



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board
From: Community Development Department (CDD) Staff
Date: 12/1/2022
Re: **Blier, et al., Zoning Petition**

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Overview

Petitioner: Suzanne Blier, et al., (group of at least 10 registered voters)

Zoning Articles: Article 20.000 Overlay Districts, Section 20.54.9, Frontage Restrictions in the Harvard Square Overlay District

Amendment Summary: To amend Section 20.54.9 by deletion of the existing text and insertion of the following: "20.54.9 Frontage Restrictions. Banks, trust companies, or similar financial institutions as identified in Section 4.34e shall occupy no more than twenty-five feet (25') of the ground-floor level frontage of a building facing any street, aggregated over one or more streets and measured horizontally parallel to the street and wall faces. This limitation shall apply to the sum of all ground-floor frontage to a depth of 20 feet measured from the street. The Planning Board may grant a special permit to allow a minor increase in the permitted frontage upon finding that such increase would create a result that is more compatible with the unique conditions of a particular building or site that the criteria set forth in Section 20.53.2 above are met."

Planning Board Action: Recommendation to City Council

Memo Contents: Summary of the proposed zoning; background information; considerations and comments from staff.

Summary of Petition Effects

[Section 20.54.9](#) of the existing Harvard Square Overlay District places ground floor frontage restrictions on banks, trust companies, and similar financial institutions. The linear ground floor frontage of these uses must comply with two distinct metrics:

- First, these uses are restricted to occupying a maximum of 25' of the ground-floor level frontage of a building facing a street.
- Second, such uses are limited to occupying a maximum of 30% of a building's total horizontal ground-floor building frontage aggregated over one or more streets.

There is also a mechanism to permit a "minor increase" in frontage by issuance of a special permit from the Planning Board. As with all Special Permits in this district, the Harvard Square Advisory Committee provides a written recommendation to the Planning Board on these special permits.

The current petition seeks to modify the limitations on the frontage of bank uses in the Harvard Square Overlay District in the following manner:

- Eliminates the 30% restriction to a building's ground floor bank frontages, aggregated over one or more streets.
- Modifies the linear foot limitation for bank use frontage along a building's ground-floor level so that the 25' limitation is calculated cumulatively for buildings with frontages along multiple streets, rather than one street.
- Adds language that attempts to modify how "ground-floor level frontage" is calculated and assigned, so that the calculation will include portions of a building's bank uses that are located within 20 feet of the street but that are not directly accessible or visible from the street.

The following is a markup version of the Petition that compares it to the current zoning (additions are underlined, deletions in strikethrough):

"20.54.9 Frontage Restrictions. Banks, trust companies, or similar financial institutions as identified in Section 4.34e shall occupy no more than twenty-five feet (25') of the ground-floor level frontage of a building facing any a street, aggregated over one or more streets and measured horizontally parallel to the that street and wall faces. This limitation shall apply to the sum of all ground-floor frontage to a depth of 20 feet measured from the street. ~~In addition, such uses shall not occupy more than thirty percent (30%) of a building's total horizontal ground floor building frontage aggregated over one or more streets.~~ The Planning Board may grant a special permit to allow a minor increase in the permitted frontage upon finding that such increase would create a result that is more compatible with the unique conditions of a particular building or site and that the criteria set forth in Section 20.53.2 above are met."

Background

Section 20.54.9 was adopted in 2020 along with other changes to the Harvard Square Overlay District. The purpose of these regulations is to continue to allow banks in the district while limiting their visual impact on the retail storefront pattern. Similar requirements have been effective in the Central Square Overlay District since 2017.

