

Zoning Code Exercise
(970 Words Total)

Description (Section 4.22)

Accessory dwelling units, or ADUs, are a class of smaller housing units built on residential lots where the owner currently resides. Unit sizes generally range from 150 – 1,200 ft².

Ordinance #1379:

Accessory apartment zoning was adopted in early 2016 by Ordinance #1379. This created new regulation on land use in Section 4.22, which detailed regulations on accessory apartments for single and two-family residence lots. Eligibility was reserved for lots containing at least 5,000 ft² and 1,800 ft² of gross floor area (GFA), and the Board of Zoning Appeals (BZA) was not afforded any right to make exceptions to this eligibility criteria.

Ordinance #1408:

In April 2019, Ordinance #1408 created a substitution amendment that relaxes key conditions proposed under Ordinance #1379. Current Cambridge Zoning Code dictates key conditions in the following areas:

- **Currently Existing Building:** If doing an alteration, the building has been in existence since February 1, 2019.
- **Size Restrictions:** The dwelling must currently have 1,800 ft² of GFA and the accessory apartment must not occupy more than 900 ft² or 35% of GFA.
- **Total Count Restrictions:** Only one accessory apartment is allowed on any lot.

The Cambridge BZA may grant a special permit for the alteration of existing single- and two-family units. The ordinance conveys the importance of accessory apartments as a solution for “contemporary lifestyles, housing needs and energy and maintenance costs.” Given this, Section 4.22.3 allows for relaxing or waiving of requirements by the BZA, specifically on: floor area ratio (FAR) and GFA in the existing building; yard setbacks and height limitations around lot property; off-street parking requirements.

	2016 Ordinance	2019 Ordinance
Size Criteria	>5,000 ft ² of lot area >1,800 ft ² GFA	>1,800 ft ² GFA
Eligible Lots	1,567 (25%)	4,256 (68%)
Ineligible Lots	4,714 (75%)	2,025 (32%)
Total	6,281	6,281

Table 1: Lot Count by Ordinance Eligibility Criteria

Analysis

The objective of this zoning code is to facilitate the creation of more housing to add to the total inventory, which should allow for more affordable housing for low- and middle-income residents of Cambridge. Originally, due to the lot size requirement, the ordinance was written to incentivize ADU development in larger lots, primarily in the A-1 and A-2 zones in Western Cambridge. Figure 1 shows the roughly 1,600 eligible parcels under the original eligibility criteria.

There is now more leeway on the parcels that are eligible to build an ADU on site. Under the updated regulation, there are about 4,200 parcels that meet the eligibility criteria. Although there is still a heavy presence in West Cambridge, there are significant groups of parcels in Cambridgeport and East Cambridge that are now available for development.

However, according to the Board of Zoning Appeals permitting database, there have only been eight permit requests since the introduction of regulation 4.22 in 2016¹. Although there is a chance this could significantly increase with the passage of the new ordinance, it is likely that progress is still needed to properly incentivize ADUs.

¹ Cambridge Open Data: Board of Zoning Appeals Requests under 4.22;
<https://data.cambridgema.gov/Inspectional-Services/Board-of-Zoning-Appeal-Requests/urfm-usws/data>

