-2 and C-3 only no in C-1.

Res.

C
1, 2, 3

Yes*
SP**"

7. In ARTICLE IV "Use Regulations" Section 2, Subsection 1. Residence, add after f. Item

	Res	Res	Res	Off	Bus	Bus	Bus	Ind	Ind"
"g. Community Residence	<u>A</u>	<u>A</u>	<u>C</u>	<u>1-2-3</u>	<u>A</u>	<u>A-1</u>	<u>B</u>	<u>A</u>	<u>B</u>
	1&2	Sp	1, 2, 3	Sp	Sp	Sp	Sp	No	No
	Sp		Sp						

so that text shall read

"g. trailer park or mobile home park

	Res	Res	Res	Off	Bus	Bus	Bus	Ind	Ind"
g. Community Residence	<u>A</u>	<u>B</u>	<u>C</u>	<u>1-2-3</u>	<u>A</u>	<u>A-1</u>	<u>B</u>	<u>A</u>	<u>B</u>
	1&2	Sp	1, 2, 3	Sp	Sp	Sp	Sp	No	No
	Sp		Sp						

14.

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Amendment to the Zoning Ordinances of the
City of Cambridge providing for a new
Article IX Community Residence and
Personal Care Lodging House.

In City Council,

April 5, 1976

4/5/76

Referred to the
Planning and Hearing
and Report

Copy sent 4/7/76