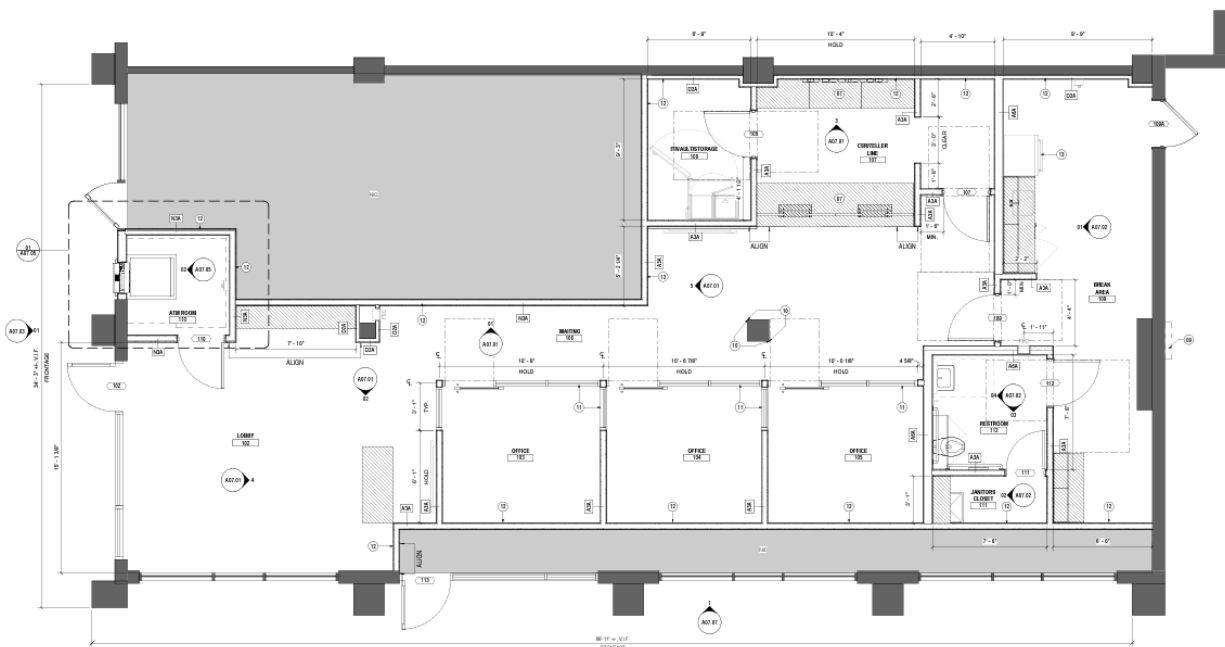
In Central Square, the Planning Board has granted special permits approving a couple instances of banks exceeding the frontage limitations. Usually these were cases of a bank moving into an existing retail space, and the modifications were to fit the existing space. In some cases the Planning Board has imposed conditions on the storefront design in order to mitigate the visual impact of the bank façade.

In Harvard Square, the Board has not granted any special permits modifying the frontage limitations but has been involved in the review of a couple cases that were ultimately found to be in conformance with the existing zoning requirements. Those cases are summarized below as they provide some insight into the Petitioners' rationale for the current Petition.

1290 Massachusetts Avenue

In early 2021, the Planning Board received a special permit application (PB-378) to exceed the permitted frontage for a bank in an existing corner retail space for a new Santander Bank located at 1290 Massachusetts Avenue. The Harvard Square Advisory Committee met with the applicant for 1290 Massachusetts Avenue to discuss their proposal prior to the Planning Board meeting and voted to forward a negative recommendation.

The applicant sought a continuance of the case and decided to pursue an as-of-right configuration for the bank. The modified plans carved out a section of the space for a smaller retail tenant on Massachusetts Ave. and created a dedicated window display gallery space a few feet wide along Linden Street that would not be used by the bank. The resulting direct bank frontage was 22.67' on Massachusetts Avenue and 18' on Linden Street. The Inspectional Services Department (ISD) determined that the revised project plan did not exceed the frontage limitations in Section 20.54.9 and the applicant's Planning Board application was withdrawn.



