



ORDINANCE NUMBER 1276

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City of Cambridge

In the Year Two Thousand and Four

AN ORDINANCE

In amendment to the Ordinance entitled "Zoning Ordinances of the City of Cambridge"

A. Amend the Zoning Map of the City of Cambridge as described below.

1. 808 Memorial Drive, Gas Station Site, Polaroid Office Buildings and Radisson Hotel Sites

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation BA and O-3 (Business A and Office -3) on the Zoning Map and substitute therefor the designation **O-2 (Office 2)** for an area bounded by a line, said line beginning at a point, said point being the intersection of the easterly sideline of Memorial Drive and the centerline of River Street;

Thence turning and proceeding in a southerly direction along easterly sideline of Memorial Drive to its intersection with the southerly sideline of Lot # 68 on Assessors Plat #100;

Thence turning and proceeding in an easterly direction along the southerly sideline of Lot # 68 to its intersection with a line easterly of, three hundred feet distant from, and parallel to the easterly sideline of Memorial Drive;

Thence turning and proceeding in a northerly direction along that parallel line to its intersection with the centerline of River Street;

Thence turning and proceeding in a westerly direction along the centerline of River Street to its intersection with the easterly sideline of Memorial Drive, the point of origin.

Encompassing part or all of Lots #60 and 40 (revised to Lots #68 and 69), 38, 39, 52, 31, 30, 62, 56, 61, 48, 47, 41, 49, 57 and 36 on Assessors Plat #128;

Lot #68 on Assessors Plat #100.

and

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation O-3 (Office 3) on the Zoning Map and substitute therefor the designation C-3 (Residence C-3) for that area encompassed by Lot #56 on Assessors Plat #129, the centerline of River Street, the easterly sideline of Memorial Drive, and the southerly extension of the easterly sideline of Lot #56.

Encompassing part or all of Lot 56 on Assessors Plat #129.

2. Brooks Pharmacy and Whole Foods Market

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation O-3 (Office 3) on the Zoning Map and substitute therefor the designation **BA-2 (Business A-2)** for an area bounded by a line, said line beginning at a point, said point being the intersection of the easterly extension of the southerly sideline of lot #64 on Assessors Plat #128 and the centerline of Putnam Avenue;

Thence proceeding in a northerly direction along the centerline of Putnam Avenue to its intersection with the centerline of River Street;

Thence turning and proceeding in a westerly direction along the centerline of River Street to its intersection with a line easterly of, three hundred feet distant from, and parallel to the easterly sideline of Memorial Drive;

Thence turning and proceeding in a southerly direction along the parallel line to its intersection with the southerly sideline of Lot #66;

Thence turning and proceeding in an easterly direction along the southerly sidelines of Lots # 66, 67 and 64 and its easterly extension to its intersection with the centerline of Putnam Avenue, the point of origin.

Encompassing part or all of Lots #64, 63, 66, and 67 on Assessors Plat #128.

3. Radisson Hotel, Pleasant Street Housing and NStar Substation Sites

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation BA and O-3 (Business A and Office -3) on the Zoning Map and substitute therefor the designation **C-2B (Residence C-2B)** for an area bounded by a line, said line beginning at a point, said point being the intersection of the southerly sideline of Lot #66 on Assessors Plat #128 and a line easterly of, three hundred feet distant from, and parallel to the easterly sideline of Memorial Drive;

Thence turning and proceeding in a southerly direction along that parallel line to its intersection with the southerly sideline Lot #68 on Assessors Plat #100;

Thence turning and proceeding in an easterly direction along southerly sideline of Lot #68 to its intersection with westerly sideline of Lot #4 on Assessors Plat #100;

Thence turning and proceeding in a northerly direction along the westerly sideline of Lot #4 and its northerly extension to its intersection with the centerline of Pleasant Street;

Thence turning and proceeding in an easterly and then northerly direction along the centerlines of Pleasant Street and Putnam Avenue to its intersection with the easterly extension of the southerly sideline of Lot #64 on Assessors Plat #128;

Thence turning and proceeding in a westerly along the southerly sidelines of Lots #64, 67, and 66 to its intersection with the parallel line, the point of origin.

Encompassing part or all of Lots #65, 52, 60 and 40 (revised to Lots #68 and 69), and 33 on Assessors Plats # 128.

4. Riverside Technology Center

Amend the Zoning Map of the City of Cambridge by deleting the existing zoning designation O-3 (Office 3) on the Zoning Map and substitute therefor the designation **O-2 (Office 2)** for an area encompassed by Lot #58 on Assessors Plat #129, the centerline of Blackstone Street and the easterly extension of the northerly and southerly side lot lines of Lot #58.