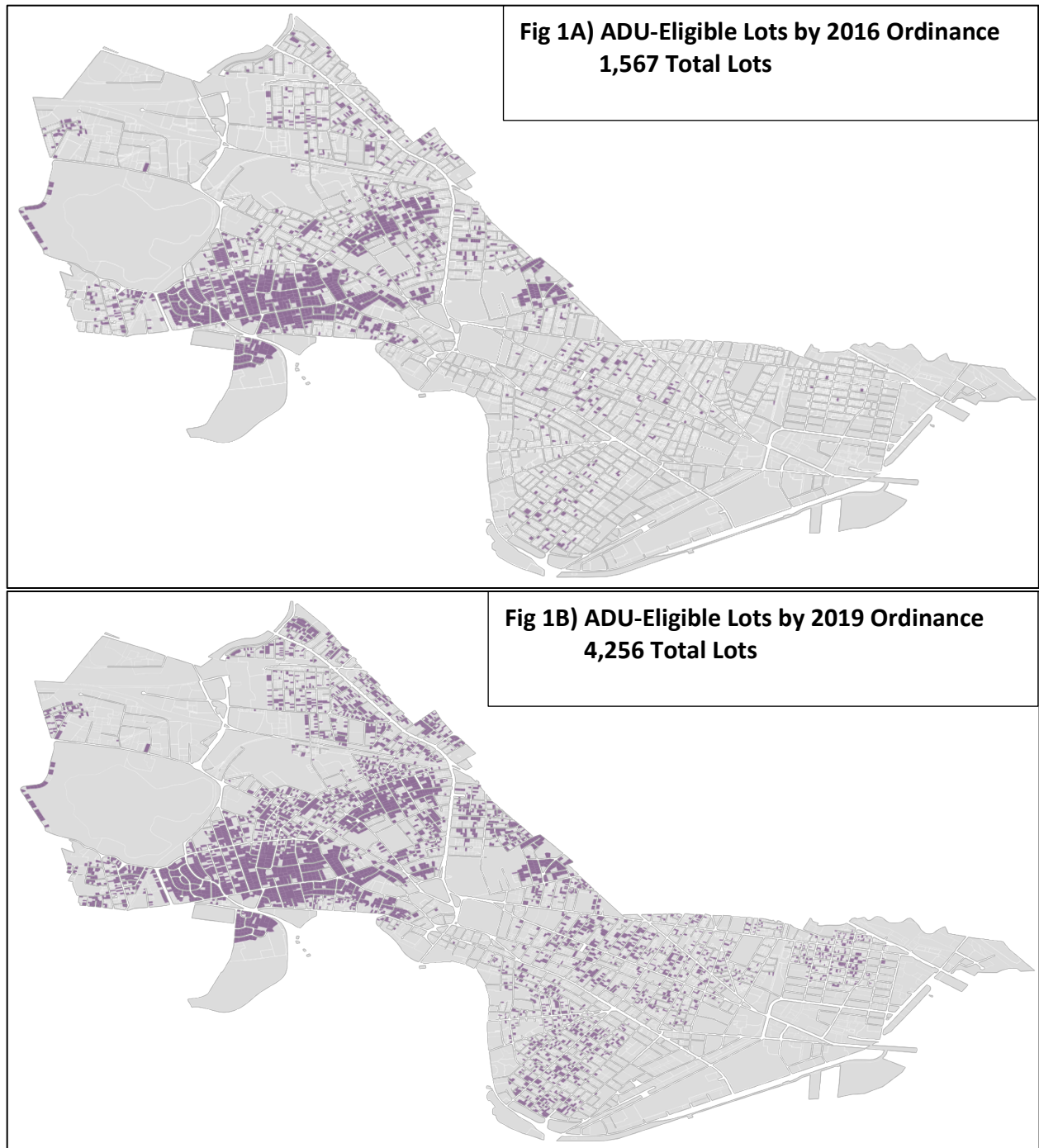


Figure 1: Cambridge Housing Parcels by Eligibility Status Based on Lot Size and Gross Floor Area²

² Cambridge Property Database: <https://data.cambridgema.gov/Assessing/Cambridge-Property-Database-FY16-FY20/ee2-rv59>

The current codes fail in two areas:

1. Not accounting for proximity to transportation
2. Limiting possible growth

Proximity to Transportation:

Parking is the most prominent planned infrastructure issue for ADUs in Cambridge. It is likely that there would not be sufficient parking spots if the housing stock were doubled. Therefore, reliable public transportation needs to be accessible in case extra parking is not available on the lot. In Cambridge, this means understanding the effect of our Zoning Codes restrictions on the housing stock near the MBTA stations along the Red Line and Green Line.

Figure 2 shows the 2,025 lots that do not meet the current eligibility criteria based on GFA. Although smaller, there may be parcels that can adequately allow an ADU on site. This is especially important for parcels close to existing transit hubs along the Red Line and near the Lechmere Green Line station (outlined in red). Due to the need for parking in Cambridge, ADUs on these parcels represent significant opportunities and the BZA should be allowed and encouraged to evaluate individual cases with a different weighting for parcels closer to transit hubs.

