



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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Community Development

To: Planning Board
From: Jeff Roberts, Land Use and Zoning Planner
Date: June 15, 2016
Re: **Friends of MAPOCO Zoning Petition – Refiled**

Update

A group of residents (with Peter Kroon as the lead petitioner) has filed a new version of the “Friends of MAPOCO” zoning petition, which intends to change some of the requirements applicable in the Massachusetts Avenue Overlay District in the section between Porter Square and the Cambridge Common.

This version of the petition takes as its starting point the Planning Board’s recommendation on the petition heard by the Board in late 2015 and early 2016. The general approach is to apply the requirements of Section 20.110, which were created in 2012 for the district north of Porter Square, to areas zoned BA-2 south of Porter Square.

The intent of Section 20.110 is to require ground-floor non-residential uses, including retail, offices and other services that support the neighborhood, for any new construction, and to provide moderate flexibility in dimensional requirements to allow the development of mixed-use buildings at the same general scale and density that is currently allowed for entirely residential projects. The zoning for the North Massachusetts Avenue Subdistrict was partly a response to a trend of four-story housing developments without street-activating uses at the ground floor.

A summarized comparison of current and proposed requirements is provided on the following page. The Planning Board’s recommendation on the prior petition is also attached.

Further discussion is limited to the differences between the current MAPOCO petition and the Planning Board’s recommendation, which are discussed on subsequent pages and include the following:

- Additional restrictions on structured parking at the ground level.
- Provisions requiring replacement of the square footage of existing buildings.
- Further limitations on individual store size.
- Alterations to the exemptions for projecting bays.
- Re-introduction of step-back requirements on front building facades.
- Rewording of provision on required 5-foot front yard setbacks.
- Changes to the list of identified historic structures.

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An additional technical issue that is discussed is that the petition as currently written would undo the effect of the Richard Avenue Neighbors zoning petition, which was recommended by the Board and may be adopted by the City Council on or after June 20. This issue is likely unintentional and can be fixed with additional language.

Summary Comparison: Current (Mass. Ave Overlay District) and Proposed (Section 20.110)

	<i>Current MAOD Requirements</i>	<i>Proposed Requirements</i>
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; 45-degree bulk control plane at front and rear above 35-foot height.)</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; 45-degree bulk control plane at front and rear above 35-foot height.)</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 (required) • 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 and proposed zoning text for details.

Differences Between Current Petition and Prior Planning Board Recommendation

Additional restrictions on structured parking at the ground level. (Section 20.106)

Current zoning in the Massachusetts Avenue Overlay District prohibits “Gross Floor Area in structured parking counted as Gross Floor Area” from being located within the first 20 feet interior to the façade of a building. Because parking that is above grade or on-grade within a building (including open-air parking that is beneath a building overhang or “stilt” construction) typically counts as part of a building’s Gross Floor Area, the intended effect is to promote an active streetscape by locating parking to the rear of buildings (behind an active use frontage) or below-grade (where it is not counted as Gross Floor Area). However, it was noted that in some cases, some residential parking is exempt from Gross Floor Area even if it is structured parking above grade. Therefore, the Planning Board had recommended modifying Section 20.106 to prohibit any structured parking that is not underground from the “active” frontage of a building, which is increased from 20 feet to 40 feet in the proposed zoning.

The current petition makes that provision more restrictive by prohibiting all structured parking from the ground floor of a building entirely. This means that parking on a site would be allowed underground or in a surface lot that is open to the air, but not at the rear of the building’s ground floor. This could promote a better urban design outcome, but it would also make it more difficult to provide conforming parking facilities on many lots, especially on smaller lots. It could also encourage more reliance on surface parking.

Provisions requiring replacement of the square footage of existing buildings. (Section 20.106)

It is not entirely clear what will be the effect of the proposed new requirement, which would apply to the entire Massachusetts Avenue Overlay District, stating that “No new development will provide less square footage for permitted required uses than the building it replaces.” It is not typical in zoning to require that the square footage of an existing building be replaced, mainly because the scale and density of development is controlled more uniformly through the base zoning district requirements. Requiring a minimum amount of square footage on a lot would likely conflict with these other zoning requirements and could create situations that are logically inconsistent.

For example, the square footage of buildings on a lot is controlled primarily by Floor Area Ratio (FAR) limitations. If an existing lot already exceeds the allowed FAR for the district, which is typical for many lots, then it would be impossible for any new development to meet FAR limitations while replicating the square footage of the existing building. Even if there is no direct conflict in terms of FAR limitations, many existing commercial buildings in the area do not conform to the front, side, or rear setback requirements of the BA-2 zoning. Requiring a new development to replicate the square footage of the existing building, but also imposing the setback requirements of the base zoning, may also be impossible or may result in unpredictable outcomes.

