



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	June 7, 2011
Subject:	Section 5.28.2 Rezoning Petition
Recommendation:	The Planning Board RECOMMENDS adoption of the petition in part, with additional commentary on specific issues.

To the Honorable, the City Council,

After reviewing the City Council Petition to modify the zoning regulations regarding conversion of non-residential structures to residential use (Section 5.28.2), the Planning Board makes the following recommendations.

1. The Board supports the following changes as proposed:

- Language that defines the types of residential uses that are allowed for projects seeking a 5.28.2 special permit, clarifying that the Planning Board may grant a special permit for conversion of an existing non-residential structure to multi-family residential use in all districts except Open Space.
- The definition of a “Parking Analysis” and the requirement that such analysis be provided as part of the special permit application for a 5.28.2 project with more than 10,000 gross square feet or more than 10 dwelling units.
- The added provision that allows the Planning Board to permit limited non-residential uses on the ground floor or basement of a proposed 5.28.2 project.
- The proposed revisions to the Criteria for Approval of a Special Permit.
- Other clarifying text changes proposed in the introduction to Section 5.28.2 and in Subsections 5.28.21, 5.28.25, 5.28.27, and 5.28.28.

These changes will encourage proponents to prepare special permit applications that better address the types of issues that the Planning Board should consider in granting a special permit, and will provide better guidance to the Planning Board in reaching decisions. The provision for permitting limited non-residential uses will provide some additional options that may allow for better projects in cases where such uses are appropriate.

2. With regard to the proposed changes to Subsection 5.28.22, concerning the maximum allowed number of dwelling units in a 5.28.2 project, the Board offers the following comments.

In the view of the Board, it is crucial that the provisions in 5.28.2 provide adequate flexibility for the Planning Board to review and approve projects based on their appropriateness given the existing conditions of the site and the surrounding context. The 5.28.2 zoning is meant to encourage the preservation of buildings in instances where the existing conditions do not conform to the normal zoning regulations, and so applying rigid standards might unnecessarily constrain some projects that otherwise meet the goals of the ordinance.

Based on information provided by Community Development Department staff (see Page 6 in the attached materials), the current 5.28.22 formula provides a generous maximum number of dwelling units, but the number of units approved by the Planning Board has often been well below this maximum. This is because the approved number of dwelling units has been determined with attention given to the specific, unique conditions of the building and site. In the Board's opinion, the current zoning regulations have, in general, led to the approval of projects that are consistent with the City's development goals and appropriate to their sites.

However, some Board members note that there are potential benefits to providing a more realistic expectation for the number of units that could be allowed in a 5.28.2 project. Such an expectation would be helpful to property owners and developers who are evaluating a project site, as well as to neighbors who are concerned about the potential impacts of a residential conversion. Based on the information cited above, there is often a wide divergence between the maximum number of units allowed and the number of units approved by the Planning Board, which might result in uncertain expectations for how an existing building may be developed.

The Board considered the dwelling unit formula proposed in the petition, as well as an alternative formula suggested by Community Development Department staff. Either of these formulas would effectively reduce the allowed units to a number that is closer to what the Planning Board has typically permitted, particularly in the case of larger projects. While either formula might more accurately predict the appropriate number of dwelling units, no formula will fit every project perfectly, because each project is constrained by the unique conditions of the site and the surrounding area. Although these formulas may provide clearer expectations, they may also limit the Board's flexibility in dealing with unique cases. An alternate option might be to adopt such a formula as a guideline, but allow the Planning Board flexibility to approve a higher or lower number based on the specifics of the case.

Respectfully submitted for the Planning Board,



Hugh Russell, Chair



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Board
From: CDD Staff
Date: May 18, 2011
Re: 5.28.2 Zoning Petition

Included in this memo is some supplemental information and analysis responding to the Planning Board's requests at the May 10, 2011 public hearing on this petition. The following items are included:

1. Comparison of "GFA-Per-Unit" to Actual Unit Sizes

We have used examples of completed 5.28.2 projects to show the actual unit sizes that result from the application of the formula to determine the allowed number of units.

2. Allowances for Non-Residential Space in 5.28.2 Projects

We have provided some analysis illustrating the effects of allowing non-residential uses in 5.28.2 projects, with some examples of the types of non-residential uses that might be allowed.

3. Alternatives for Calculating Allowed Units

In response to possible concerns regarding the different treatment of different residential zoning districts, a simplified alternative is suggested and analyzed.

These items can be discussed in more detail at the May 24 meeting.

ALL FIGURES APPROXIMATE

Comparison of “GFA-Per-Unit” to Actual Unit Sizes

Example: 173 Pearl Street (Residence C)

(Blessed Sacrament Church and School buildings → Dana Park Place Residences)

Special Permit Granted on January 3, 2006 (PB #211)

- ⇒ Permitted GFA (under 5.28.2): 87,822 GSF
- ⇒ Allowable Units (base + inclusionary) 20 units
- ⇒ Allowable Units (under 5.28.2): 97 units (@ 900 GSF/unit)
- ⇒ **Permitted Units (approved by PB): 43 units**
- ⇒ **Permitted GFA-Per-Unit: 2,042 GSF/unit**

Actual Project (per submittal to Cambridge Housing Division)

