

ORDINANCE NUMBER 1327

Final Publication Number 3198. First Publication in the Chronicle on May 14, 2009.

City of Cambridge

In the Year Two Thousand and Nine

AN ORDINANCE

In amendment to the Ordinance entitled “Zoning Ordinances of the City of Cambridge”

Be it ordained by the City Council of the City of Cambridge as follows:

20.500 Lesley Porter Overlay District

20.501 Establishment and Scope

There is hereby established the Lesley Porter Overlay District which shall be governed by the regulations and procedures specified in this Section. The District encompasses property constituting Lesley University’s Porter Square campus and has a Business-C District base zoning designation.

20.502 Purpose

It is the purpose of this Section to augment existing zoning regulations to respond to issues associated with institutional uses and unique planning opportunities immediately adjacent to Porter Square’s MBTA station. These regulations are intended to allow for the establishment of an emerging art district associated with the University, to enhance the vitality of Massachusetts Avenue by encouraging ground floor uses that will serve the needs of abutting neighborhood residents and enhance the established streetscape, to create a more harmonious and consistent character for the development along Massachusetts Avenue and where such development faces or abuts low density residential districts, and to encourage the retention and appropriate reuse of buildings of historic value.

20.503 Applicability

The Lesley Porter Overlay District shall be an Overlay District on the Zoning Map of the City of Cambridge established in Section 3.20.

- 20.503.1 The buildings and land uses within this district shall be controlled by the pertinent regulations of the applicable base Business C zoning district and the Massachusetts Avenue Overlay District, Section 20.100, except as modified by the requirements of this Section 20.500. Where regulations differ among the several applicable zoning districts, the provisions of this Section 20.500 shall apply.
- 20.503.11 The following terms shall apply in the Lesley Porter Overlay District.
1. Lots located westerly of Massachusetts Avenue shall be known as the *Mt Vernon Lots*.
 2. Lots located easterly of Massachusetts Avenue and north of Roseland Street shall be known as the *University Hall Lot*.
 3. Lots located easterly of Massachusetts Avenue and south of Roseland Street shall be known as the *Church Lot*.
- 20.504 Overlay District Requirements
- 20.504.1 Floor Area Ratio Limitations

1. **Institutional Uses**

Notwithstanding the FAR limits set forth in Article 5.000 or elsewhere in this Ordinance, the maximum FAR permitted in the Lesley Porter Overlay District shall be 2.5 for those lots located easterly of Massachusetts Avenue and 2.0 for those lots located westerly of Massachusetts Avenue for all educational institutional uses set forth in Article 4.33.b (1) as further limited in Section 4.56 c (4) and (6), after the granting of a Special Permit from the Planning Board, subject to the following conditions and limitations:

- a. Notwithstanding the definition of Lot in Article 2.000, a development project in this Lesley Porter Overlay District may consist of non-contiguous lots and lots separated by streets, which lots are held in common ownership. In calculating the gross floor area (GFA) permitted for a development consisting of educational institutional uses, the area of noncontiguous lots held in common ownership within the Overlay District may be combined. For those lots located easterly of Massachusetts Avenue, the resulting permitted Gross Floor Area may be located on the individual University Hall or Church Lots or transferred in part from the University Hall Lot to the Church Lot in an amount not to exceed 25,000 square feet. All transferred Gross Floor Area shall be located below grade.

- b. Any Special Permit issued by the Planning Board in the Lesley Porter Overlay District for increased FAR as permitted in this Section 20.504.1 (1) shall result in a prohibition on dormitory uses on the Mt Vernon and University Hall Lots.
- c. Where, in seeking a special permit under the provisions of this Section 20.504.1, a development project is determined to be subject to the provisions of Section 19.20 – Project Review Special Permit, that project shall be required to submit a Traffic Study as required in Section 19.24, notwithstanding any other provision of Section 19.20.

2. **Retail Uses**

For a building abutting Massachusetts Avenue on the University Hall Lot or the Mt. Vernon Lots that is occupied by retail uses set forth in Section 4.35 that are located on the ground (first) floor of that building, which building is otherwise at least 50% occupied by institutional uses, those retail uses shall be exempt from the requirements of FAR and shall not be counted as Gross Floor Area. In no event, however, shall this retail FAR exemption exceed 25,000 square feet of gross floor area in any single building.