Further limitations on individual store size. (Section 20.110.21)

As was discussed at the prior Planning Board hearing, the petitioners advocate a smaller limitation of 2,000 square feet for the maximum size of any ground-floor establishment, with that limitation imposed

only on the ground floor (i.e., additional square footage may be allowed in the basement or other levels of the building). The intent is fairly straightforward, and the key consideration is the tradeoff between imposing restrictions that are meant to accommodate the types of businesses that are desired, while understanding that stricter limitations and discretionary approval processes could dissuade some otherwise desirable businesses from wanting to locate in the area, and in some cases might make the commercial spaces less economically viable.

Alterations to the exemptions for projecting bays. (Section 20.110.33)

The Massachusetts Avenue Overlay District has long included a provision meant to incentivize the addition of projecting bays to buildings. The incentives were modified somewhat in the North Massachusetts Avenue zoning because it was found that they were either not having the desired result or not being utilized at all. The current proposal further modifies the provision by limiting projections to 8 feet in width (instead of 12 feet), except at corners, and requiring them to be angled or curved. The difference is minor, and it is not clear whether making the provisions more limiting will result in them being applied to a greater extent.

Re-introduction of step-back requirements on front building facades.

The base BA-2 zoning imposes a step-back or “bulk control plane” requirement at the front and rear facades of new buildings. Any section of a building above 35 feet in height must be stepped back in order to fall beneath an imaginary plane, slanted at a 45-degree angle, starting at the building’s principal front façade and extending to the maximum height of the district. In the North Massachusetts Avenue zoning of 2012, this provision was eliminated for the front of a building (though there are still limitations on height at the rear of buildings) because participants felt that a consistent 4-story front wall plane, with retail at the ground floor, was a desirable urban design outcome. It was also noted that the step-back requirement makes the design and construction of a mixed-use building more challenging.

The proposed zoning re-establishes the step-back requirement in the base zoning. While it is a subjective matter whether requiring an upper-story step-back results in a better design outcome, the proposal must also be viewed in the context of allowing mixed-use buildings up to a total height of 50 feet. (Note here that the language has changed from the Planning Board recommendation as well, but is generally consistent with the intent of allowing greater total height in order to accommodate the additional height of ground-floor non-residential uses.) In the case of such a building, the 35-foot datum would likely fall somewhere within the third story of the building. Therefore, to meet the requirement for a four-story mixed-use building, both the third and fourth stories may need to be stepped back from the principal front plane.

Rewording of provision on required 5-foot front yard setbacks.

In reviewing the prior petition, the Planning Board recommended accepting the petitioner’s request to impose a 5-foot front setback in the district regardless of whether an abutting building is closer to the street. However, the Planning Board would be able to modify the requirement by special permit. The current petition expresses the same provision in a slightly different way, stating that to grant a reduction, the Planning Board would have to determine “that the setback requirement would

countervail the intended benefit.” This proposed language makes no substantive change, but the Board should consider under what circumstances it might make such a determination.

Changes to the list of identified historic structures.

Before submitting the Planning Board’s prior recommendation, CDD staff consulted very briefly with the Cambridge Historical Commission to determine what buildings in the area were potentially historically significant. As noted, the petitioners have refined that list somewhat after further discussions with the Historical Commission that have occurred in the interim. The purpose of this list is simply to indicate where some buildings may warrant relief from the new requirements in order to facilitate the appropriate preservation of a historic structure.

Consistency with Richard Avenue Neighborhood Zoning Petition

The Planning Board recently recommended in favor of a petition that would remove the small section of the Massachusetts Avenue corridor north of Richard Avenue from the North Massachusetts Avenue Subdistrict, though keeping it within the BA-2 base zoning district and the Massachusetts Avenue Overlay District. The purpose of that change would be to remove the requirement for ground floor commercial space in new buildings in that area, which has been found to be an awkward requirement in that specific area.

The petition, as currently written, would remove the concept of a “North Massachusetts Avenue Subdistrict” and make the requirements of 20.110 applicable generally to any area within the Massachusetts Avenue corridor zoned BA-2. That means that if the Richard Avenue petition is adopted, and then the Friends of MAPOCO petition is adopted, the adoption of the second petition would counteract the effect of the first.

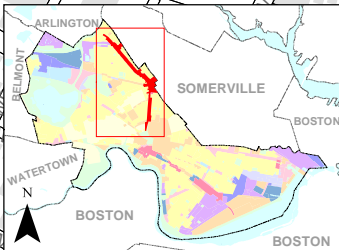
There are a couple relatively simple ways to resolve this:

- Reintroduce language specifying exactly which segments of the BA-2 district would be subject to the requirements of Section 20.110, namely these segments: Shepard Street to Arlington Street; Creighton Street to Cottage Park Avenue; Wendell Street to the northern edge of 1773 Massachusetts Ave; and Beech Street to Richard Avenue.
- Add a provision stating that the requirements of Section 20.110 shall not apply in the BA-2 district north of Richard Avenue.