Unit Type	Unit Count	Unit Size Range (SF)	Avg. Unit Size (SF)	NET Floor Area (SF)
1-bedroom	4	714 – 765	740	2,959
2-bedroom	29	1,079 – 1,873	1,402	40,646
3-bedroom	10	1,401 – 2,116	1,570	15,703
TOTAL	43	714 – 2,116	1,379	59,308

Example: 72 Hamilton Street (SD-10)

Special Permit Granted on February 20, 2007 (PB #226)

- ⇒ Permitted GFA: 15,343 GSF (total allowed by variance)
- ⇒ Allowable Units (base): 6 units
- ⇒ Allowable Units (under 5.28.2): 12 units
- ⇒ **Permitted Units (approved by PB): 11 units**
- ⇒ **Permitted GFA-Per-Unit: 1,395 GSF/unit**

Actual Project (per submittal to Cambridge Housing Division)

Unit Type	Unit Count	Unit Size Range (SF)	Avg. Unit Size (SF)	NET Floor Area (SF)
1-bedroom	1	807	807	807
2-bedroom	10	1,152 – 1,404	1,275	12,750
TOTAL	11	807 – 1,404	1,232	13,557

ALL FIGURES APPROXIMATE***Allowances for Non-Residential Space in 5.28.2 Projects***

Proposed: Non-residential uses are allowed (as a way of reducing residential unit count) if:

- The use is **religious, educational, day care, local/other government, private non-commercial museum/library/gallery, non-medical office**
 - ⇒ “Home offices” (incl. live-in artist studios) are allowed as accessory residential uses
 - ⇒ Common rooms (workout facilities, play rooms, &c.) are also accessory residential uses
- The use is on the **ground floor** or **basement** of the building
- The use is approved by the Planning Board as **compatible** with residential uses in the area
- The maximum area of non-residential use is the lesser of **10,000 square feet** or **15% of building**

Project	5.28.2 Permitted GFA (SF)	15% of Permitted GFA (SF)	Non-Residential Allowed (SF)
169 Western Avenue (C-1)	5,850	878	878
126 Charles Street (C-1)	7,593	1,139	1,139
201 Brookline Street (SD-9)	9,093	1,364	1,364
77 Hurley Street (C-1)	9,784	1,468	1,468
72 Hamilton Street (SD-10)	11,098	1,665	1,665
95 Harvey Street (SD-2)	13,739	2,061	2,061
424 Windsor Street (C-1)	24,710	3,707	3,707
45 Blackstone Street (C-1)	41,783	6,267	6,267
60 Aberdeen Avenue (C-1)	58,426	8,764	8,764
120 Rindge Avenue (B)	76,375	11,456	10,000
173 Pearl Street (C)	87,822	13,173	10,000
40 Norris Street (B)	48,244**	7,237	7,237
** Norris Street figures are based on Special Permit Application – not permitted.			

Examples of Non-Residential Use Sizes

Establishment	Approximate size (SF)
“Out of the Blue” Art Gallery	650
Tory Row Real Estate Office	1,000
Islamic Society of Boston (Prospect St)	3,000
Day care in MIT Stata Center	5,000
Cambridge Center for Adult Education	6,000
Day care at Kennedy Biscuit Lofts	8,000 – 9,000
Harvard Square Post Office	15,000

Zoning Alternatives

- Could set a higher maximum (square footage or percentage, or both)
- Could allow non-residential uses anywhere on the ground floor or basement (with PB approval)

ALL FIGURES APPROXIMATE

Alternatives for Calculating Allowed Units

Current Allowed Units = Allowed GFA / 900 SF

Proposed Allowed Units = Allowed GFA / (square footage based on table below)

Base District	for first 10 units	for additional units (50% increase)
A-1, A-2	2,250 SF	3,375 SF
B	1,250 SF	1,875 SF
C, C-1, SD-9, SD-10, SD-14	1,150 SF	1,725 SF
All other districts	900 SF	1,350 SF

Alternative Consolidation into two categories – “higher density” and “lower density” districts

Base District	for first 10 units	for additional units (50% increase)
A-1, A-2, B, C, C-1, SD-9, SD-10, SD-14	1,200 SF	1,800 SF
All other districts	900 SF	1,350 SF

<i>Illustration (Includes all approved 5.28.2 special permits in residential zoning districts.)</i>					
Project	Maximum Allowed Dwelling Units Under:				Actual Permitted Units
	Base Zoning (+Inclusionary)	5.28.2 Current	5.28.2 Proposed	5.28.2 Alternative	
169 Western Avenue (C-1)	3	6	5	4	3
201 Brookline Street (SD-9)	6	10	7	7	6
95 Harvey Street (SD-2)	4	15	11	10	8
126 Charles Street (C-1)	3	8	6	6	8
77 Hurley Street (C-1)	6	10	8	8	9
72 Hamilton Street (SD-10)	6	12	9	9	11
424 Windsor Street (C-1)	10 (+4 = 14)	27	17	17	14
45 Blackstone Street (C-1)	29 (+8 = 37)	46	27	26	33
173 Pearl Street (C)	16 (+4 = 20)	97	54	52	43
60 Aberdeen Avenue (C-1)	43 (+12 = 55)	64	37	35	55
120 Rindge Avenue (B)	25 (+8 = 33)	84	44	45	64
40 Norris Street (B)	7	53	29	30	N/A

** Numbers in (parentheses) are additional units allowed by the Inclusionary bonus*

Dark shading indicates projects where the proposed calculation falls below number of permitted units.

Lighter shading indicates such projects where they fall under the base (+ inclusionary) number.