Encompassing part or all of Lot #58 on Assessors Plat #129

5. Memorial Drive Overlay District

Amend the Zoning Map of the City of Cambridge by creating a **Memorial Drive Overlay District** for an area bounded by a line, said line beginning at a point, said point being the intersection of the easterly sideline of Memorial Drive and the northerly sideline of Lot #58 on Assessors Plat #129;

Thence proceeding in a southerly direction along the easterly sideline of Memorial Drive to its intersection with the centerline of Magazine Street;

Thence proceeding in an easterly direction along the centerline of Magazine Street to its intersection with the centerline of Riverside Road;

Thence proceeding in a northerly direction along the centerline of Riverside Road to its intersection with the southerly sideline of Lot #83 on Assessors Map #100;

Thence proceeding in an easterly direction along the southerly sideline of Lot #83 to its intersection with the easterly sideline of Lot #83;

Thence proceeding in a northerly direction along the easterly sideline of Lot #83 and Lot #68, and its northerly extension to its intersection with the centerline of Pleasant Street;

Thence proceeding in an easterly direction along the centerline of Pleasant Street to its intersection with the centerline of Putnam Avenue;

Thence proceeding in a northerly direction along the centerline of Putman Avenue to its intersection with the centerline of River Street;

Thence proceeding in a westerly direction along the centerline of River Street to its intersection with the centerline of Blackstone Street;

Thence proceeding in a northerly direction along the centerline of Blackstone Street to its intersection with the easterly extension of the northerly sideline of Lot #58 on Assessors Plat #129;

Thence proceeding in a westerly direction along the northerly sideline of Lot #58 and its extension to the easterly sideline of Memorial Drive, the point of origin.

6. Existing Open Space District (technical correction)

Rezone from O-3 (Office 3) to OS (Open Space) those portions of the rights of way of River Street and Blackstone Street to their centerlines abutting the existing Open Space district at Riverside Press Park, Lot #59 on Assessors Plat #129.

7. Florence Street Right of Way (technical correction)

Rezone from BA and O-3 (Business A and Office 3) to C (Residence C) that portion of the right of way of Florence Street between the centerline of Florence Street and the easterly sideline of Lot # 68 on Assessors Plat #100.

B. Amend the Text of the Zoning Ordinance of the City of Cambridge in Article 20.000 creating a new Section 20.80 - Memorial Drive Overlay District as described below.

20.80 MEMORIAL DRIVE OVERLAY DISTRICT

20.81 *Establishment and Scope.* There is hereby established the Memorial Drive Overlay District which shall be governed by the regulations and procedures specified in this Section 20.80. It is the intent of this section that these regulations will apply to that

area abutting Memorial Drive that lies between the Drive and the residential neighborhoods beyond and that has a non-residential or medium to high density residential base zoning designation.

- 20.82** *Purpose.* It is the purpose of this Section 20.100 to augment base zoning regulations in the District in order to create a more harmonious and consistent character for the development along Memorial Drive and where such development faces or abuts low density neighborhood residential districts; to encourage good building design and site development that enhances amenities available to pedestrian walking along Memorial Drive and the Charles River waterfront; and where commercial uses and higher density residential development abut residential neighborhoods, to ensure that physical changes within the Overlay District are compatible with the scale and character of the abutting neighborhoods; to encourage the retention of existing buildings of historic value; to encourage uses that will serve needs of residents of abutting neighborhoods or those persons enjoying the open space amenities along the Charles River; and to discourage new development inappropriate in both scale and design.
- 20.83** *Applicability.* The Memorial Drive Overlay District shall be an overlay district on the zoning map established by Section 3.20.
- 20.83.1** The buildings and land uses within the Memorial Drive Overlay District shall be regulated by the provisions of the applicable base zoning district, except as modified by the requirements of this Section 20.80, which shall apply in addition to regulations imposed by the base zoning district designations. Where the base zoning regulations differ from the requirements of this Section 20.80 the stricter provisions shall apply, unless a Special Permit is issued by the Planning Board pursuant to Article 20.88.
- 20.84** *Dimensional Standards in the Memorial Drive Overlay District.*
- 20.84.1** Maximum Height. The maximum height of any structure in the Overlay District shall be as permitted in the applicable base zoning district, except as provided below. Lots abutting Memorial Drive may be subject to further height limitations imposed by Chapter 91 of the Massachusetts General Laws.
- 20.84.2** For that portion of the Overlay District located north of the centerline of River Street and within ninety feet of Blackstone Street the maximum height shall be forty-five feet where the base district permits heights greater than thirty-five feet.
- 20.85** *Restrictions in Required and/or Provided Setbacks.*
- 20.85.1** That area between the principal wall plane of a building and a public street or public park, whether required or provided, shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, a park, or other landscaped or paved area devoted exclusively to pedestrian and bicycle use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are prohibited from this area with the exception

of access drives leading directly to parking facilities located elsewhere on the site, which drives shall be limited as follows:

1. A maximum of one two-way access drive (and curb cut) or two one-way access drives (and curb cuts) from Memorial Drive per lot shall be permitted. The access drive shall not exceed thirty (30) feet in width in non-residential districts for a two-way drive or fifteen (15) feet in width for a one-way drive, and twenty (20) feet in width in residential districts for two-way drives and fifteen (15) feet in width for a one-way drive.
2. For portions of lots abutting other streets, a maximum of one access drive (and curb cut) shall be permitted per street, or one access drive (and curb cut) for each four hundred feet of lot frontage, whichever is greater. If only one access drive is provided on a lot, it shall be located on the most minor street according to the hierarchy set forth in Section 20.87.1 below. Each access drive shall not exceed thirty feet in width in non-residential districts and twenty feet in residential districts.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian and bicycle uses shall be located at the mean grade of the abutting public street or open space at the property line unless an exception is granted under the provisions of Section 20.88 below. Nothing in this Section 20.85.1 shall prohibit customary landscape features, elements and grading that may vary the grade of the required setback above that of the adjacent street or park provided the setback remains essentially at grade.

Where the lot abuts more than two streets, the provisions of this Section 20.85.1 shall apply to no more than two streets. The two streets to which this Section shall apply shall be determined by the street hierarchy set forth in Section 20.87.1 below.

20.85.12 Notwithstanding the provisions of Section 20.85.1 above or any provision of Article 6.000, any on grade open parking facility shall be set back from front lot line by at least ten feet. Such setback shall be landscaped as required in Section 20.85.1 above

20.85.1 *Minimum Required Front Yard Abutting Memorial Drive*

The minimum required front yard for that portion of a lot abutting Memorial Drive shall be twenty-five (25) feet.

20.86 *Use Provisions.*

20.86.1 *Use Restrictions.* The ground (first) floor of that portion of that portion of a building facing a public street or public park, and located within seventy-five (75) feet of that public street or park, shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33), but specifically excluding

Gross Floor Area in structured parking counted as Gross Floor Area, meeting the following conditions:

1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;
2. The use shall have a minimum depth of twenty (20) feet;
3. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.
4. The use is permitted in the applicable base zoning district or otherwise permitted in this Section 20.80.

20.86.11 The food service establishments permitted in the Office 2 district, pursuant to the provisions of Section 4.40, Footnote 12, shall be subject to the provisions of Section 20.86.2 below. Where the provisions of the two sections differ, the more restrictive shall apply.

20.86.2 *Additional Permitted Uses*

In any office the following retail uses shall be permitted by special permit from the Planning Board: Store for retail sale of merchandise, Section 4.35 a; Lunchroom, restaurant, cafeteria, Section 4.35 e; establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided, Section 4.35 f. Such uses shall be intended to provide services to the abutting residential neighborhoods or to persons making use of the open space and recreational amenities of the Charles River waterfront and its constituent parks. Such retail uses shall be subject to the following limitations and conditions.

1. The retail use shall be located on a lot that abuts Memorial Drive.
2. The principal entrance to the retail use shall be on Memorial Drive.
3. The total Gross Floor Area on the lot devoted to the retail uses permitted in this Section 20.86.2 shall not exceed 5,000 square feet.
4. No additional accessory parking shall be provided for the retail use unless specifically authorized by the Planning Board. The accessory parking requirements for these uses otherwise specifically required in Article 6.000 is herein specifically waived.
5. The use shall be located in a building principally containing uses otherwise permitted in the office or residential district.

20.87 *Design Standards*

20.87.1 *Building Facades.*

Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrians and

compatible with the residential neighborhoods in close proximity to the District. The following standards shall apply:

1. A principal, publicly accessible building entrance shall be located on the building façade facing the principal street the lot abuts. Where a building abuts more than one street, a principal, publicly accessible building entrance on each street is encouraged but only one shall be required. That entrance shall face the most important street as determined by the following hierarchy (most important street to least important street): Memorial Drive, River Street, Putnam Avenue, Pleasant Street, Magazine Street, Blackstone Street, and Riverside Road. A principal, publicly accessible entrance serving a separate ground floor establishment shall be deemed to meet the requirements of this paragraph. Nothing in this Paragraph 1 requires generally public access to a building or facility that is customarily accessible only to the inhabitants of the building, its guests and customers.
2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts the street.
3. Facades facing a public street or a public park, designated city landmark building or a building in a local historic district or neighborhood conservation district that is located on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for each separate façade facing a street park or building. That clear-glass requirement shall be increased to fifty (50) percent on the ground floor where retail and office uses are established. However, where a retail establishment abuts more than one street, park or building, only the façade facing the principal street (as set forth in Paragraph (1) above) shall be required to meet the 50% requirement.