Massachusetts Avenue Zoning Overlay District

Cambridge, Massachusetts

North Massachusetts Avenue
Subdistrict

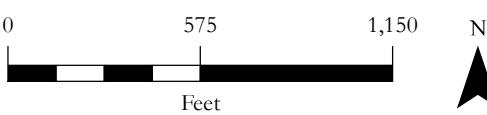


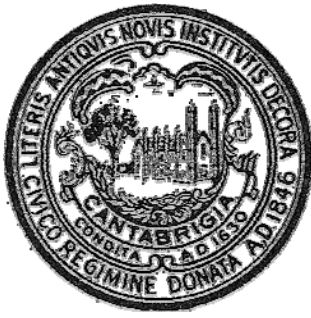
Zoning Overlay Districts

- Massachusetts Avenue Overlay District
- North Massachusetts Avenue Subdistrict

Zoning Districts

- | | |
|---------------------|-------------------------|
| A-1 Residence A-1 | O-1 Office-1 |
| A-2 Residence A-2 | BA Business A |
| B Residence B | BA-1 Business A-1 |
| C Residence C | BA-2 Business A-2 |
| C-1 Residence C-1 | BC Business C |
| C-1A Residence C-1A | IA-1 Industry A-1 |
| C-2 Residence C-2 | IA Industry A |
| C-2A Residence C-2A | SD-2 Special District-2 |
| C-2B Residence C-2B | SD-3 Special District-3 |
| C-3 Residence C-3 | OS Open Space |





CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	February 16, 2016
Subject:	Kroon, et al., "Friends of MAPOCO" Zoning Petition
Recommendation:	The Planning Board recommends ADOPTION OF CERTAIN ELEMENTS of the petition, as described below and in the attached zoning text changes.

To the Honorable, the City Council,

On December 8, 2015, the Planning Board held a public hearing on the "Friends of MAPOCO" petition suggesting modifications to the zoning provisions of the Massachusetts Avenue Overlay District in the segment between Porter Square and the Cambridge Common. The Board heard a presentation from the petitioners, comments from the public and information from CDD staff. At a continued hearing on January 26, Board members received additional information from staff and the petitioners, and made the following comments and recommendations.

The petitioners raise a number of important issues related to the desired form of future development along one of the city's main commercial corridors, which currently contains a vibrant ecosystem of neighborhood-supporting businesses, historic resources, institutional buildings and residential communities of various types. However, the zoning petition suggests general approaches rather than specific zoning text amendments. Some suggestions in the petition, such as revising the urban design guidelines for the area and incentivizing additional public parking, raise important issues that cannot be addressed through zoning changes alone, and may be better addressed in the broader context of citywide planning. Other suggestions do not require any zoning change to address the underlying issue.

Therefore, the Board recommends adopting a more limited set of zoning changes as an interim measure to better regulate redevelopment that may occur over the next few years, prior to the completion of citywide planning work. As reflected in the petition, the core piece of this approach is to extend the provisions currently applicable in the Business A-2 (BA-2) district north of Porter Square (adopted in 2012 as the North Massachusetts Avenue Subdistrict) into the BA-2 district south of Porter Square, with some slight variations. While the MAPOCO petition includes the section of Massachusetts Ave. directly south of the BA-2 district (between Shepard/Wendell and Chauncy/Everett Streets), those areas are zoned residential (C-2 and C-2A) and do not allow retail uses, although several non-conforming uses do exist in those districts. Therefore it would not be possible to require retail uses in that portion of Massachusetts Avenue without making a substantial change to the underlying purely residential nature of the base zoning districts. After consultation with CDD staff, it appears that such a substantial change should only be made after further study.

The recommended text changes are included in the attached document and summarized below:

1. Apply the current North Massachusetts Avenue Subdistrict provisions more generally to all areas within the Massachusetts Avenue Overlay District zoned BA-2 (see map). These zoning provisions require new buildings fronting Massachusetts Ave. to contain non-residential, storefront-type uses on the ground floor, covering at least 75% of the building's linear frontage, to a minimum depth of 40 feet from the façade of the building, and with a minimum floor-to-ceiling height of 15 feet. The maximum total FAR for a lot with residential use plus the required ground-floor non-residential use would be 1.75, the maximum height would be increased from 45 feet to 50 feet, and bulk control or “step-back” requirements at the front of the building would be waived.

(In the North Mass Ave. zoning, the requirement for ground-floor non-residential use can be waived in one of two circumstances: To support the appropriate preservation of a historic building, which can be allowed by special permit from the Planning Board with a maximum FAR of 1.75; or otherwise, if the Planning Board grants a special permit upon making a finding that non-residential uses had not previously existed and would not be viable at that location, an all-residential development would be allowed at a maximum FAR of 1.00.)

