



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	September 30, 2015
Subject:	Walden and Sherman Streets Rezoning Petition
Recommendation:	The Planning Board recommends ADOPTION, with suggested modifications.

To the Honorable, the City Council,

On August 11, the Planning Board held a public hearing on the City Council petition to rezone the Business A (BA) zoning district at the corner of Walden and Sherman Streets to a new zoning designation called Business A-4 (BA-4). At that hearing, the Board heard from representatives of the property owner of the former Masse parking lot site as well as neighbors who have been in discussions with the owner.

The Board understands that this case is a continuation of a process that has been ongoing since 2014, when a different rezoning petition for this area was considered. At that time, the Board suggested that neighbors and the property owner meet to discuss mutually agreeable development outcomes. Based on testimony, it appears that the owner has proposed a design that is amenable to a group of residents, but which requires particular zoning changes in order to be enabled.

However, the Board is aware that the parking lot site in question is not the only lot affected by the proposed rezoning, and therefore the Board has taken into consideration whether the proposed changes are consistent with the City's overall planning goals without regard to the particular site presently being considered or the stated intentions of a particular property owner, knowing that those could change in the future.

Based on this, the Planning Board voted to endorse the proposed zoning amendment in the form submitted in a memorandum from attorney James J. Rafferty, representing the property owner, subject to the addition of a Project Review Special Permit requirement and subject to a limitation on the size of non-residential uses.

The owner's proposal would retain the use and parking requirements of the BA district and adopt a stricter set of base dimensional requirements but would allow the following flexibility if a development provides all parking below grade: (1) an increase in allowed Floor Area Ratio (FAR) to a total of 2.0; (2) a reduction of required yard setbacks from the current formula calculation to a minimum of 10 feet in the front, rear and sides, with an exemption for projecting bays and roof decks; and (3) an increase in allowed height to 44 feet. The proposal also adds the

BA-4 district to the list of Areas of Special Planning Concern and adds criteria to encourage certain ground floor retail.

While the proposal would allow the development discussed by the current owner and the neighbors on the parking lot portion of the BA-4 district, the Board believes that the zoning should take into account the development of the entire district and the fact that the current plans for and ownership of the parking lot site could change. Therefore, the Board voted to recommend the following modifications to the proposed zoning to ensure that development will be in keeping with the City's planning goals.

1. Limitation on Non-Residential Use

The proposed zoning would allow an FAR of 2.0 for either residential or non-residential uses. In the case of non-residential uses, this would double the allowed FAR from the current limit of 1.0 thereby allowing lots in the district to be converted or developed to commercial uses at a higher density than intended. To prevent such a result while still encouraging non-residential space within residential buildings, the Board suggests a modification that would allow a maximum total FAR of 2.0 while capping any non-residential component at the present FAR limit of 1.0. So, for example, a mixed-use project could contain non-residential uses at an FAR of 0.5 plus residential uses at an FAR of 1.5, or some other combination where the non-residential component FAR is no more than 1.0 and the total combined (residential + non-residential) FAR is no more than 2.0.

2. Project Review – Special Permit vs. Non-Binding Large Project Review

The current BA zoning requires that projects of 20,000 square feet or more receive a Project Review Special Permit from the Planning Board. In most other districts, the threshold for requiring such a special permit is 50,000 square feet. The current proposal would put BA-4 within the group of districts with a 50,000 square-foot special permit threshold, but would make the district subject to Large Project Review procedures, which require only a non-binding public review meeting for development of at least 2,000 square feet. The project envisioned on the parking lot site will likely be greater than 20,000 square feet but less than 50,000 square feet.

Although the Board is very supportive of the process that has resulted in a mutually amenable design for neighbors and the property owner, it is important to consider the broader implications of making development at this scale immune from binding City review, especially considering the changeability of plans and ownership and that certain concerns about this particular development already have been raised by the public and members of the Board. Therefore, the Board suggests a modification to require a Project Review Special Permit for new construction in excess of 20,000 square feet.

Attached to this recommendation is a zoning text that incorporates the changes in the “Rafferty version” of the proposed zoning (including a change endorsed by the Ordinance Committee at its hearing on August 18) as well as the Planning Board’s suggested modifications.

Respectfully submitted for the Planning Board,

A handwritten signature in black ink, appearing to read "H Theodore Cohen". The signature is fluid and cursive, with the first name "H" being particularly large and stylized.

