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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: Community Development Department (CDD) Staff

Date: May 16, 2024

Re: **Ronayne, et al., Zoning Petition**

**IRAM FAROOQ**  
Assistant City Manager for  
Community Development

**SANDRA CLARKE**  
Deputy Director  
Chief of Administration

## Overview

Petitioner: Joseph S. Ronayne, et al. (group of at least 10 registered voters)

Zoning Articles: 4.000 (Use Regulations), 5.000 (Development Standards), and 8.000 (Nonconformity)

Amendment Summary: Delete some existing limitations on accessory apartments; allow two-family, townhouse, multifamily, and elderly oriented congregate housing as-of-right in Residence A-1, A-2, and B districts; increase allowed housing density in Residence A-1, A-2, B, C, C-1, and Business A-3 districts; reduce minimum lot size and width in Residence A-1, A-2, and B districts; delete some existing limitations on construction within legally nonconforming buildings and on additions or enlargements to legally nonconforming buildings and uses.

Planning Board Action: Recommendation to City Council

Memo Contents: Summary of petition changes; background information on discussions of allowing multifamily housing citywide and relationship to current petition.

**Summary of Proposed Changes**

The stated intent of the Petition is to “Allow multifamily residential uses across the city and eliminate footnotes that further restrict residential development within fully residential districts and to bring Res A and B uses in line with existing Res C uses, making multifamily uses both permissible and feasible.”

The table below summarizes the changes proposed in the Petition.

<b>Subject</b>	<b>Current Zoning</b>	<b>Proposed Zoning</b>
Accessory Apartments	One accessory apartment (not subject to lot area per dwelling unit limits) on a lot can be approved by BZA special permit if: <ul style="list-style-type: none"> <li>• it is in a pre-existing building,</li> <li>• the principal building has at least 1,800 square feet of gross floor area (GFA), and</li> <li>• the accessory apartment is no more than the lesser of 900 square feet or 35% of the principal building GFA.</li> </ul>	One accessory apartment (not subject to lot area per dwelling unit limits) on a lot can be approved by BZA special permit, without additional limitations.
Allowed Uses	<ul style="list-style-type: none"> <li>• Two-family and townhouse dwellings are prohibited in Res. A-1 and A-2 districts.</li> <li>• Multifamily dwellings are prohibited in Res. A-1, A-2, and B districts.</li> <li>• Elderly-oriented congregate housing needs a Planning Board special permit in Res. A-1, A-2, and B districts.</li> </ul>	Two-family, townhouse, and multifamily dwellings and elderly oriented congregate housing are allowed as-of-right in Res. A-1, A-2, and B districts.
Maximum Floor Area Ratio (FAR)	<ul style="list-style-type: none"> <li>• 0.50 in Res. A-1, A-2</li> <li>• 0.50 in B, with reductions for lots more than 5,000 SF in area</li> <li>• 0.60 in Res. C</li> <li>• 0.75 in Res. C-1, Bus. A-3 (res. use)</li> </ul>	1.00 in Res. A-1, A-2, B, C, C-1, and Bus. A-3 (res. use)
Minimum Lot Size and Width	<ul style="list-style-type: none"> <li>• 8,000 SF and 80 feet in Res. A-1</li> <li>• 6,000 SF and 65 feet in Res. A-2</li> <li>• 5,000 SF and 50 feet in most other districts</li> </ul>	5,000 SF and 50 feet in Res. A-1, A-2 and most other districts
Minimum Lot Area per Dwelling Unit	<ul style="list-style-type: none"> <li>• 6,000 SF/unit in Res. A-1</li> <li>• 4,500 SF/unit in Res. A-2</li> <li>• 2,500 SF/unit in Res. B, increased for lots more than 5,000 SF in area</li> <li>• 1,800 SF/unit in Res. C</li> <li>• 1,500 SF/unit in Res. C-1, Bus. A-3</li> </ul>	1,000 SF/unit in Res. A-1, A-2, B, C, C-1, and Bus. A-3