2. Require that a 5-foot front yard setback be imposed on all new development, unless waived by special permit from the Planning Board. Current base zoning requires the 5-foot front setback, but it can be waived by right (without Planning Board approval) to match an adjacent building with a non-conforming front setback.
3. Modify the ground-floor requirements in the area south of Porter Square so that individual ground-floor establishments are each limited to no more than 3,000 square feet, unless waived by the Planning Board.
4. Clarify the existing provision in the Massachusetts Avenue Overlay District prohibiting structured parking within the ground-level space at the front of a building. According to the current standards in the zoning ordinance, structured parking includes open, on-grade parking that is underneath a “stilt-constructed” building.

Respectfully submitted for the Planning Board,



H Theodore Cohen, Chair.

20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT

- 20.101** *Establishment and Scope.* There is hereby established the Massachusetts Avenue Overlay District which shall be governed by the regulations and procedures specified in this Section 20.100. It is the intent of this section that these regulations will apply to the area described generally as Northern Massachusetts Avenue and certain abutting portions of the neighborhood abutting it.
- 20.102** *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 image for the development along the Avenue and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the Avenue, to ensure that changes along the Avenue are compatible with the scale and character of the abutting neighborhoods, to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods, and to discourage new development inappropriate in both scale and design.
- 20.103** *Applicability.* The Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established by Section 3.20.
- 20.103.1** The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of this Section 20.100 which shall apply in addition to regulations imposed by the base zoning map designations. Where the base zoning regulations differ from the requirements of this Section 20.100 the stricter provisions shall apply except where a waiver from those requirements is granted by special permit from the Planning Board under any of the provisions of this Section 20.100.
- 20.103.2** ~~*North Massachusetts Avenue Subdistrict.* Within the portion of the Overlay District having a base Business A-2 zoning district designation extending on the southwesterly side of Massachusetts Avenue from the centerline of Creighton Street on the east to the centerline of Cottage Park Avenue on the west, and on the northeasterly side of Massachusetts Avenue from the centerline of Beech Street on the east to the Residence B zoning district line on the~~

The Board’s recommendation is to expand provisions formerly applicable only in the BA-2 district north of Porter Square to also apply in the BA-2 district south of Porter Square. Therefore, the “subdistrict” distinction is no longer relevant and may be confusing. (See Section 20.110.)

~~west, the regulations set forth in Sections 20.103 to 20.109 shall apply except as modified by the regulations set forth further below in Section 20.110.~~

20.104 *Dimensional Standards in the Massachusetts Avenue Overlay District.*

20.104.1 Maximum Height. The maximum height of any structure in the Overlay District shall be sixty (60) feet or the height applicable in the base district, whichever is less.

20.104.2 Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:

1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are three (3) feet or less in depth and further provided that the following conditions are met:

- a. The maximum width of the projection does not exceed six (6) feet in length;
- b. No more than fifty (50) percent of the area of each principal wall plane is covered with such projections.

20.104.3 Additional Dimensional Standards for Lots Located in both a Business C zoning district and an abutting Residence C-1 or Residence B Zoning District
The provisions of this Section 20.104.3 shall apply to lots held in single ownership as of June 1, 2008 that are located entirely within the Overlay District and shall be granted after the issuance of a special permit from the Planning Board

1 . Modification of the Transitional Requirements of Section 5.40. The Planning Board may waive the Front and Side Yard and Height requirements of Section 5.40 for Hotel or Motel Use provided the Board finds that the intended buffering provided by the provisions of Section 5.40 is reasonably provided through other means. The Board shall specifically find the following:

- a. The lot contains a contiguous area that is within the adjoining residential district.
- b. The portion of the lot in the residential district is substantially dedicated to at grade Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000.

c. The portion of the lot dedicated to Open Space provides an adequate transition buffer between any structure constructed in the commercially zoned portion of the lot and adjacent residential uses in the residential district. Such Open Space shall have a minimum depth of twenty (20) feet.

2. Modification of the FAR limitations for a Hotel or Motel Use (Sections 5.30 and 5.33), for a lot located in both a Business C and a Residence B Zoning District. The Planning Board may allow a FAR of 1.60, calculated on the area of the entire lot, in both the Business C and Residence B districts, subject to the following conditions and limitations:

a. All of the resulting Gross Floor Area will be located on the Business C portion of the lot.

b. All parking required by this ordinance will be located in a below-grade parking facility.

c. The at-grade portion of the lot within the Residence B District is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000.

d. The additional FAR of 1.60 shall only apply to the first 15,000 square feet of a lot. For portions of the lot greater than 15, 000 square feet the FAR permitted in the applicable base Business C and residential districts shall continue to apply.

e. No preferably preserved significant building, as determined by the Cambridge Historical Commission, is demolished, as set forth in the City of Cambridge Demolition Ordinance #965.