The retail enterprises receiving such FAR exemption shall be open to the general public during normal business hours and are expected to provide goods and services of interest to the general public not affiliated with any educational institutional occupant of such building. The institution shall report to Planning Board on the leasing activity in such exempt retail space in its annual “Town Gown Report” presentation to the Board for five years after initial occupancy of the last exempt Gross Floor Area.

20.504.2 Height

1. Height shall be that permitted in the base Business C zoning district and, notwithstanding other provisions in the Zoning Ordinance, shall be measured from mean grade measured at the perimeter of the lot.

However, the height of any historic structure (including any building determined to be a Preferably Preserved Significant Building by the Cambridge Historical Commission under the provisions of Ordinance No. 965, designated as a landmark pursuant to Chapter 2.78 of the Cambridge Municipal Code or the subject of a Preservation Easement granted to the Cambridge Historical Commission) shall be exempted from the provisions

of Sections 5.33.2 and 5.43. All other new construction within the Overlay District, however, shall be subject to these sections.

2. For the Mt Vernon Lots located westerly of Massachusetts Avenue, the maximum height shall be limited to 45 for the lot located north of Mount Vernon Street and forty (40) feet for the lot located south of Mount Vernon Street and shall be measured from grade as provided for in Paragraph 1 above. The 35 foot transition height limit required in Sections 5.33.2 and 5.43 shall continue to apply.

20.504.3 Setbacks (Yards)

1. Setbacks, except as otherwise provided in Section 20.504.3 (2) below, shall be the same as required in the base zoning district (Business C) for all new construction provided, however, that historic structures (as defined above) shall not be subject to the yard requirements of Sections 5.41 and 5.42, including if all or a portion of such structures is relocated on the same lot in the Overlay District.

2. Church Lot Setbacks.

a. There shall be a required setback of twenty (20) feet from the side lot line of the Church Lot perpendicular to Roseland Street.

b. There shall be required a 7.5 foot front yard setback along the Frost Terrace front lot line. Such setback shall not be subject to the surface parking restrictions of Section 6.44.1 or the Massachusetts Avenue Overlay District, Section 20.100.

c. In granting a special permit for development on the Church Lot the Planning Board shall pay particular attention to the design details of the building wall facing this lot line and the landscape treatment of the yard provided, as required in Section 20.205 (9) below. In general building walls should not remain uninterrupted for more than thirty (30) feet, with changes in the plane of building wall of up to four (4) feet encouraged.

20.504.4 Parking and Loading

Parking and loading requirements for any educational institutional use contained in the Overlay District may be waived by the granting of a Special Permit from the Planning Board except that any new Gross Floor Area in a building authorized by Special Permit in the Lesley Porter Overlay District that results in the elimination of existing parking spaces on the lots located westerly of Massachusetts Avenue or in the surface parking lot along Roseland Street on

the University Hall Lot shall not be permitted unless replacement parking is provided.

Above ground parking structures shall not be permitted in the Overlay District with the possible exception of the area on the University Hall Lot bordered by Roseland Street, the MBTA railroad right of way, and a line parallel to and 250 feet easterly of the easterly street line of Massachusetts Avenue, but only after a determination by the Planning Board that the parking structure will be architecturally and visually well integrated within the overall development. In order to make such a determination the Planning Board must find the following:

1. The parking structure shall contain a principal use other than parking.
2. Portions of the structure containing parking that can be viewed from a public way shall be architecturally treated so as to not appear to be a parking facility.
3. The portion of the structure where parking is located does not have an adverse effect on the architectural character of the proposed building.
4. Portions of the parking structure are located below grade where feasible.

20.504.5 Open Space Requirements

The following Open Space requirements shall apply to those lots or portions of lots located easterly of Massachusetts Avenue. The required Open Space may be any combination of Green Area, Permeable, Public, Private or Publicly Beneficial Open Space.