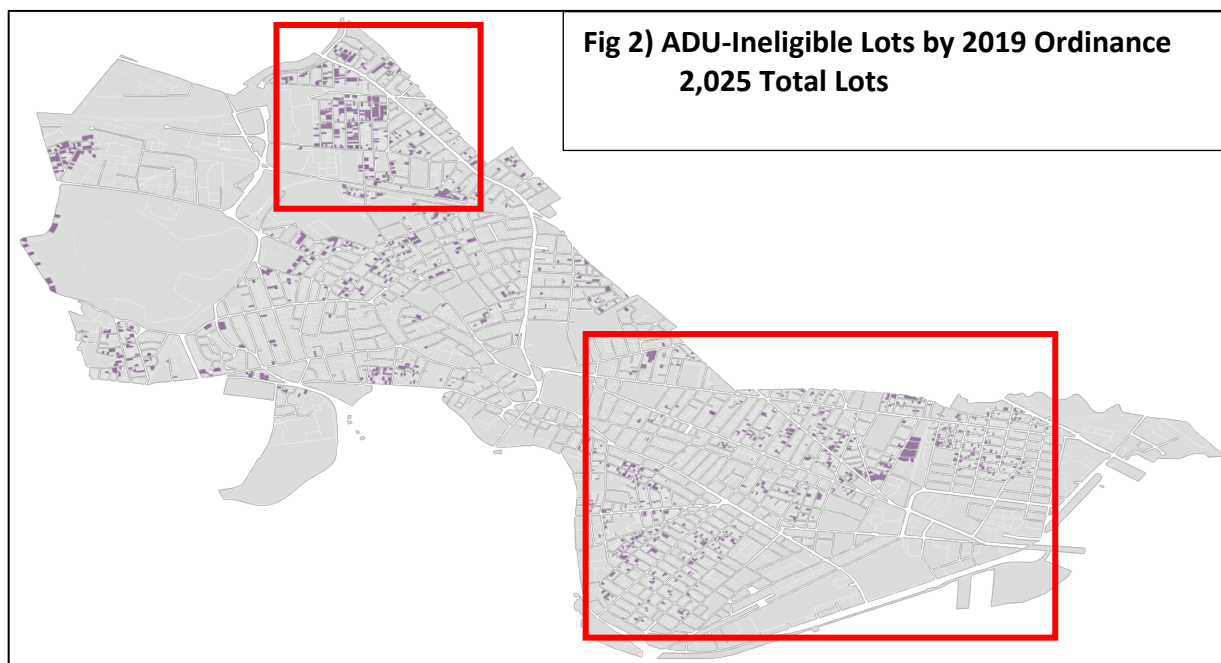


Figure 2: Cambridge Housing Parcels with Less Than 1,800 ft² of Gross Floor Area³

Limiting Growth:

There isn't sufficient reason to limit the number and size of accessory apartments for all lots in Cambridge. If there is space and willingness to do so by the owner, there should not be

³ Cambridge Property Database: <https://data.cambridgema.gov/Assessing/Cambridge-Property-Database-FY16-FY20/ee2-rv59>

restriction to reasonable ADU development. There is worry that infrastructure may not be able to meet the demands for more than one family, and these should be reviewed by BZA situationally as needed. Given that low number of special permits since 2016, it is doubtful to create a large infrastructure impact, except potentially on parking, which was noted earlier.

Despite the potential issues, more ADUs on a property can make the setup more economically feasible. This benefits both renters looking for affordable apartments and homeowners who may need help making mortgage payments. This change in code is likely to affect single-family residences in larger parcels in A-1 and A-2 zones, primarily in West Cambridge.

Figure 3 diagrams a design for turning a single-family home into a triplex. In this case, there is 950 ft² added to the parcel, which results in three times as many units available. Any infrastructure problems should be vetted by the BZA as situational denials of special permits, rather than wholesale restrictions on the number of units per lot. Therefore, rather than restricting to one ADU per lot, single family parcels should be allowed to create two ADUs.

Proposed Changed:

The Ordinance received fairly comprehensive changes earlier this year, and these are on the right track. Two additional changes are necessary to further these improvements.