20.105 *Restrictions in Required and/or Provided Setbacks.* 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, park, or other landscaped or paved area devoted exclusively to pedestrian 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 to

parking facilities located elsewhere on the site and which shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian uses shall be located at the mean grade of the relevant public street or open space at the property line unless an exception is granted under the provisions of Section 20.108 of this Section 20.100.

20.106 *Use Restrictions.* The ground (first) floor of that portion of a building facing a public street or public 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 areas of parking facilities in a structure that is not underground according to the standards set forth in Section 5.25 of this Zoning Ordinance, 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 depth of at least twenty (20) feet;
3. Where a lot fronts on two streets the provisions of this Section 11.106 shall apply only to the principal arterial street frontage provided the remainder of the ground floor of the building facing the public street shall be screened with a permanent wall in materials equal in quality to those of the rest of the building and having a minimum opacity of fifty (50) percent.
4. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.

Change meant to clarify the intent, which is to prohibit structured parking on the ground-floor frontage of a building. Citywide standards (found in Article 5.000) clarify that on-grade parking below a building (as in “stilt construction”) is considered to be above-ground structured parking.

20.106. 1 Accessory Parking and Vehicular Access for Hotel Use. Notwithstanding the provisions of Table 4.30 and Section 6.22., for a lot located in both a Business C and a Residence B zoning district, the Planning Board may grant a Special Permit to allow accessory Hotel or Motel Use parking within the Residence B District, including vehicular access to the parking facility and loading facility, with the following limitations and conditions:

1. The portion of the lot in the Residence B district is contiguous to the portion of the lot in the BC District.
2. The parking is located in a below-grade parking structure.
3. The at-grade portion of the lot within the Residence B district is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in this Ordinance.

20.107 *Design Standards*

20.107.1 Building Facades. Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrian and compatible with the residential neighborhoods in close proximity to the district. The following standards shall apply:

1. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue;
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 towards the street;
3. Facades facing a public street, a public park, or designated city landmark building, or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.

- 20.108** Divergence from the standards specified in Sections 20.105 - 20.107 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 better serve the objectives of this Section 20.100 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

The Board shall be guided in its determination by *Northern Massachusetts Avenue Urban Design Guidelines* and other such guidelines as may be established for this portion of Massachusetts Avenue. This Section 20.108 is intended for variations from the standards which may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor.

- 20.109** *Nonconforming structures.* Notwithstanding the provisions of Section 8.23, that portion of a legal, nonconforming structure lying within the Massachusetts Avenue Overlay District which is destroyed or damaged by fire, explosion, or other catastrophe may be rebuilt or restored and used again, in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

1. Any restoration or rebuilding shall commence within twelve (12) months after the catastrophe;
2. The structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the original design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;
3. The Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

With respect to the comparability of newly designed buildings, the Community Development Department shall consult the Cambridge Historical Commission for

structures greater than fifty (50) years old. Should the Community Development Department find that said conditions have not been met the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no aspect increase the nonconforming nature of the original structure; nothing in this Section 20.110, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

20.110 Additional Standards Applicable in the ~~North Massachusetts Avenue Subdistrict~~ BA-2 Districts. Within the portions of the Overlay District having a base Business A-2 zoning district designation ~~(the BA-2 Districts) extending on the southwesterly side of Massachusetts Avenue from the centerline of Creighton Street on the east to the centerline of Cottage Park Avenue on the west, and on the northeasterly side of Massachusetts Avenue from the centerline of Beech Street on the east to the Residence B zoning district line on the west,~~ the regulations set forth above in Subsections 20.103 to 20.109 shall apply except as modified by this Section 20.110. ~~The area described above shall be referred to as the North Massachusetts Avenue Subdistrict.~~

This reflects the core intent of the MAPOCO petition to expand provisions formerly applicable only in the BA-2 district north of Porter Square to also apply in the BA-2 district south of Porter Square. Elsewhere the term “North Mass Ave Subdistrict” is replaced by reference to areas zoned BA-2.

20.110.1 *Purpose and Intent.* The purpose of the Massachusetts Avenue Overlay District shall apply equally within the ~~North Massachusetts Avenue Subdistrict~~ included BA-2 Districts. The intent of the ~~North Massachusetts Avenue Subdistrict~~ additional standards applicable in the BA-2 Districts is to encourage the retention and expansion of pedestrian-friendly ground floor retail and other active non-residential uses on the ground floors of buildings along the Avenue. Additionally, as sites are redeveloped in the future, new buildings and streetscapes should have a scale, urban design, and mix of uses that strengthens the urban character of the Avenue as the principal commercial corridor serving the North Cambridge, Agassiz and Neighborhood Nine neighborhoods while also respecting the historic characteristics of the Avenue.