9 JFK Street

The Planning Board granted a special permit for the redevelopment of this site in 2018 (PB-334), which included partial renovation of an existing building and a new addition. Retail uses, but not bank uses, were shown at the ground story in the plans approved by the Planning Board. The lot is triangle-shaped, with frontage on both Brattle Street and JFK Street.

As construction was underway, Chase Bank leased a space for its use at the building's ground story and sought a building permit for the bank fit-out. ISD determined that the bank was subject to the frontage limitations in Section 20.54.9. The bank space was designed to have two entrances, one on Brattle Street and one on JFK Street. ISD determined that this configuration conformed to the limitations in Section 20.54.9, because the frontage on each street was no more than 25 feet and the total bank frontage was not more than 30% of the total building frontage. Because the building was subject to a Planning Board special permit, the plan changes, which involved changes from retail uses to a bank use, required Planning Board review and approval. After making some comments and reviewing a round of revisions, the Planning Board approved the plan changes earlier this year, subject to continuing CDD staff review.



Comments on Petition

It appears that the Petitioners' intent is to address issues related to these prior cases. During the Planning Board hearings for these prior cases community members expressed concerns that despite the limitations in the Zoning Ordinance, the proposed banks still appeared to occupy more building frontage than was desired when the requirements for bank frontage were enacted.

The proposal to eliminate the 30% aggregate frontage limitation, to be replaced with a 25' total frontage limitation across all streets, seems intended to put stricter limitations on scenarios where a bank might be located in the corner of a building or might have multiple entrances on different streets.

The proposal to apply the limitations "to a depth of 20 feet measured from the street" seems intended to address scenarios like at 1290 Massachusetts Avenue where the frontage limitations might be met by putting a narrow use at the building frontage to create a "buffer" in front of the bank.

The overall effect of the petition is to place greater restrictions on the occupancy of a ground-story retail space by a bank use in Harvard Square. For example, it would be very difficult for a bank to occupy a corner space unless it is very small. It would also be difficult for a bank to occupy a larger ground-story space, unless the space is mainly in the interior of the building with only a small entrance on the exterior.

Additionally, the Petition raises some technical questions worthy of more consideration.

Calculating and Attributing "Ground-Floor Level Frontage"

Frontage is typically defined as the length of a building, or the length of a separate and distinct ground floor establishment, abutting a street. The use of the word "frontage" is less clear when applied to an individual establishment or use within a larger building, but ISD has determined in recent cases that it only applies to the portion of the use that is directly behind the building's exterior wall. The Petition does not seek to amend or clarify the meaning of "frontage," but proposes an amendment that states that "This limitation shall apply to the sum of all ground-floor frontage to a depth of 20 feet measured from the street." The intent seems to be to treat the entire portion of the building 20 feet from the street (which might not necessarily be the first 20 feet depth into the building) as "frontage." This could help address the issue raised in the 1290 Massachusetts Avenue case, but could also introduce additional ambiguity depending on how ISD interprets the meaning of "frontage" for cases that might have irregular configurations of storefront spaces.

In other parts of the City, there are design standards that require all ground-story uses (not just banks) with building frontage to have a depth of at least 20 feet (or some other typical depth), to avoid overly narrow spaces. That would likely not be in the scope of this Petition, but could be considered separately in a subsequent petition.

Multiple Bank Institutions

The Petition, as well as the current zoning, is not clear in how it would apply to a building with two or more banks. It is not entirely clear whether the limitation is applied to a building or to each individual bank establishment. As written, it might allow multiple banks with a ground-floor level frontage located

within a single building. Each individual bank might have frontage that is less than twenty-five feet (25'), but cumulatively they might exceed twenty-five feet (25') of frontage on a building. Additional clarity should be provided.

Other Text Clarifications

If the Board decides to submit a recommendation, staff suggests that the recommendation include a request that CDD and Law Department review the text before adoption and make recommended changes to the language to make it as clear and enforceable as possible.