



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Board
From: Jeff Roberts, Land Use and Zoning Planner
Date: December 2, 2015
Re: **“Friends of MAPOCO” Zoning Petition**

Overview

The petition by Peter Kroon, et al. (or “Friends of MAPOCO,” referring to Massachusetts Avenue from Porter Square to the Common) comments on various issues related to future development in that section of Mass. Ave., including urban design, architectural character, parking, and protection of historic resources. These concerns were prompted in part by a recent proposal for residential development at 1718-1720 Massachusetts Ave., which is pending before the Planning Board but has not had a hearing.

The proposed rezoning, which affects the portion of the Massachusetts Avenue Overlay District (MAOD) south of Porter Square, is modeled on the “North Massachusetts Avenue Subdistrict” requirements that were adopted in 2012 and currently apply to the portion of the MAOD north of Porter Square. The North Mass. Ave. zoning, developed through a planning process involving CDD and community members, incorporates requirements for non-residential uses and street-friendly design at the ground floors of new buildings on Mass. Ave., while allowing some flexibility on dimensional limitations such as height and building setbacks. This petition suggests extending the same framework of requirements into the “MAPOCO” area, but suggests some alternative requirements to address particular concerns raised by the petitioners.

Background

The “North Mass. Ave.” proposal came largely in response to newer housing developments in that area that were built without street-level uses that would match the retail character of Mass. Ave. While similar concerns have been raised for the corridor south of Porter Square, a zoning proposal for that area (developed through a study process in 2003-2005) ultimately was not adopted due to concerns about encouraging redevelopment. Since 2012, there has not been much redevelopment in the Business A-2 districts either north or south of Porter Square, though several new projects have been initiated in the Business C district in the heart of Porter Square.

The chart on the following page summarizes the changes in use and dimensional requirements that would result from extending the North Mass. Ave. requirements. The other provisions in the petition are not as specific and are discussed in more general terms. The petition also suggests performing an urban design study to update the design guidelines for the area developed in 1986, which could be considered (along with other areas of the city) as an element of the citywide planning effort or as a separate initiative.

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Summary Comparing Mass. Ave. Overlay District (MAOD) to North Mass. Ave. Subdistrict

	Current MAOD Requirements	North Mass. Ave. Requirements
Allowed Uses (summarized)	<ul style="list-style-type: none"> • Single-family, two-family, multifamily residential • Institutional, dormitory • Office, retail (limited) 	<ul style="list-style-type: none"> • Single-family, two-family, multifamily residential • Institutional, dormitory • Office, retail (limited)
Maximum FAR	<ul style="list-style-type: none"> • 1.75 for residential • 1.00 for non-residential <p><i>(Mixed-use lots have a maximum FAR between 1.00 and 1.75 based on the relative proportion of residential and non-residential uses.)</i></p>	<ul style="list-style-type: none"> • 1.75 for mixed-use (residential above ground-floor non-res.) • 1.00 for single-use residential (only allowed by special permit) • 1.00 for non-residential
Minimum Lot Area per Dwelling Unit	<ul style="list-style-type: none"> • 600 square feet 	<ul style="list-style-type: none"> • 600 square feet
Maximum Height	<ul style="list-style-type: none"> • 45 feet for residential <i>(Reduced to 35 feet within 50 feet of a lower-scale residential district, and within a 10-foot step-back from front façade.)</i> • 35 feet for non-residential 	<ul style="list-style-type: none"> • 50 feet for mixed-use (residential above ground-floor non-res.) • 45 feet for single-use residential • 35 feet for single-use non-residential <p><i>(Reduced to 35 feet within 50 feet of a lower-scale residential district)</i></p>
Minimum Yard Setbacks (summarized)	<ul style="list-style-type: none"> • 5 feet front (or match front setback of an adjacent building) • 10 feet side • 20 feet rear 	<ul style="list-style-type: none"> • 5 feet front (or match front setback of an adjacent building) • 10 feet side • 20 feet rear
Urban Design Requirements (summarized)	<ul style="list-style-type: none"> • Ground floor must be residential, institutional, office or retail for minimum 20 feet depth (may be modified by Planning Board) • Parking not allowed between building and public street • Building entrances must face a public street • Ground-floor office and retail spaces must have individual entrances • Front facades must have 25% clear glass, 50% if commercial uses located at ground floor 	<ul style="list-style-type: none"> • Non-residential use on ground floor for minimum 75% of frontage, 40 feet depth, 15 feet height (may be modified by Planning Board) • Parking not allowed between building and public street • Building entrances must face Mass Ave • Ground-floor office and retail spaces must have individual entrances • Front facades must have 25% clear glass, 50% at ground floor

Note: Summary only. Refer to Cambridge Zoning Ordinance for more detailed description of requirements.

Particular Issues in MAPOCO Petition

The following commentary is related to the additional points that are raised by the petitioners within the suggested modifications to the North Mass. Ave. regulatory framework. Since those modifications are described more generally, the comments focus more on broad concepts and less on specific impacts.

Architectural Character and Urban Design

Where a district has a strong established character, preserving and enhancing that character is an important element of the city’s development policies. However, because zoning requirements are meant to be clear and objectively determined, and matters of architectural style are highly subjective, it is difficult to control aesthetic character through zoning.

One of the available tools is project review. In Areas of Special Planning Concern, which include the MAOD, most new construction must undergo an advisory public review process, while larger projects (20,000 square feet or more in the BA-2 district) are required to seek binding special permit approval from the Planning Board. Because there is time, cost and uncertainty involved in review processes, property owners may avoid projects that require review in favor of “as-of-right” options.