20.110.2 *Use Regulations.* In addition to the requirements set forth in Section 20.106, the following regulations shall apply.

20.110.21 *Required Ground Floor Non-Residential Uses.* The ground floor of any building that fronts directly onto Massachusetts Avenue shall consist of at least one (1) active non-residential use meeting the following requirements:

1. *Range of Qualifying Uses.* The required ground floor active non-residential uses shall be limited to one or a combination of the following uses, to the extent permitted in the base zoning district:
 - a. Section 4.34 a (office of a physician, dentist or other medical practitioner not located in a clinic listed under subsection 4.33(d)), b (office of an accountant, attorney, or other non-medical professional person (includes properly licensed massage therapists), c (real estate, insurance or other agency office), d (general office use), e (bank, trust company or similar financial institution (retail banking only));
 - b. Section 4.35 a (retail sales), c (barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self service laundry or other similar establishment), d (hand laundry, dry cleaning or tailoring shop), e (lunchroom, restaurant, cafeteria), f (restaurant or bar), g (entertainment), h (theater or hall for public gatherings), i (commercial recreation), k (printing shop, photographer’s studio), l (veterinary establishment, kennel, pet shop or similar establishment), o (fast order food establishment), q (art/craft studio), r (bakery, retail);
 - c. Section 4.36 a (sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden);
 - d. Section 4.56 a(4) (religious or social recreation center), c(4) (college theater), e(4,5,6) (medical clinics), f (social service or community center), g(3) (museum), g(5) (public park, playground, or public recreation building), i(2) (museum or non commercial gallery).
2. *Minimum Depth.* The required ground floor uses shall have a minimum depth of forty (40) feet measured from the Massachusetts Avenue frontage of the building (or the full depth of the building if less than forty (40) feet).

3. *Floor Elevation.* The floor elevation of the required ground floor uses shall be at the mean grade of the adjacent public sidewalk.
4. *Minimum Linear Frontage.* The required ground floor non-residential use shall occupy a minimum of 75% of the linear frontage of the building facing Massachusetts Avenue.
5. *Individual Store Size.* Any separately leased required ground floor non-residential use shall contain no more than 5,000 square feet of Gross Floor Area in the BA-2 District north of Creighton and Beech Streets; and shall contain no more than 3,000 square feet of Gross Floor Area in the BA-2 District south of Arlington Street, which shall include any floor area located below grade.
6. *Minimum Ground Floor Height.* For any ground floor portion of a building containing a required non-residential use the minimum ground floor height shall be fifteen (15) feet measured in the manner described in Paragraph 20.110.42. If the ground floor height is reduced below fifteen (15) feet by special permit or variance, there shall be a commensurate reduction in the total height of the building.
7. *Maximum Bank Frontage.* No bank, trust company or similar financial institution may occupy a building frontage of more than twenty-five (25) feet.

Per the suggestion of the MAPOCO petitioners, the Board supports a smaller standard for establishment size in the area south of Porter Square, but supports 3,000 square feet as a minimum standard rather than 2,000 square feet.

20.110.22 *Modifications to Standards.* As set forth below, the Planning Board may grant a special permit to waive certain requirements of Subsection 20.110.21 above. A project receiving a special permit pursuant to this Subsection 20.110.22 shall be considered to meet the requirements of Subsection 20.110.21 for the purpose of applying the other provisions of this Section 20.110.

1. Modifications to the Dimensional Provisions of Subsection 20.110.21

The Planning Board may approve modifications to the dimensional requirements set forth in Subsection 20.110.21 Paragraphs (2-7) upon making a determination that (a) the proposed modified dimensions do not substantially derogate from the intent of the requirement to provide for a reasonably continuous active ground floor frontage along the public street and (b) the overall floor area of required active non-residential ground floor

uses is not substantially reduced and (c) the modifications are the minimum necessary to reasonably accommodate the new construction or use on the lot.

2. Additional Non-Residential Uses Not Otherwise Permitted in Subsection 20.110.21

The Planning Board may approve active non-residential ground floor uses not specifically listed in Subsection 20.110.21 Paragraph (1), to the extent permitted in the base zoning district, upon making a determination that an alternate ground floor use will provide services or amenities to the general public and will promote an active, pedestrian-friendly street front consistent with the objectives of this Overlay District and ~~Subdistrict~~ the purpose of the standards applicable in the BA-2 Districts.

20.110.23 In general, it shall not be allowed to construct a new building directly fronting Massachusetts Avenue that cannot meet either the requirements of Section 20.110.21 or the standards by which modifications to that section are permitted by special permit as set forth in Section 20.110.22.