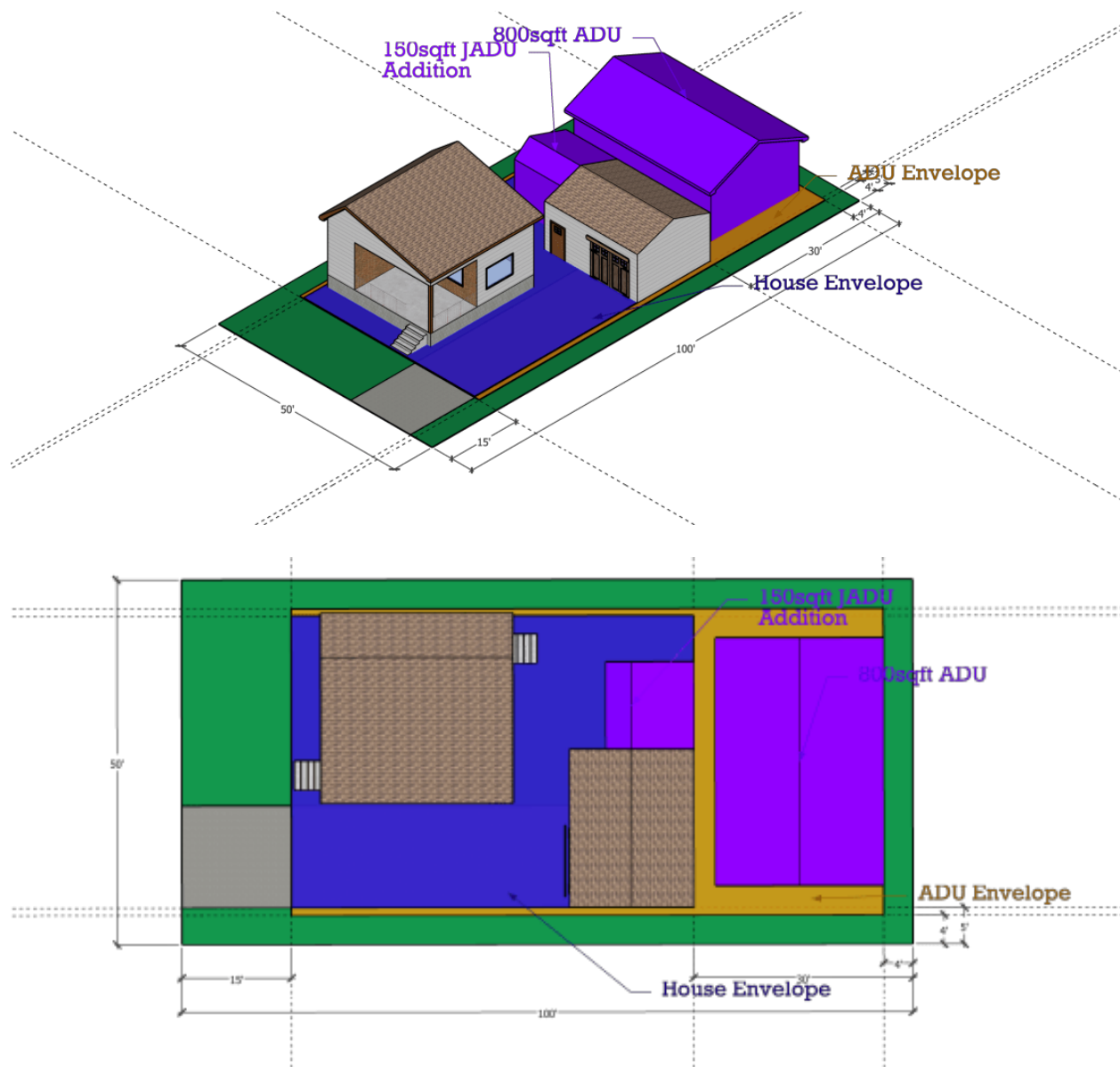
4.22.1

Requirement removed limiting maximum of one accessory apartment per lot.