Under the MAOD requirements (including the more recent North Mass. Ave. requirements), new development is subject to strict, objective development standards that can only be waived by a special permit from the Planning Board. Development meeting the strict requirements (provided it is below the general 20,000 square-foot project review special permit threshold) would be allowed to proceed as-of-right, but relief could be granted for a project that does not meet the strict requirements if it otherwise responds positively to the development objectives for the area. A drawback to this approach is that strict measurable standards cannot control subjective considerations like aesthetics.

Another strategy, employed in some areas of the city, is a “tiered” framework where lower-scale development with stricter requirements can proceed as-of-right, while larger-scale development with more flexible requirements (consistent with the development objectives for the area) must undergo special permit review and approval. For this type of strategy to be effective, it is necessary to have clear urban design objectives, criteria and guidelines to inform the review and approval process, so that decisions are not based on arbitrary considerations. Therefore, this mechanism might be considered if an updated urban design study is pursued in the future, as suggested by the petitioners.

Setbacks

The petition suggests some changes to the setback requirements in the district. The current zoning requires a 5-foot front setback, which can be reduced to match the front setback of an adjacent existing building to create a continuous frontage. If the 5-foot setback were imposed in all cases, as suggested by the petitioners, it might result in buildings with “staggered” frontages.

The petitioners also suggest requiring a 10-foot side setback next to buildings of historic interest. If such a provision were considered, the historic properties should be identified in the Zoning Ordinance rather than referring to another document that is not subject to City ordination.

Finally, the petitioners suggest clarifying rear yard setback calculations in particular cases where a lot extends from the BA-2 district into an adjacent residential district, such as Residence B. Because the complex formula setback calculations applicable in each district rely on the dimensional characteristics of the entire lot, they can be difficult to interpret when applied to lots within multiple zoning districts. Therefore, there would be a benefit to clarifying the requirements.

Parking

One of the primary concerns raised by the 1718-1720 Massachusetts Ave. proposal was the placement of structured parking at the ground level. The MAOD requirements prohibit surface parking in front of a building, and also prohibit structured parking within the ground-level frontage of a building, but only where that parking counts as Gross Floor Area (GFA) and only to a depth of 20 feet from the front face of the building. (In the North Mass. Ave. requirements, this is increased to 40 feet.) In some cases, required residential parking spaces are exempt from GFA even when they are in a structure.

The petitioners also raise concerns about the amount of parking provided with new residential development, suggesting that one space per dwelling unit should be provided (as is the requirement throughout most of the city, including the subject area) and that additional parking should be encouraged. Currently, minimum parking may be reduced only by special permit from the Board of Zoning Appeal, or by the Planning Board for cases that otherwise fall under the Planning Board’s purview.

As set forth in Article 6.000 of the Zoning Ordinance, parking regulations are intended to require “adequate parking facilities to meet the reasonable needs of all building and land users without establishing regulations which unnecessarily encourage automobile usage.” The city does not encourage the creation of excess parking because it would likely lead to more automobile travel, which would contribute to traffic congestion. Data available from sources including the U.S. Census, the Registry of Motor Vehicles and the Traffic, Parking and Transportation Department consistently reveal that resident automobile ownership across Cambridge averages slightly less than one car per household and has been declining in recent years, with the lowest ownership rates in densely populated areas that are served by public transportation.

Another consideration is that the petitioners’ objective of creating additional parking may complicate the objective of limiting the aesthetic impacts of parking on the character of the area. Development of structured parking is expensive, especially when it is built below-grade, which is often the best result from an urban design perspective. Putting additional design constraints on structured parking is more likely to disincentivize than to incentivize the construction of more parking. Conversely, incentivizing excess parking could have detrimental impacts on urban design and neighborhood character.

Fast Order Food and Retail Sizes

Fast Order Food Establishments are a prohibited use in the BA-2 district, requiring a variance. The North Mass. Ave. requirements do not allow Fast Order Food Establishments as-of-right, but rather permit them to be included within the range of required ground-floor uses if they are otherwise permitted by variance or “grandfathering” of pre-existing non-conforming uses.

The policy considerations around Fast Order Food Establishments have been troublesome to discuss, largely because of the popular conceptualization of “fast food” referring to national chain businesses serving cheap, unhealthy foods. In Cambridge’s zoning, Fast Order Food is defined more generally as a business that serves short-order prepared food, often in disposable packaging and with a substantial part of the business being take-out rather than serving seated patrons in a dining room. Therefore, Fast Order Food Establishments tend to include the types of businesses cited as “Short-Order Food” by the petitioners (e.g., Starbucks, Berryline, Wrapro, Boca Grande).

It would be difficult to be more restrictive than current zoning for Fast Order Food Establishments, because receiving a use variance requires meeting a difficult legal test. However, in considering what restrictions are appropriate, it is important to consider that the goal of both the MAOD and the more recent North Mass. Ave. requirements is to preserve and expand ground-floor retail uses that promote an active streetfront. When zoning limits the range of allowable retail uses, it can be more difficult to meet that goal.

This same issue is pertinent to the suggestion in the petition that all retail establishments of more than 2,000 square feet should also be prohibited as-of-right and require a variance. The North Mass. Ave. zoning requirements permit retail establishments up to 5,000 square feet, but allow for modifications by special permit. While it is part of the City’s policy to encourage smaller, independent retail establishments, there are also many business types (such as restaurants, pharmacies, grocery stores) that often require larger spaces whether they are local, independent or chain businesses. Requiring a variance for such a wide range of retail use types would put additional strain on the goal of supporting a vibrant and diverse retail environment along Mass. Ave.