However, the Planning Board may grant a special permit to waive the requirements of Section 20.110.21 to allow the construction of a building substantially or completely devoted to residential or dormitory uses provided the Board determines that all of the following conditions and requirements are met:

- (a) the existing site does not currently contain active non-residential uses as listed in Subsection 20.110.21 Paragraph (1), and has not contained such uses within the past five (5) years prior to applying for a special permit;
- (b) the provision of active non-residential ground floor uses would be detrimental to abutting properties or to the neighborhood character; and
- (c) active non-residential ground floor uses would not be commercially viable at that specific location.

A project that has been exempted from the requirements of Subsection 20.110.21 by special permit as set forth in this Subsection 20.110.23 or by variance shall not be considered to meet the requirements of Subsection 20.110.21 for the purpose of applying the other provisions of this Section 20.110.

20.110.3 *Dimensional Regulations*

20.110.31 *FAR.* Notwithstanding the general applicability standards set forth in Subsection 20.103.1, the following Floor Area Ratio (FAR) limitations shall apply in place of those set forth in the base zoning district or elsewhere in the Overlay District to the portions of a lot contained within the North Massachusetts Avenue Subdistrict BA-2 Districts, provided that such lot has direct frontage onto Massachusetts Avenue. For a lot with no direct frontage onto Massachusetts Avenue, and for portions of a lot that are not contained within the North Massachusetts Avenue Subdistrict BA-2 Districts, the FAR requirements generally applicable in the base district or elsewhere in the Overlay District shall apply.

1. *Mixed Use Lots.* The maximum allowed FAR shall be 1.75 for any lot that consists entirely of residential or dormitory uses, as listed in Subsections 4.31 (a-h) and paragraph 4.33(b)(7), above the ground floor and includes ground floor active non-residential uses meeting the requirements of Subsection 20.110.21.
2. *Other Lots.* The maximum allowed FAR shall be 1.0 for any lot that does not meet the definition of a Mixed Use Lot as set forth in Paragraph (1) above. This shall include any lot that is predominantly non-residential in use or any lot that is predominantly residential or dormitory in use but does not meet the requirements of Subsection 20.110.21, and shall specifically include any lot for which a waiver has been granted as set forth in Subsection 20.110.23.

20.110.32 *Basement Gross Floor Area Exemption.* Notwithstanding any provision of the applicable base zoning district, in the North Massachusetts Avenue Subdistrict BA-2 Districts the Gross Floor Area of any basement space directly accessed through and serving a ground floor

establishment of any mixed use building facing Massachusetts Avenue shall be exempt from the calculation of FAR on a Mixed Use Lot as set forth in Section 20.110.31 above.

20.110.33 *Floor Area Waiver for Enclosed Bays and Projections.* The following provisions shall apply in place of the provisions set forth in Subsection 20.104.2. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 – Definitions, the floor area contained within enclosed bays and other small projections from the principal wall plane of a building, including projections and bays carried to the ground, normally defined as Gross Floor Area, shall be exempted from the calculation of GFA and FAR on a lot, provided all of the following standards are met:

1. The exempted bays and projections must not extend more than three and a half (3.5) feet from the principal exterior wall plane of the building, and no individual bay or projection may exceed twelve (12) feet in width.
2. No more than fifty (50) percent of the area of each principal wall plane may be covered with such projections.
3. The total floor area of each exempted bay or projection may not exceed thirty-two (32) square feet on any single story of the building. Such limitation is intended to encourage angled or curved bays, although rectilinear bays meeting the above requirements shall also be allowed.

20.110.34 *Maximum Height.* Generally, tThe maximum height of any structure shall be the height applicable in the base district. However, notwithstanding the base district regulations and notwithstanding the general applicability standards set forth in 20.103.1, the maximum height within the North Massachusetts Avenue Subdistrict shall be may be increased to fifty (50) feet in the BA-2 Districts for any mixed use building with direct frontage onto Massachusetts Avenue and located on a Mixed Use Lot as set forth in Section 20.110.31 above. Additionally, the portion of such a mixed use building that faces Massachusetts Avenue shall be exempt from the bulk control plane requirements of Footnote 5.33(k) in the Table of Dimensional Requirements; however, the provisions of Footnote 5.33(k) shall nonetheless apply to rear portions of a building within 50 feet of a residential zoning district line.

20.110.35 *Restrictions in Required and/or Provided Setbacks.* The requirements set forth in Section 20.105 shall apply. However, where a building fronts on more than two streets, the provisions of Section 20.105 shall apply on only two streets. In any case, where a building fronts Massachusetts Avenue, the provisions of Section 20.105 shall apply to the Massachusetts Avenue frontage.

20.110.36 *Required Front Yards.* In the BA-2 District south of Arlington Street, notwithstanding the provisions of footnote (m) in Section 5.33, Paragraph 2 of this Zoning Ordinance, a five-foot front yard setback shall be required unless the Planning Board reduces or waives the requirement upon granting a special permit.

20.110.4 *Design Standards.* Buildings shall conform to the requirements set forth in Section 20.107, except as modified below.

20.110.41 *Building Facades.* The requirements for public entrances and clear glass set forth in Subsection 20.107.1 Paragraphs 2 and 3 shall apply to any ground-floor non-residential use, including those uses required by Subsection 20.110.21. Required clear glass on the ground floor façade shall be distributed on the façade such that at least seventy-five (75) percent of the required glass is located below the midpoint between the finished floor and the underside of the joists above.

20.110.42 *Measurement of Building Facades.* For purposes of this Section 20.110, where reference is made to the area of the façade of any given floor, the vertical dimension of that floor shall be measured from the finished interior floor to the underside of the structural joists of the floor above. The horizontal dimension shall be measured to the centerline of the demising wall of a separately leased space, or to the exterior wall of the building, as applicable. Where reference is made to the entire façade, the vertical dimension shall be measured from the mean grade of the façade facing the street (or other feature) to the underside of the structural rafters supporting the roof.

20.110.5 *Parking Exemption for Seasonal Outdoor Seating.* Notwithstanding any provision of the applicable base zoning district, seasonal, temporary outdoor seating available for any length of

Per the suggestion of the MAPOCO petitioners, the Board supports imposing a front setback in all cases (under base zoning, the front setback is waived by right if an adjacent building is not set back), but the Board recommends allowing relief with Planning Board approval.

time between April 15 and October 31 shall be exempt from the parking requirements of Section 6.36.5 (e) and (f) for any retail use listed in Section 6.36.5 (e) or (f), provided that the total number of seasonal seats does not exceed fifty (50) or fifty percent of the total number of permanent seats provided at the establishment, whichever is less.

20.110.6 *Existing and Historic Structures*

20.111.61 The building design standards and conditions set forth in Section 20.106 Paragraphs (1) and (2), Section 20.107, and Subsection 20.110.21 Paragraphs (2), (3) and (6) shall not apply to any building constructed before April 5, 2012. However, a building constructed before April 5, 2012, which in whole or in part meets the requirements of this Section 20.100, shall not be altered so as to increase the degree to which it does not comply with this Section 20.100.

20.110.62 Any lot containing a historic structure as listed below, or as may be designated a Preferably Preserved Significant building by the Cambridge Historical Commission, shall be exempt from the requirements of 20.110.21. If the applicable requirements of Section 20.110.21 are not met, the lot shall not be considered a Mixed Use Lot under the provisions of Subsection 20.110.31 above. However, notwithstanding any other provisions of Subsection 20.110.31, the Planning Board may grant a special permit to increase the allowed FAR in the BA-2 Districts on the portion of the lot within the North Massachusetts Avenue Subdistrict, but not to exceed 1.75, for any combination of permitted uses upon finding that the increased FAR would (a) facilitate the preservation of the historic structure through economic reuse, (b) preserve the essential historically significant elements of the structure’s architecture and setting, (c) introduce uses that are respectful of the structure’s historic character, and (d) advance the stated purpose of the Massachusetts Avenue Overlay District and the North Massachusetts Avenue Subdistrict purpose of the standards applicable in the BA-2 Districts.

Lots Containing Identified Historic Structures. The following street address numbers on Massachusetts Avenue shall designate lots containing historic structures for the purpose of this Subsection 20.110.61: 1664, 1675, 1676, 1679, 1680, 1684, 1686, 1688, 1692, 1696, 1702, 1705, 1720, 1734, 1735, 1741, 1749, 1751, 1753, 1759, 1771, 1800, 1991, 1996-2006, 2014-2018, 2020-2024, 2026-2080, 2029, 2067, 2088-2098, 2103, 2161, 2179, 2200, 2203,

2210, 2211, 2218, 2222-2224 , 2240, 2254, 2270, 2301, 2307, 2343, 2508-2596, 2535, 2557-2585; and in addition, 3 Linnaean Street and 1 Forest Street.

20.110.63 *Nonconforming Structures.* The provisions of Section 20.109 shall not apply in the ~~North Massachusetts Avenue~~ BA-2 District north of Creighton Street and Beech Street. Except as otherwise set forth in this Section 20.110, nonconforming structures shall be governed by the regulations set forth in Article 8.000 of the Zoning Ordinance.

20.111 *The Massachusetts Avenue Overlay District shall be considered an area of special planning concern.* Notwithstanding the provisions in Section 19.43.1 – Applicability of Large Project Review Procedure, in the Massachusetts Avenue Overlay District the Large Project Review Procedure shall apply to any development proposal containing more than two thousand (2,000) square feet of Gross Floor Area but less than fifty thousand (50,000) square feet, unless such development is exempt by virtue of the provisions of Section 19.45.