4.22.3

BZA may further relax conditions for ADU development on parcels in close proximity to transportation networks. More specifically, this entails two areas:

- a. Further relaxation in FAR and GFA for ADUs within the envelope of the existing structure.
- b. Allowing relaxation of FAR and GFA for ADUs built outside the existing structure.



ORDINANCE NO. 1408 FINAL PUBLICATION NO. 3501.
FIRST PUBLICATION IN THE CHRONICLE ON APRIL 25, 2019 CITY OF CAMBRIDGE

⁴ CaRLA: How to Make Your Home a Triplex; <https://carlaef.org/2019/10/09/how-to-make-your-home-a-triplex/>

In the Year Two Thousand and Nineteen AN ORDINANCE That the Zoning Ordinances of the City of Cambridge be amended as follows:

To replace the current text of Section 4.22 with the following text:

4.22 Accessory Apartments. The purpose of this Subsection 4.22 is to allow for the creation of accessory apartments in all districts. Many large existing single and two-family dwellings or other accessory buildings on their lots are underutilized. Alteration of these buildings to provide one additional dwelling unit on the lot would be prohibited in most cases due to the existing floor area ratio and/or lot area per dwelling unit requirements of Subsection 5.31, among other zoning limitations. Given contemporary lifestyles, housing needs, and energy and maintenance costs, it is beneficial to the City to allow greater flexibility in the use of such buildings to add new dwelling units without substantially altering the environmental quality of their surrounding neighborhoods. This Subsection 4.22 gives the Board of Zoning Appeal the authority to relax such requirements in certain instances as enumerated below.

4.22.1 In all districts the Board of Zoning Appeal may grant a special permit for the alteration of an existing single-family detached dwelling, two-family dwelling, or accessory building on the same lot as a single-family or two-family dwelling to provide one accessory apartment if the following conditions are met:

1. The building containing the accessory apartment has been in existence since on or before February 1, 2019.
2. In the case of an accessory apartment within a single-family or two-family dwelling, prior to alteration the dwelling contains at least one thousand eight hundred (1800) square feet of gross floor area.
3. In the case of an accessory apartment within a single-family or two-family dwelling, such accessory apartment shall not occupy more than 900 square feet or thirty-five (35) percent of the gross floor area of the principal dwelling, whichever is less. An accessory apartment created within an accessory building shall not occupy more than 900 square feet.
4. ~~No more than one accessory apartment shall be allowed on any lot.~~ Single-family residence lots may develop two accessory apartments. No more than one accessory apartment shall be allowed on a two-family residence lot.

4.22.2 In all districts any existing two-family dwelling may be converted to a single-family detached dwelling with one accessory apartment by right, without need for a Special Permit, if the conditions set forth in Section 4.22.1 above are met.

4.22.3 In granting a special permit for an accessory apartment, the Board may relax or waive applicable zoning requirements to enable the creation of the accessory apartment as set forth below:

1. Accessory apartments shall not be counted in applying the lot area per dwelling unit limitations of the zoning district.

2. With consideration of lot proximity to transit hubs, the Board may relax applicable floor area ratio (FAR) or gross floor area (GFA) limitations, to the extent necessary, to enable the creation of an accessory apartment within the envelope of an existing structure and outside the envelope of the existing structure; however, any additional GFA created outside the envelope of the existing structure shall comply with applicable FAR or GFA limitations for the lot.
3. The Board may alter applicable yard setback or height limitations, to the extent necessary, to enable site improvements that may be required to ensure the safe habitation of the accessory apartment, including but not limited to emergency egress routes; however, any movement or alteration to the principal exterior walls or roof of a building shall comply with applicable yard setback and height limitations for the lot.
4. No off-street parking shall be required for an accessory apartment.

4.22.4 In granting a special permit for an accessory apartment, the Board shall determine that the General Special Permit Criteria set forth in Section 10.43 of this Zoning Ordinance are met and that any alterations that are visible from the exterior of the building shall be compatible with the appearance and character of the neighborhood and are minimally necessary to enable the creation of the accessory apartment. The Board may impose such conditions as it may deem appropriate to ensure ongoing compliance with such criteria and to avoid undue detriment to the neighborhood or to nearby persons or property.