Subject	Current Zoning	Proposed Zoning
Nonconforming structures	<ul style="list-style-type: none"> <li>• Construction entirely within a nonconforming structure is allowed if it doesn't create or increase a zoning violation.</li> <li>• Conforming additions to nonconforming structures are allowed as-of-right if they don't increase the area or volume by more than 10%.</li> <li>• Conforming alterations or enlargements of nonconforming structures or uses may be allowed by BZA special permit if they don't increase the area or volume by more than 25%.</li> </ul>	<ul style="list-style-type: none"> <li>• Construction entirely within a nonconforming structure is allowed (without mention of whether or not it creates or increases a zoning violation).</li> <li>• Conforming additions to nonconforming structures are allowed as-of-right (without limitations on the size of the increase).</li> <li>• Conforming alterations or enlargements of nonconforming structures or uses may be allowed by BZA special permit (without limitations on the size of the increase).</li> </ul>

**Discussions of Promoting Multifamily Housing Citywide**

Allowing multifamily housing in parts of the city that currently prohibit it has been a topic of public discussion over many years. It was a housing recommendation in the 2019 *Envision Cambridge* comprehensive plan. From 2021-2023 it was the topic of several meetings at the City Council's Neighborhood and Long-Term Planning Committee and Housing Committee, as well as the Planning Board. It was also the topic of three zoning petitions from 2021 to 2023 (by Carolyn Fuller, et al., Francis Donovan, et al., and Charles Franklin, et al., respectively) which were discussed at public hearings but not adopted. Throughout these discussions, there seemed to be a strong consensus in favor of allowing multifamily housing citywide, but challenges deciding on the best approach to setting new zoning standards.

This past March, the City Council passed a Policy Order (POR 2024 #37, attached to this report) for staff "to work with the chairs of the Housing Committee to create zoning language that effectively promotes multi-family housing, including income-restricted affordable housing with the goal of having viable housing for everyone especially lower-income residents, and hereby is requested to report back to the Housing Committee on this matter as soon as possible."

On May 8, as a starting point for discussion, CDD staff presented to the Housing Committee a conceptual outline of near-term zoning changes to address the issues raised in the Policy Order. Materials presented at the meeting are available online:

[https://cambridgema.igm2.com/Citizens/Detail\\_Meeting.aspx?ID=4526](https://cambridgema.igm2.com/Citizens/Detail_Meeting.aspx?ID=4526)

After the May 8 hearing, the City Council adopted a new policy order (also attached) asking "to direct the Community Development Department to work with the Co-Chairs of the Housing Committee and a group of stakeholders including affordable housing experts, developers and residents to develop a cohesive vision and draft zoning language." A follow-up hearing is planned for May 22 to hear more public comment.

This Petition covers some of the same issues being discussed by the Housing Committee, but has key differences. Because staff has prioritized responding to the Policy Order, we have not conducted a thorough analysis of the Petition on its own. The remainder of this memo briefly summarizes how this Petition relates to some of the concepts being discussed at the Housing Committee.

### **Overall Approach**

The Petition proposes to amend some of the use and density standards in different residence districts so that they are consistent across those districts, but would retain the current designations of Residence A-1, A-2, B, C, and C-1. Article 3.000 of the Zoning Ordinance describes A-1 and A-2 as “Single family dwellings” and B as “Two family or semi-detached dwellings.” There are other standards that are not proposed to be changed, including setback requirements that differ for A-1, A-2, B, and other districts, as well as limitations on the number of buildings that are permitted on a lot.

A stated intent of the Housing Committee’s effort is to remove “exclusionary” zoning standards, which refers to disparities in zoning across cities that restrict some areas to larger-sized, often single-family residences in a way that has historically contributed to segregation based on race and class. Although it is not stated in the intent of this Petition, changing the use and density standards in Res. A-1, A-2, and B districts would address exclusionary zoning to some degree because those are currently Cambridge’s most restrictive districts.

CDD’s presentation to the Housing Committee suggested rezoning different parts of the city to the same district designation, so that they would have identical use regulations and development standards. The rationale for this approach is to remove any disparities in standards across similar residential neighborhoods that could have an exclusionary effect. Even if the differences between districts are minor, continuing to zone residential neighborhoods differently in different parts of the city would perpetuate the exclusionary principle that some residential neighborhoods deserve different treatment from others. It would also make it more likely that future standards could be applied selectively in some neighborhoods and not others.

