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OFFICE OF THE CITY CLERK  
CITY OF CAMBRIDGE, MASSACHUSETTS

July 26, 2011

VIA HAND DELIVERY

Ms. Margaret Drury  
City Clerk  
City of Cambridge  
795 Massachusetts Avenue  
Cambridge, MA 02139

**Re: Basement Apartment Zoning Bylaw Amendment Re-Submittal**

Dear Ms. Drury,

On behalf of Chestnut Hill Realty, a Cambridge landowner, enclosed please find our re-submittal of our Basement Apartment Zoning Bylaw Amendment Petition.

We would respectfully request that this petition be placed on the agenda for the Councils next meeting on August 1, 2011.

Thank you for your attention and assistance. Please do not hesitate to contact me should you require any additional information.

Very Truly Yours,



Matthew Zuker

Enclosures

The undersigned hereby petitions the City Counsel of the City of Cambridge to amend the Cambridge Zoning Ordinance, as most recently amended, as follows:

1. To see if the City Council will vote to enact new sections of the Zoning Ordinance to permit the creation of workforce housing by adoption of the following sections:

#### BASEMENT APARTMENT BYLAW

**XX.10 Purposes.** The purpose of this section \_\_\_\_ is to allow for the creation of reasonably priced and affordable studio or 1 bedroom apartment units in appropriate unused basement level space of certain existing multifamily residential buildings. 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 affordable housing without making use of vacant land or increasing the size of existing structures thereby protecting the environment and quality of life of the neighborhood.

**XX.20** Notwithstanding any other restrictions in this bylaw on minimum number of parking spaces, minimum floor area to lot area, minimum open space, minimum lot area per dwelling unit, private open space requirements or similar dimensional restrictions based on number of dwelling units or use of floor area for residential purposes, any Qualifying

**Multifamily Building**, as defined herein, may, upon the grant of a Special Permit by the Zoning Board of Appeal and subject to the restrictions set forth in this section, add additional studio or one bedroom apartment units in the basement of that building. The number of additional units shall be limited to a maximum of the whole number (without regard to fractional remains) resulting from calculating fifteen (15%) per cent of the number of legally existing units in the building as of the date of this ordinance up to a maximum of ten (10) additional units in any one qualifying building.

**XX.30 Definitions** A Qualifying Multifamily Building shall mean a building meeting all of the following requirements:

- a. the lot on which the building is located is wholly or partially in a residential C zoning district;
- b. the building currently contains at least thirty (30) units used for residential use;
- c. the building was first built for multifamily use before 1930;
- d. the building currently contains at least 1 residential dwelling unit in the basement;
- e. the building is located within 2/10 of a mile from Massachusetts Avenue, Cambridge Street or a Red Line station and must be within 1200 ft. of a shared car or rental car location.

Regardless of the number of street addresses or legal lots, buildings which have a physical connection to each other, shared utilities, common management, or which are taxed as one building by the Assessing Department shall be considered to be one building for purposes of this section.

**XX.40 Conditions for grant of Special Permit.** When considering an application for a Special Permit under this section the Zoning Board of Appeal shall require that the Qualifying

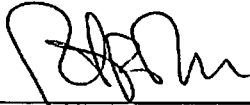
**Building and units proposed comply with the requirements of Section 10.43 of this by law as well as with the following requirements:**

- a. Each unit constructed under the provisions of this bylaw shall comply with all building, health, and accessibility codes applicable to residential dwelling units in the basement of structures, except for those which may be waived by the Building Inspector or otherwise pursuant to applicable provisions of those codes, and shall provide sufficient measures as are deemed necessary by the Board 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 must be installed protecting all newly created units;**
- d. At least one additional secure bicycle storage space shall be created on the site of the building for each unit created under the provisions of this section;**
- e. There shall be no expansion of the gross floor area of the building;**
- f. All appliances and fixtures in the units will be “energy star” rated or meet an equivalent standard of energy efficiency, and each unit shall contain water saving plumbing fixtures;**
- g. Any building which adds units under this section shall have a recycling program.**
- h. Residents of all new units will be assisted in using public transportation.**

**XX.50 Affordability** Notwithstanding any numerical threshold set forth in section 11.200 hereof or elsewhere, any Eligible Multifamily Building making use of the provisions of this section shall add as part of the basement units created hereunder at least one Affordable Unit, as defined in section 11.201. If ten units are added pursuant to this section then a second new Affordable Unit must be created.

This zoning petition for amendment of the Cambridge Zoning Ordinance is respectfully submitted by the owner of land to be affected by the change, for consideration and adoption by the Cambridge City Council in accordance with the provisions of Massachusetts General Laws Chapter 40A § 6.

CHAUNCY COURT, LLC



By: Peter Poras, Treasurer  
CM-BC Corp., Manager

WENDELL TERRACE, LLC



By: Peter Poras, Treasurer  
CM-BC Corp., Manager

JOHN HARVARD LLC



By: Peter Poras, Treasurer  
CM-BC Corp., Manager