1. For the Church Lot in the Business C District located south of Roseland Street there shall be a minimum ratio of Open Space to Lot Area of ten (10) percent. For purposes of calculating Open Space under this provision the following requirements shall apply:
 - a. Open Space shall be located along the Massachusetts Avenue frontage and have a depth of at least twenty (20) feet and shall have a minimum area of 3,000 contiguous square feet;
 - b. Area that is covered by a portion of a building but is open on three (3) sides with a height of at least twelve (12) feet may be included;
 - c. Area that is ten (10) feet or more in any direction may be included.

2. For that portion of the University Hall Lot bordered by Roseland Street, the MBTA railroad right of way, and a line parallel to and 250 feet easterly of the easterly street line of Massachusetts Avenue there shall be a minimum ratio of Open Space of twenty-five (25) percent and contain a minimum of 5,000 contiguous square feet of Open Space.

20.504.51 Special Church Lot and University Hall Lot Provisions

Where a special permit is required for any development on the Church Lot under the provisions of the Lesley Porter Overlay District, the applicant shall be required to submit as part of that application a plan for providing a portion of the Open Space required in Section 20.204.5 (2) above on the University Hall Lot, particularly focused along the Roseland Street edge. The plan should also include proposed improved pedestrian connections throughout the lot.

The plan as approved by the Planning Board shall be implemented simultaneously with the construction authorized by the special permit for the development on the Church Lot.

20.505 Special Permit Criteria

In granting a Special Permit under this Section 20.500, in addition to the other criteria specified in Section 10.40, the Planning Board shall take into consideration the following and make appropriate findings related thereto:

1. Contribute to the vitality of Porter Square by concentrating academic activities that will provide publicly accessible uses including arts libraries, galleries and a wide range of activities and classes and that will have positive spillover effects on the retail environment of the Square.
2. Contribute to Porter Square's vitality, identity and sense of place by removing existing on-grade parking lots and constructing new structures that spatially define and enrich Massachusetts Avenue and incorporate active ground floor uses and buffering them from the activity and noise along Massachusetts Avenue.
3. Minimize adverse impacts on abutting low-density housing by appropriately designing and programming new structures' location on the lot, massing, scale, use and operations.
4. Preserve, reuse and highlight historic structures as integral, publicly accessible parts of the overlay district.

5. Provide retail activity that serves local residents' and Lesley community needs, strengthens the corridor's existing retail base and provides a more dynamic, mixed-use image.
6. Minimize vehicular traffic and demand for on street parking in the residential neighborhood by concentrating activity near the T station, maximizing a mix of uses that reinforce each other, and enhance the pedestrian environment.
7. The Open Space along the easterly side of Massachusetts Avenue south of Roseland Street, described in Section 20.504.5 (1), should be inviting and provide places for rest and gathering with an appropriate public art focus.
8. The Open Space along Roseland Street described in Section 20.504.5 (2) should reflect an "urban campus" character, which would include an entry forecourt along the axis of neighboring Frost Street. There shall also be a well-defined walkway through this area that provides pedestrian connections from Roseland Street to Massachusetts Avenue.
9. Where proposed construction abuts existing residential development, special attention should be paid to proposed setbacks, location of open space features, and building design to ensure reasonable compatibility between the scale and extent of new construction and the scale and character of the existing pattern of residential development. Use of variable height and variable setback planes, reduction in the length of continuous building walls, amount of landscaping, etc. should be employed to achieve these objectives.

The Board shall consider the impact of the development on residential neighbors as it may affect privacy. Location and size of windows, screening elements, decks, entries and other aspect of the design shall be reviewed to maintain reasonable levels of privacy for abutters. The Board shall also consider the nature of the uses contained in the buildings constructed.

10. Inclusion of physical improvements to the public right of way along Massachusetts Avenue that enhance its quality as a pedestrian environment, retail shopping district and place for meeting and congregating for neighborhood residents and visitors.
11. The adequacy of the proposed construction mitigation plan, as set forth in Section 18.20 of the Zoning Ordinance.

20.506 Consistency with Letter of Commitment

Prior to the issuance of any building permit or Certificate of Occupancy for any construction authorized by special permit under the provisions of this Section 20.500, the Community Development Department shall certify to the Inspectional Services Department that all provisions of the Letter of Commitment dated June 22, 2009 by Lesley University are continuing to be met.

In City Council June 22, 2009.

Passed to be ordained as amended by a yeas and nays vote:-

Yeas 8; Nays 1; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
City Clerk