### **Height and Density**

The Petition proposes a consistent maximum FAR of 1.0 across Res. A-1, A-2, B, C, and C-1 districts. The information provided by CDD staff to the Housing Committee noted that an FAR of 1.0 is roughly the median for existing lots in Residence C-1 districts (based on Assessing Department records, which staff has used to approximate dimensional characteristics). This figure was suggested as a starting point for the Housing Committee discussion, but other concepts may be considered, including removing FAR limitations entirely.

The Petition proposes a minimum lot area per dwelling unit of 1,000 square feet, which is also typical of many existing lots in C-1 districts (the median is roughly 1,300 square feet of lot area per dwelling unit). The concern raised by CDD staff is that Cambridge’s Institutional Use Regulations (IURs), which protect against expansion of university and other educational, religious, or other institutional uses into residential neighborhoods, can only be applied in districts that require at least 1,200 square feet of lot area per dwelling unit. The IURs were enacted pursuant to home-rule legislation in the 1980s. Therefore,

if the lot area per dwelling unit standard is set at less than 1,200 square feet, it would require considering whether the IURs should also be removed or if an amendment to state legislation would be needed to keep them in place. This issue will need to be discussed further by the City Council.

The major difference between this Petition and the concept presented to the Housing Committee is that the Petition would retain a 35-foot height limit, and the Housing Committee is considering an increase to allow up to 6 stories in height, with more relaxed dimensional requirements (similar to the approach in the Affordable Housing Overlay). This approach would be intended both to spur housing production with a substantial increase in density and to incentivize income-restricted affordable units through inclusionary housing.

### **Lot Sizes**

The Petition proposes to amend minimum lot sizes to 5,000 square feet and 50 feet of width across all residential districts. Creating consistent standards aligns with the general principle of removing disparities across districts. The Housing Committee discussion also considered removing lot size and width limitations, retaining only the requirement for a minimum of 20 feet of street frontage (Section 5.21.2). Because any restrictions on lot size could have an impact on the potential to develop housing, and most of Cambridge's neighborhoods were developed without lot size and width limitations (the median citywide lot size is circa 4,000 square feet), staff suggested that there might not be a need for restrictions on lot dimensions unless they have a clear purpose in promoting public safety.

### **Accessory Apartments**

The idea of an "accessory apartment" or "accessory dwelling unit" is a dwelling unit that is subordinate to a single-family dwelling (by Cambridge's definition, it could also be subordinate to a two-family dwelling). It is sometimes referred to as an "in-law apartment" because it might be used by family members of a homeowner. This Petition proposes softening some of the requirements for an accessory apartment, which can be approved by special permit from the BZA. The reason why accessory apartments require a special permit is because under current standards, an additional dwelling unit might require a waiver of lot area per dwelling unit limitations and/or use limitations.

In the context of allowing multifamily housing citywide and relaxing dimensional requirements, the idea of accessory apartments is less relevant, because multifamily base zoning would permit multiple units on a lot as-of-right without the need to designate any of the units as "accessory." Accessory apartments have been discussed at the state level (both in Massachusetts and elsewhere) as an approach that would allow more housing units without changing the fundamental nature of single-family-only zoning, which is typical across most of the state and the U.S.

The concept presented to the Housing Committee does not discuss accessory apartments, because the proposed changes would allow more units in general and there would be no need for a special exception to allow accessory units to be created. Relying on accessory apartments to meet housing needs also raises some questions about the underlying equity goals of removing exclusionary zoning, because they reinforce the primacy of single-family homeownership and could lead to continued discrimination in

housing access. Accessory units would be allowable, but would not be required to be “subordinate,” if multifamily housing is permitted citywide.

### **Nonconforming Buildings**

Article 8.000 of the Zoning Ordinance controls changes to pre-existing buildings and uses that do not conform to current zoning requirements, but were permitted at the time they were first established. Article 8.000 includes specific protections that must be provided under Chapter 40A, Section 6 of the Massachusetts General Laws, but can also provide additional flexibility to reuse, alter, or enlarge legally nonconforming buildings and uses, either as-of-right or by special permit. Many buildings in Cambridge are legally nonconforming because they pre-date the enactment of zoning, especially in Cambridge’s residential neighborhoods. Therefore, Article 8.000 is often relevant to projects that involve existing structures.