20.88 Divergence from the standards specified in Sections 20.84 - 20.87 may be allowed by issuance of a special permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will still serve the objectives of this Section 20.80 and that proposed development is consistent with the Section 19.30 – Urban Design Objectives.

In recognition of the preservation, enhancement or creation of the Memorial Drive Overlay District Objectives, the Planning Board may, by Special Permit, allow a reduction in the required front yard setback, on any lot abutting Memorial Drive with an existing building exceeding 120 feet, to a minimum of 5 feet with the exception of Memorial Drive, where it may, by Special Permit, allow the reduction in required minimum setback to 15 feet.

The Planning Board may also, or instead, waive the base zone height limit for any lot abutting Memorial Drive with an existing building exceeding 120 feet, by Special Permit, allowing height up to 120 feet.

20.89 The required yards, permitted Gross Floor Area (GFA) and permitted height for structures in existence as of July 1, 2004 shall be those yards, GFA or height existing at that time and shall be deemed conforming for the purpose of applying the non conforming provisions of Article 8.000. Otherwise, for any other provision of the Zoning Ordinance and for any new construction, the dimensional requirements of this Section 20.80 and any applicable base zoning district shall apply.

20.810 *Special Gross Floor Area Provisions in the Office 2 and Business A Districts.* In order to facilitate the rehabilitation of the parkway character of Memorial Drive within the Overlay District, additional Gross Floor Area for residential uses (Section 4.31, Paragraphs a-h) shall be permitted. That additional Gross Floor Area shall be above the FAR limit otherwise set in the applicable base zoning district, subject to the issuance of a special permit from the Planning Board and subject to the following conditions and limitations. The additional floor area is intended as an incentive to encourage the construction of additional housing to replace existing automobile-oriented retail uses and site improvements abutting the Drive or the residential neighborhood edge, which have produced an unsightly environment of parking lots, parking garages, driveways, garish signs and featureless building facades.

a. These provisions shall only apply to a lot, abutting Memorial Drive, in existence as of July 1, 2004.

b. Up to a maximum of 50,000 square feet of additional Gross Floor Area shall be permitted subject to the following limitations:

i. Where development on the lot is at, or exceeds, the maximum Gross Floor Area permitted on the lot as determined by the existing mix of uses on the lot and the applicable base zoning district regulations (exclusive of any bonus GFA permitted in Section 11.200) as of July 1, 2004, a total of 50,000 square feet shall be permitted for additional residential development.

ii. Where additional Gross Floor Area is available on the lot under the provisions of the applicable base zoning district (exclusive of any bonus GFA permitted in Section 11.200) as of July 1, 2004, only that portion of the 50,000 square feet that exceeds the Gross floor Area otherwise available on the lot (exclusive of any bonus GFA permitted in Section 11.200) shall be permitted.

c. The new residential construction shall conform to the Overlay District and any applicable base district regulations with the exception of the Gross Floor Area limitations imposed in the applicable base zoning district.

c. In granting the special permit the Planning Board shall find that the additional Gross Floor Area proposed can be reasonably accommodated on the site without significant negative traffic, environmental or other similar impacts while at the same time

significantly improving the impact of all development on the site, particularly along Memorial Drive and the residential neighborhood edge.

Among the visual and urban design improvements demonstrating such improvement are:

- i. The elimination of curb cuts on Memorial Drive;
- ii. The provision of landscaping in lieu of parking, driveway and other vehicular paving between the buildings on the site and Memorial Drive or the abutting neighborhood edge;
- iii. The elimination of visually intrusive auto-oriented uses such as gas stations, etc.
- iv. The introduction of building facades that relate positively to the Drive or the abutting neighborhood with ample amounts of glass, places of pedestrian entry etc.
- v. The screening of automobile-oriented areas, such as parking garages, with active uses.

20.811 The Memorial Drive Overlay District shall be considered an area of special planning concern subject to the provisions of Section 19.40.

C. Amend Section 19.46 by adding the Memorial Drive Overlay District to the list of zoning districts considered Areas of Special Planning Concern.

D. Amend Section 5.32 – Office Districts by deleting the text of existing Footnote (d) in Part 2 of the Section and substituting therefor the following text (this footnote provision applies to the Office 2 District):

(d) Thirty-five (35) foot height limit within one hundred and twenty-five (125) feet of a Residence B district.

In City Council June 21, 2004.

Adopted as amended by a yeas and nays vote:-

Yeas 8; Nays 0; Absent 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk