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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: Community Development Department (CDD) Staff

Date: December 13, 2022

Re: **Patrick Barrett, et al., Zoning Petition**

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

**SANDRA CLARKE**  
Deputy Director  
Chief of Administration

**KHALIL MOGASSABI**  
Deputy Director  
Chief of Planning

## Overview

Petitioner: Patrick Barrett, et al. (group of at least 10 registered voters)

Zoning Articles: 4.000 (Use Regulations), 5.000 (Development Standards), 6.000 (Parking and Loading Requirements), Zoning Map

Petition Summary: Rezone the area bounded by Massachusetts Avenue, Cedar Street, and Alberta Terrace, which is currently zoned Business A-2 (BA-2) and Residence B, to a new base zoning district "Business A-5" (BA-5). The BA-5 district would permit the same uses as the BA-2 district. The maximum height would be 80 feet, maximum floor area ratio (FAR) 1.0 for non-residential uses, maximum FAR 4.0 for residential uses, minimum 300 square feet of lot area per dwelling unit, no required yard setbacks, and no required open space.

Planning Board Action: Recommendation to City Council

Memo Contents: Summary of the proposed zoning, background information on the topic of the Petition, and considerations and comments from staff.

**Summary of Petition Effects**

The effects of the Petition are limited to the area bounded by Massachusetts Avenue, Cedar Street, and Alberta Terrace (“Rezoning Area”). This triangular-shaped area contains two lots, which are separated by a portion of Harvey Street that intersects Cedar Street and Massachusetts Avenue. *See attached map.*

Currently, the portion of the Rezoning Area within 100 feet of Massachusetts Avenue is zoned Business A-2 (BA-2) and is within the Massachusetts Avenue Overlay District (MAOD). The remainder of the area, further than 100 feet from Massachusetts Avenue, is currently zoned Residence B (Res. B).

The Petition proposes to rezone the entire Rezoning Area to a new zoning designation Business A-5 (BA-5), and to expand the MAOD to the entire Rezoning Area. The MAOD standards are not proposed to be amended, but several proposed footnotes are intended to supersede some MAOD requirements.

The table below summarizes the proposed changes to use, dimensional, and parking requirements:

	<b>Current Res. B</b>	<b>Current BA-2 / MAOD</b>	<b>Proposed BA-5 / MAOD</b>
<b>Allowed Uses</b>	Single-family, two-family, townhouse residential	All residential; most office and retail uses; “active” retail, office, or institutional uses required at ground story (relief by special permit)	All residential; most office and retail uses
<b>Max. Height</b>	35 feet	50 feet (mixed-use) 45 feet (residential only) 35 feet (non-residential)	80 feet
<b>Max. FAR</b>	0.5 (reduced for lots over 5,000 SF)	1.75 (residential above ground-story active use) 1.00 (all residential or non-residential)	4.00 (residential) 1.00 (non-residential) All ground floor commercial spaces and roof decks exempt
<b>Min. Lot Area per D.U.</b>	2,500 SF (increased for lots over 5,000 SF)	600 SF	300 SF
<b>Min. Yard Setbacks</b>	Front: 15 feet Sides: 7.5(+) feet Rear: 25(+) feet	Front: 5 feet Sides: 10 feet, with modifications Rear: 20 feet or 2/3 height of rear wall	No front, side, or rear yards required
<b>Min. Open Space</b>	40% of lot area	None	None
<b>Required Parking</b>	None	None	None

## Background

The zoning for northern Massachusetts Avenue contains multiple layers of regulations that need to be combined to get the total picture, some of which are newer and others of which are vestiges from older times. It is like an old house that has been painted over multiple times in many different colors, sometimes only in parts.

The following is a summary of the zoning history of the Rezoning Area and northern Massachusetts Avenue in general.

- From 1943-1961, the Rezoning Area was zoned Business A, which had a 60-foot height limit and few other dimensional requirements. From 1961-1986 it was zoned Business B, which had no height limit, a 4.0 FAR limit, and required 300 square feet of lot area per dwelling unit. During this time, Massachusetts Avenue north of Harvard Square was a mix of Business A, Business B, Business C, and several higher-density residential districts.
- In 1986, there was a comprehensive rezoning of Massachusetts Avenue north of Harvard Square, based on a planning study. The Rezoning Area and its surroundings were rezoned to a new Business C-1 district, while other sections of the commercial corridor were rezoned to a new Business A-2 district. Porter Square remained Business C.

New Base District	Max. Non-Residential FAR	Max. Residential FAR	Max. Height
Business C-1 (BC-1)	2.00	3.00	50'
Business A-2 (BA-2)	1.00	1.75	45'

- The 1986 rezoning included the creation of the Massachusetts Avenue Overlay District. Like other overlay districts created around that time, the purpose was to apply detailed development standards and advisory review procedures based on urban design objectives. The design-based standards focused on encouraging pedestrian-friendly buildings with active ground floors, articulated building façades, and clear windows. Proposals that did not meet all the detailed standards could seek approval for modifications by special permit from the Planning Board. The [North Massachusetts Avenue Urban Design Guidelines](#) were published to guide Planning Board review and advisory review.
- In 1991, the Rezoning Area (along with most other BC-1 areas) was rezoned to BA-2, except that the portion more than 100 feet from Massachusetts Avenue was rezoned to Residence B. Previously, the entire Rezoning Area was included in the Business district.
- Some zoning changes adopted in the early 2000s were relevant to this area. In 2005, the threshold to require a public advisory review meeting in the MAOD was lowered from 6,000 square feet to 2,000 square feet of GFA. In 2007, the threshold for requiring a Project Review Special Permit in the BA, BA-1, and BA-2 districts was lowered from 50,000 square feet to 20,000 square feet of GFA.
- In 2012, the “North Mass Ave” zoning was adopted following recommendations from the North Cambridge Neighborhood Study. The main goal of this zoning was to better encourage mixed-use development with active ground stories. In previous years, some larger residential developments had been built with little to no ground story retail.

- In 2016, after a resident-led zoning petition, the North Mass Ave zoning was expanded to cover all areas within the MAOD with a BA-2 base zoning, north and south of Porter Square. (At the same time, another resident-led zoning petition was adopted which excluded the area north of Richard Avenue from the North Mass Ave zoning.)

The North Mass Ave zoning (Section 20.110 of the Zoning Ordinance, now applicable to almost all areas with a BA-2 base and MAOD overlay) can be described as an “overlay on an overlay,” applying in addition to the general MAOD standards in specific areas. It adjusts the base development standards to allow 4-story mixed-use development, so long as the ground story contains “active” space such as retail, certain types of office, or certain types of institutional use. There is a minimum height, depth, and frontage of active space, subject to modification by Planning Board special permit. Exceptions can be made in the case of historically residential buildings or by Planning Board special permit if active use is found to be infeasible. The total FAR for a mixed-use project is 1.75 and maximum height is 50 feet, to allow for a taller ground story. If a non-mixed-use project is permitted, the FAR is limited to 1.00, and height is limited to 45’ (residential) or 35’ (non-residential).

Massachusetts Avenue was identified in the *Envision Cambridge* comprehensive plan as an area for further study, with the goal of providing area-specific recommendations for zoning changes and development guidelines. The City Council adopted a Policy Order in September, 2022, requesting that CDD begin a study in 2023.

### **Considerations**

It is difficult to evaluate the proposed zoning against the City’s planning goals. The previous planning study that formed the basis for the current zoning is over 35 years old, and the zoning has been adjusted several times since that original study based on changing priorities. In some respects, the proposed BA-5 zoning reflects the pre-1986 zoning for this area.

Increasing the zoning capacity for housing in a mixed-use area is generally consistent with the *Envision Cambridge* planning recommendations. However, *Envision Cambridge* also calls for area-specific planning in order to decide what zoning standards should be implemented.

Without area-specific planning objectives or priorities, the following considerations are meant to guide general discussion of the proposed zoning compared to planning and zoning principles applied throughout the city.

### *Geographic Area*

The history of zoning along northern Massachusetts Avenue is complex and layered, as is the current zoning. The existing patterns of development are similarly complex and at times chaotic, containing a wide variety of buildings with different uses, sizes, and ages.

The Petition proposes to rezone only one small section of this corridor. The Petition does not explain why this specific area is proposed to be rezoned and not others. The sites in the Rezoning Area have older buildings and lower-density development relative to some nearby sites. The Rezoning Area is at a key intersection, but not the busiest in the corridor, and excludes other sites near the same intersection.

Rezoning this small section would continue the trend of varied and eclectic development patterns along Massachusetts Ave. That could be a positive or negative result, depending on one's attitudes about varied and eclectic development patterns. The proposed change would also eliminate what is currently a "split-lot" zoning, and would restore the original "Business" designation of the area that is commercial in use but was rezoned to Residence B.

As a technical matter, where it is proposed to create a new base zoning district, that district should be listed in Article 3.000 of the Zoning Ordinance.

#### *Development Scale and Density*

The proposed BA-5 zoning would have a permitted height and density similar to what is currently permitted in Harvard Square and Central Square. The distinction is that the proposed BA-5 would only permit increased height and density for residential uses, while Harvard Square and Central Square permit greater height and density for non-residential uses as well. Residential uses would be permitted at a greater height and density than in Porter Square, but non-residential uses would be permitted at a similar scale. Per Section 5.30.11, "residential" uses in this context would exclude hotels.

The proposed change would result in a large difference between the allowed height in the Rezoning Area (80') and the allowed height in abutting districts (35'-50'). For developments greater than 25,000 square feet, this variation could trigger provisions in Section 19.52, which limits building cornice lines to no more than 20' higher than the height limit of an abutting zoning district, with bulk control requirements for building sections above that cornice line.

The proposal would exempt "all ground-floor commercial spaces" from FAR calculations, which potentially removes the complication of applying the "mixed-use formula" in Section 5.30.12 to a project with residential development above ground-story retail. However, it could also have unanticipated consequences by excluding all "commercial spaces" (a term which is not defined in the Cambridge Zoning Ordinance) instead of specific uses that are desired to meet area objectives. As an example, the proposed zoning might allow a two-story office/lab building without setbacks (an effective FAR of 2.0) by exempting the ground story.

#### *Massachusetts Avenue Overlay District Standards*

The proposed zoning would retain the MAOD designation for the entire area. Some design standards would continue to apply, such as requiring clear windows and street-facing pedestrian entrances, and prohibiting parking at the ground story. However, the proposed zoning contains footnotes that would waive or supersede some requirements of the MAOD. In particular, a proposed footnote waives some of the active use requirements (Section 20.110.21) applicable in BA-2 areas that were originally created in the "North Mass Ave" zoning amendment. A substantial development without active use along Massachusetts Avenue might not be a desirable outcome.

As a practical matter, it is not clear that these footnotes are necessary. By rezoning the area to BA-5, the requirements applicable in BA-2 districts would arguably no longer be applicable to the Rezoning Area. Moreover, it is confusing to write provisions into base zoning that are intended to supersede overlay district requirements. Base zoning requirements should apply except to the extent that they are

modified by overlay zoning requirements. Amending the MAOD, where desired, would be a clearer approach than writing base requirements that are intended to supersede it.

*Development Review*

By keeping the Rezoning Area in the MAOD, the proposal would retain the advisory review procedures that require a non-binding public meeting for any development proposal of at least 2,000 square feet.

Changing the base zoning from BA-2 to BA-5 would increase the threshold for a Project Review Special Permit from 20,000 square feet – the lower threshold that was enacted in 2007 – to the general citywide threshold of 50,000 square feet. A higher project review threshold could remove impediments to new development by making the review process less burdensome for medium-scale projects, but the absence of a binding design review could result in worse urban design outcomes.

# Proposed BA-5 Zone

Cambridge, Massachusetts