The Petition proposes a change that would allow construction to occur entirely within a building even if it further increases a nonconforming condition – for example, if it exceeds the district’s maximum unit density. It also proposes to remove the size limitations for conforming additions or enlargements to existing nonconforming buildings – for example, building an addition with conforming setbacks onto an existing building that has a pre-existing nonconforming setback.

Changes to nonconformity rules were not included in the concept presented to the Housing Committee because they are outside the main focus of the Policy Order to allow and promote multifamily housing citywide. These changes and/or other changes to Article 8.000 may be beneficial in removing regulatory barriers in some cases where housing is being expanded or created within existing buildings. One policy question is whether or not the reuse of existing buildings should have additional flexibility that would not be available for new construction. Relying too much on reuse of existing buildings could limit housing opportunities. Also, incentivizing enlargements to existing buildings can lead to difficulties interpreting the degree to which a building can be altered while still being considered “existing,” which is a common issue with rehabilitation projects.

### **Other Issues**

Because the concept presented to the Housing Committee was meant as a starting point for discussion, additional issues may be discussed before the committee proceeds to the zoning petition stage. For example, there was discussion at the May 8 meeting about special permits and review procedures for multifamily housing, which may be incorporated into a future proposal.

The current Petition, because it has been filed and advertised, can only be amended in limited ways that would not change the fundamental character of the petition. If it were amended more substantially, it would most likely need to be filed and advertised again for a new set of public hearings before it could be acted upon.

As a result, it is difficult to make further comparisons given that the proposals are at different stages in their respective processes, and the Housing Committee discussion is ongoing.



# City of Cambridge

07  
Calendar Item #  
**FIRST IN COUNCIL**  
~~March 18, 2024~~  
May 8, 2024

COUNCILLOR AZEEM  
VICE MAYOR MCGOVERN  
COUNCILLOR SIDDIQUI  
COUNCILLOR WILSON

WHEREAS: In order to help end the housing shortage our city is facing and provide housing for all, we must encourage the construction of multifamily housing in every neighborhood of Cambridge; and

WHEREAS: The current zoning in Cambridge prevents the construction of many multi-family homes, to the point that most of our housing stock is currently nonconforming; and

WHEREAS: The current zoning in Cambridge “[reflects a preference for socioeconomic exclusionary practices](#)” such as racism and classism, as is evident when you overlay a redlining map on a zoning map; and

WHEREAS: Exclusionary zoning prevents housing opportunities in certain neighborhoods for many in our city by artificially constraining supply; and

WHEREAS: Inclusionary zoning has provided the majority of new affordable housing in Cambridge since its [adoption in 1998](#), but cannot be effective in areas without zoning that encourages multi-family housing; and

WHEREAS: The Housing Committee [has discussed](#) ending exclusionary zoning in previous terms; now therefore be it

ORDERED: That the City Manager be and hereby is requested to work with the chairs of the Housing Committee to create zoning language that effectively promotes multi-family housing, including income-restricted affordable housing with the goal of having viable housing for everyone especially lower-income residents, and hereby is requested to report back to the Housing Committee on this matter as soon as possible.



# City of Cambridge

O-1  
FIRST IN COUNCIL  
May 13, 2024

COUNCILLOR AZEEM  
COUNCILLOR SIDDIQUI

WHEREAS: The Housing Committee met on May 8, 2024 to discuss allowing multifamily housing citywide; now therefore be it

ORDERED: That the City Manager be and hereby is requested to direct the Community Development Department to work with the Co-Chairs of the Housing Committee and a group of stakeholders including affordable housing experts, developers and residents to develop a cohesive vision and draft zoning language.

In City Council May 13, 2024.  
Adopted by the affirmative vote of eight members.  
Attest:- Diane P. LeBlanc, City Clerk

A true copy;

ATTEST:-

A handwritten signature in black ink, appearing to read "Diane P. LeBlanc".

Diane P. LeBlanc,  
City Clerk