H Theodore Cohen, Chair.

Walden and Sherman Streets Zoning Petition
Proposed Zoning Amendments – Planning Board Version – September, 2015

1. *Rezone the area along Walden Street near the intersection of Garden Street and extending through the intersection of Sherman Street currently zoned Business A to newly created zoning district entitled Business A-4.*
2. *In Article 4.000 of the Zoning Ordinance, Section 4.31 “Table of Use Regulations,” add the words “Bus A-4” beneath the words “Bus A” in the seventh column heading.*
3. *In Article 5.000 of the Zoning Ordinance, Section 5.33 “Business Districts,” Paragraph 1, insert a line with row heading “Bus. A-4” in Table 5-3 as set forth below.*

The boxes below provide commentary and are not meant to be incorporated into the Ordinance.

Provision 1 would create the new Business A-4 (BA-4) district.

Provision 2 would make the allowed uses in BA-4 the same as in the current BA zoning.

Provisions 3 and 4 would set the dimensional requirements as they were proposed in the “Rafferty version” of the zoning proposal presented in August.

Table 5-3 Table of Dimensional Requirements - Business Districts

District	(1)	(2)	(3)	(4)	(5)			(6)	(7)
	Max. Ratio of Floor Area to Lot Area	Minimum Lot Size in Sq. Ft.	Min. Lot Area for Each D.U. in Sq. Ft.	Minimum Lot Width in Feet	Minimum Yard in Feet			Maximum Height in Feet	Min. Ratio of Private Op. Sp. to Lot Area
					Front	Side	Rear		
Bus. A	1.0/1.75	none	600	none	none	none	$\frac{H+L^{(a)}}{5}$	35/45 to 65 ^(b)	none
Bus. A-1	1.0/0.75	none	1200	none	none	none	$\frac{H+L^{(a)}}{5}$	35	none
Bus. A-2	1.0/1.75	none	600	none	5 ^(m)	10 ⁽ⁱ⁾	20 ^(j)	45 ^(k)	none
Bus. A-3	0.75 ^(f)	5,000	1,500	50	H+L ^(h) /4	H+L/5	H+L ^(a) /4	35	30%
Bus. A-4	1.0/1.75^(p)	5,000	600	50	H+L/4^(p)	H+L/5^(p)	H+L/4^(p)	35^(p)	none
Bus. B	2.75/3.0	none	300	none	none	none	none	80	none
Bus. B-1	1.50/3.25	none	300	none	none	none ^(e)	none ^(e)	55/90 ^(c)	(d)
Bus. B-2	1.50/3.0	none	300	none	none	none ^(e)	none ^(e)	45	(d)
Bus. C	1.25/2.0	none	500	none	none	none	20 ^(j)	55 ^(g)	none
Bus. C-1	2.75/3.0 ⁽ⁿ⁾	none	450 ⁽ⁿ⁾	none	none	none ^(o)	20 ^(j)	50 ^{(g)(l)}	none

The boxes below provide commentary and are not meant to be incorporated into the Ordinance.

4. In Article 5.000 of the Zoning Ordinance, Section 5.33 “Business Districts,” Paragraph 2, insert a new footnote (p) as set forth below.

(p) For development in which all parking is provided entirely below grade, the following dimensional modifications shall be allowed:

- (i) FAR may be increased to 2.0. Notwithstanding the Mixed-Use Formula in Section 5.30.12 of this Zoning Ordinance, on a mixed-use lot, the maximum total FAR shall be 2.0, provided that the gross floor area devoted to non-residential uses shall not exceed an FAR of 1.0.**
- (ii) Front, Side and Rear yard requirements shall be modified to a minimum of ten (10) feet. Sites with two front yards that have a radiused front yard where two streets intersect may be considered as if the adjoining property lines are projected to intersect. Projecting bays and roof decks which are located on portions of a building below thirty-five (35) feet in height shall be eligible for the setback exception allowed in Section 5.24.2 even if the structure itself is greater than 35 feet in height.**
- (iii) Building height for a residential or mixed-use structure may be increased to a maximum of forty-four (44) feet. However, for any portion of a structure that abuts a lot in a residential district, the height of the building shall not exceed thirty-five (35) feet within fifteen (15) feet of the lot line.**

The added text in Paragraph (i), recommended by the Planning Board, would allow for a mixed-use development with some commercial use in a residential building, but would limit the non-residential component to the current zoning maximum FAR of 1.0.

