



CITY OF CAMBRIDGE • OFFICE OF THE CITY COUNCIL

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December 5, 2011

Dear Council Colleagues,

As you know, the Chestnut Hill Petition, to allow basement units in certain older buildings, has been before the City Council for some time. There has been an extensive process of review by both the Ordinance Committee and the Planning Board. During the review process, many issues have been raised.

As a result of the feedback received during the process, we requested that City staff work to develop language that addressed the concerns. We are introducing this language as a substitute petition under late orders tonight and request that the substitute language be referred to the petition for consideration at the December 12<sup>th</sup> meeting of the City Council.

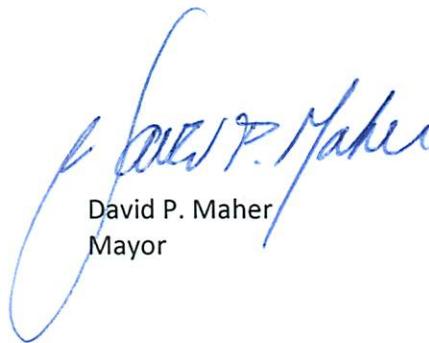
Having heard feedback from the City Council and Planning Board, city staff from the Law Department, the Community Development Department, the Traffic and Transportation Department and the Department of Public Works have developed new language which addresses the issues raised.

As this petition is set to expire on December 13, 2011, it is our intention to bring this petition forward at the Regular City Council Meeting on December 12, 2011. We believe that the substitute petition addresses many of the concerns raised during this process and will allow the Council to move this new concept forward on a limited scale.

Sincerely,



Sam Seidel  
Ordinance Committee, Chair



David P. Maher  
Mayor

## BASEMENT APARTMENT ORDINANCE

Substitute Petition for the Chestnut Hill Realty Petition Amended 11.30.11

### **[SEE MAP CHANGE FURTHER BELOW]**

#### 20.600 BASEMENT HOUSING OVERLAY DISTRICT

20.610 Establishment and Scope. There is hereby established the Basement Housing Overlay District which shall be governed by the Regulations and procedures specified in this Section

20.600. The purpose of this Section 20.600 is to allow for the creation of studio or one-bedroom apartment units in appropriate unused basement level space of certain existing multifamily residential buildings that have one or more existing basement level apartment units. Given the increasing expense of unsubsidized rental housing in Cambridge, the shortage of reasonably priced, affordable studio and one bedroom units, and the difficulty this poses for local workers, students and the elderly, it is in the public interest to permit the creation of additional units under circumstances which promote the maintenance and improvement of older buildings, including improved stormwater and wastewater management, and which provide additional housing without building new structures or increasing the size of existing structures. The corridor along Massachusetts Avenue between Harvard Square and Porter Square contains a significant number of buildings on lots with a base district among the Residence C family of use categories (Res. C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, C-3B) which because of their age, location, current existence of one or more basement units, and proximity to public transit options, present an ideal set of circumstances for the City to encourage the creation of basement units and thereby explore the desirability and viability of possible expansion of similar development elsewhere in the City.

20.620 Applicability. The regulations of this Section 20.620 shall apply within the Basement Housing Overlay District to existing structures designed and built for residential use, which also meet all of the following standards:

- a. the structure is located within a Residence C, C-1, C-1A, C-2A, C-2, C-2A, C-2B, C-3, C-3A, or C-3B base zoning district;
- b. the structure is currently occupied by at least thirty (30) dwelling units;
- c. the structure was built before 1930 and its footprint or foundation has not been expanded or altered ~~since that time after the effective date of this Section 20.600~~ except as may be required and approved as a condition to the grant of a special permit hereunder;
- d. the structure currently contains at least one ~~legally established~~ dwelling unit located entirely at the basement level.

20.630 Standards. Where it is proposed to create additional dwelling units by converting existing Gross Floor Area, which is not presently occupied by dwelling units, into dwelling units at the basement level of the existing structure, the dimensional and parking standards generally applicable in the base zoning district shall apply. However, where some or all of those requirements cannot be met, the Planning Board may waive some or all of the dimensional and parking standards generally applicable in the base district upon issuance of a special permit, subject to the following limitations:

- a. Where the Floor Area Ratio of the existing structure exceeds the maximum Floor Area Ratio allowed in the base zoning district, the Gross Floor Area of the existing structure shall not be increased.

- b. Where the existing structure or lot does not conform to the height, yard, or private open space requirements generally applicable in the district, the Planning Board may approve those dimensional characteristics of the existing building or lot. However, no nonconforming element or aspect of the existing structure shall be extended or increased, with the exception that the permitted lot area per dwelling unit may be decreased, and incursions into setback areas may be approved by the Planning Board only for the purpose of providing or altering window wells or egress stairs as may be deemed advisable in response to safety and flooding concerns.
- c. The number of dwelling units in the existing structure shall not be increased by more than ten (10) units or fifteen percent (15%) of the number of dwelling units in the existing building, whichever is fewer.
- d. Newly created dwelling units shall be restricted to studio or one-bedroom apartments only.
- e. The Planning Board may reduce or waive the number of accessory off-street motor vehicle parking spaces required by Article 6.000 upon making a finding that such reduction will not result in substantial adverse impacts to on-street parking, based on information provided by the Applicant regarding the availability of alternate transportation options or other factors that would result in a reduced demand for parking. As a condition of a special permit, the Planning Board may require measures to minimize parking demand generated by the building. The requirements of Article 6.000 may not otherwise be waived.

f. At least one additional secure long-term bicycle storage space shall be created on the lot for each new dwelling unit created under the provisions of this Section. Such bicycle parking spaces shall conform to the design standards of Section 6.49, and the *City of Cambridge Bicycle Parking Guide*, published spring 2008 or later.

20.640 Conditions for Grant of Special Permit. Prior to granting a special permit pursuant to this Section the Planning Board shall determine that the proposed conversion of basement space to dwelling units complies with the General Special Permit Criteria set forth in Section 10.43 as well as with the following requirements:

- a. Each new unit converted from existing basement space shall comply with all building, health, and accessibility codes applicable to residential dwelling units in the basement of structures. ~~An application for a A special permit granted pursuant to this Section shall be conditioned upon full compliance with all building and sanitary code requirements applicable to basement units include a written report by the Applicant, to be approved by the Commissioner of Inspectional Services at the time of application for a building permit, attesting that the units as designed shall conform to all such codes.~~ As a condition of the special permit, the Planning Board may require ~~suffieient-reasonable~~ measures as are deemed necessary for the adequate privacy and security of the occupants.
- b. Buildings must contain, or install, full separation between storm water and sanitary sewer lines from the building to the connection in the street regardless of whether the street in which the building is connected currently is separated.

- c. Adequate, properly installed, backflow prevention devices that comply with all building code and other applicable requirements must be installed for all newly created units along with any additional measures determined to be advisable by the City Engineer.
- d. An application for a special permit pursuant to this Section shall include a report on historical occurrences and future likelihood of basement flooding in the area of the proposed conversion, prepared by a registered professional engineer, with a functional scope determined by the City Engineer to be appropriate to the location of the project. In general, the report shall assess the likelihood of flooding in the basement units by way of sewer system backups or overland flooding and identify proposed mitigation to prevent any such flooding. The Applicant shall obtain approval of the report and proposed mitigation, if any, from the City Engineer prior to submitting a special permit application. As a condition of the special permit, the Planning Board may require ~~additional~~ preventive measures to safeguard against future flooding in the proposed basement-level units as recommended by the City Engineer.

20.650 Affordability. The Inclusionary Housing requirements of Section 11.200 shall apply to any new dwelling units that exceed the threshold for an Inclusionary Project as set forth in Section 11.201. Any project which receives a special permit pursuant to this Section, but does not exceed the threshold for an Inclusionary Project, shall provide no less than one Affordable Unit, as defined in section 11.201 and subject to the Standards for Construction and Occupancy of Affordable Units set forth in Section 11.204.

## **MAP CHANGE**

Amend the Zoning Map of the City of Cambridge by designating on the map as the Basement Housing Overlay District that area bounded and described below:

Beginning at a point, said point being the intersection of the centerlines of Waterhouse Street and Massachusetts Avenue,

Thence proceeding in a northerly direction along the centerline of Massachusetts Avenue to its intersection with Everett Street,

Thence proceeding in an easterly direction along the centerline of Everett Street to its intersection with Oxford Street,

Thence proceeding in a northerly direction along the centerline of Oxford Street to its intersection with the City Boundary,

Thence proceeding in a northwesterly direction along the City Boundary to its intersection with Roseland Street,

Thence proceeding in a westerly direction along the centerline of Roseland Street to its intersection with Massachusetts Avenue,

Thence proceeding in a northerly direction along the centerline of Massachusetts Avenue to its intersection with Upland Road,

Thence proceeding in a westerly direction along the centerline of Upland Road to its intersection with a line one thousand feet distant from and parallel to the westerly street line of Massachusetts Avenue,

Thence proceeding in a southerly direction along that line formerly described to its intersection with Garden Street,

Thence proceeding in a southeasterly direction along the centerline of Garden Street to its intersection with Waterhouse Street,

Thence proceeding in an easterly direction along the centerline of Waterhouse Street to the point of origin.