5. In Article 6.000 of the Zoning Ordinance, Section 6.36 “Schedule of Parking and Loading Requirements,” add the words “Bus A-4” within the third column along with the current districts listed: “Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3¹⁴, Ind A-1, Ind B-2, Ind C”

Provision 5 would make the parking requirements the same as in the current BA zoning.

The boxes below provide commentary and are not meant to be incorporated into the Ordinance.

6. In Article 19.000 of the Zoning Ordinance, Section 19.46 “Areas of Special Planning Concern,” add the words “and Business A-4” to read as follows:

19.46 *Areas of Special Planning Concern.* The following zoning districts shall be considered Areas of Special Planning Concern: Business A-1 and Business A-2 **and Business A-4** Districts, the Parkway Overlay District, the Kirkland Place Overlay District, the Harvard Square Overlay District, the Central Square Overlay District, The Cambridgeport Revitalization Development District, the Massachusetts Avenue Overlay District, Special District 12, Special District 13, Special District 14 and the Memorial Drive Overlay District, Prospect Street Overlay District and the Alewife Overlay Districts.

Provisions 6 and 7 would make development in BA-4 subject to advisory development consultation procedures. New criteria would encourage (but not require) the provision of small-scale retail uses in new residential developments of at least 20,000 square feet. Note that Large Project Review is a non-binding review procedure and not the same as Planning Board special permit review. If a project is subject to Planning Board special permit review, then the advisory consultation procedures are waived in favor of the Planning Board public hearing.

7. In Article 19.000 of the Zoning Ordinance, Subsection 19.43.3, Paragraph (1), add Subparagraph (a) “Additional Criteria in Business A-4 District” to read as follows:

19.43.4 Review Criteria and Required Findings of the Large Project Review Procedure. In reviewing each application, the Community Development Department shall:

(1) Evaluate the proposal for general compliance with zoning requirements, for consistency with City development guidelines prepared for the proposal area, for appropriateness in terms of other planned or programmed public or private development activities in the vicinity and for consistency with the Citywide Urban Design Objectives set forth in Section 19.30. The Department shall consider the proposal in terms of the specific and general impact of the use and/or dimensions proposed therein on the area of special planning concern and on adjacent neighborhoods and shall further take account of the following considerations: scale, bulk, density, aesthetic qualities, land use, traffic impacts and other functional characteristics; parking and loading; and impact on public services and facilities.

(a) Additional Criteria in Business A-4 District. Ground Floor Retail uses of less than 2,000 square feet which will serve as an amenity for the surrounding residential neighborhood should be included in any building greater than 20,000 square feet.

(2) Make recommendations in a written report to the applicant including general approval or disapproval of the proposal and in connection therewith may suggest specific project adjustments and alterations to further the purposes of this Ordinance.

RECOMMENDED PLANNING BOARD PROVISION: In Article 19.000, Section 19.23, first paragraph, add the words “and Business A-4” and “and BA-4” to read as follows:

19.23 *Special Permit Threshold.* A Project Review Special Permit shall be required for new building construction of fifty thousand (50,000) gross square feet or more, in all applicable zoning districts [except that in a Business A, Business A-1, and Business A-2 **and Business A-4** districts a Project Review Special Permit shall be required for new building construction of twenty thousand (20,000) gross square feet or more], or for building construction of less than fifty thousand square feet [or twenty thousand square feet in the BA, BA-1, and BA-2 **and BA-4** Districts] where a Table I threshold has been met, on a lot or combination of contiguous lots held in common ownership at any time after September 15, 2000. Where a mix of uses is proposed the threshold shall be determined by the application of the Mixed Use Formula set forth in Table 1.

The boxes below provide commentary and are not meant to be incorporated into the Ordinance.

Provision 8 is recommended by the Planning Board to make development in BA-4 subject to the same 20,000 square foot Project Review Special Permit threshold that applies in the current BA zoning as well as BA-1 and BA-2. If this language were not included, then a project of at least 20,000 square feet but less than 50,000 square feet would be subject to an advisory review meeting but would not be subject to any binding City approval process.