



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board
From: Community Development Department (CDD) Staff
Date: May 16, 2023
Re: **Charles Franklin et. al. Zoning Petition**

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Overview

Petitioner: Charles Franklin, et al. (group of at least 10 registered Cambridge voters)

Zoning Articles: Article 3.000 Zoning Districts, Article 4.000 Use Regulations, Article 5.000 Development Standards, Article 6.000 Parking and Loading Requirements, Article 7.000 Signs and Illumination, Article 8.000 Nonconformity, Article 11.000 Special Regulations, Article 17.000 Special Business, Office and Industrial Districts, Article 20.000 Overlay Districts, and Article 21.000 Transfer of Development Rights Regulations

Amendment Summary: Amend the Zoning Map to reclassify all land currently in Residence A-1, Residence A-2 into a new Residence "A" District; Eliminate the Residence C-1 and Business C-1 districts; reclassify all land currently zoned Residence B in Neighborhoods 4, 5 and 6 to Residence C; Establish new and amend existing use and dimensional standards for Residence A, B, C and Business A, A-1, A-2, A-3, B, and C Districts; amend current standards for Nonconformities in Article 8, Townhouse Development and Affordable Housing Overlay standards in Article 11; and make further changes to the dimensional standards for development in the Harvard Square Overlay District, Central Square Overlay District, Massachusetts Avenue Overlay District, Prospect Overlay District; and make other language edits throughout the Zoning Ordinance.

Planning Board Action: Recommendation to City Council

Memo Contents: Summary of the proposed zoning; background information on Cambridge's existing zoning for residential uses; examples of the elimination of single-family-only zoning in other jurisdictions; current planning for zoning changes in Cambridge; and comments on proposed amendment.

Stated Intent of Petition

The Petitioner refers to the Petition as the “Restore Cambridge Housing Zoning Petition” and includes the following goals:

- Encourage new housing development citywide;
- Reverse downzoning of Cambridge neighborhoods that occurred decades ago;
- Permit the development of residential building types and scales similar to the prevailing patterns of existing development;
- Reduce/remove barriers to renovating and improving existing buildings;
- Promoting density increases along business and transit corridors;
- Encourage mixed-use residential development with ground-story retail and consumer service uses.

Summary of Petition Changes

The Petition proposes changes to residential districts, business districts, overlay districts, and other areas of the Cambridge Zoning Ordinance, which are further summarized below.

Residential District Changes – Map & Dimensional Standards

The Petition proposes to consolidate the Residence A-1 and A-2 districts into a new Residence “A” district, as follows:

	Max. FAR	Min. Lot Size	Min. Lot Width	Min. Lot Area/D.U.	Max. Height	Open Space	Min. Front Yard	Min. Side Yards	Min. Rear Yard
Existing									
A-1	0.5	8,000 SF	80’	6,000 SF	35’	50%	25’	15’ and sum to 35’	25’(+)
A-2	0.5	6,000 SF	65’	4,500 SF	35’	50%	20’	10’ and sum to 25’	25’(+)
Proposed									
A	0.5/1.0	6,000 SF	65’	4,500 SF	35’	30%	15’	10’	25’

The Petition further amends the Residence districts by reclassifying properties in Neighborhoods 4, 5, and 6 from Residence B to Residence C, and converting Residence C-1 districts to Residence C, with the following changes (Note: the Petition does not provide a description of what Neighborhood 4, 5 and 6 mean; though it could refer to the City’s [Neighborhood Map](#), which would constitute The Port,

Cambridgeport, and Mid-Cambridge. There may be legal issues associated with applying different legal standards in areas that are not defined and not shown on the zoning map.):

	Max. FAR	Min. Lot Size	Min. Lot Width	Min. Lot Area/D.U.	Max. Height	Open Space	Min. Front Yard	Min. Side Yards	Min. Rear Yard
Existing									
B	0.5	5,000 SF	50'	2,500 SF	35'	40%	15'	7.5' and sum to 20'	25'(+)
C	0.6	5,000 SF	50'	1,800 SF	35'	36%	10' and (H+L)/4	7.5' and (H+L)/5	20'(+)
C-1	0.75	5,000 SF	50'	1,500 SF	35'	30%	10' and (H+L)/4	7.5' and (H+L)/5	20'(+)
Proposed									
B	1.0	5,000 SF	50'	2,500 SF	35'	30%	15'	7.5'	20'
C	1.49	5,000 SF	50'	1,800 SF	35'	30%	10'	7.5'	15'

The Petition makes several amendments to existing footnotes in the District Dimensional Standards for Residential Districts in Section 5.31:

- Modifies footnote (c) to remove language which requires a greater rear yard setback in Residence A-1, A-2, C and C-1 districts when the depth of the lot exceeds one hundred feet (100').
- Eliminates footnote (i) related to dimensional standards of the Residence C-1 district, which is proposed to be eliminated.
- Eliminates footnote (j), currently applicable to the Residence B district, which modifies the allowable FAR and Minimum Lot Area per Dwelling Unit calculations for portions of lots over 5,000 square feet, with additional requirements related lots that are subdivided.
- Adds a new footnote (q) which states that Residential Uses (Section 4.31.a thru h) have a Minimum Lot Area per Dwelling Unit of three hundred square feet (300 sq/ft).

The Petition makes additional modifications to the Dimensional Standards for Residential Uses in Article 5.00, as follows:

- Eliminates a setback exception in Residence A-1 and A-2 districts which allows the front yard setback of dwellings to match the average setback of other principal buildings on adjacent lots.
- Creates a new Section 5.31.4 which states that mixed-use structures in Section 5.30.11.a (note: Section 5.30.11.a is a newly-proposed section, further discussed below) with a “front lot line” on Broadway, Cambridge Street, Columbia Street, Concord Avenue, Hampshire Street, Huron Avenue, Kirkland Street, Mt. Auburn Street, Prospect Street, and/or Western Avenue may:
 - In a Residence B district – achieve an FAR of 1.5 and a thirty-foot (30') height limit to the “cornice line of any wall plane” at the front lot line.

- In a Residence C district – achieve an FAR of 2.0 and a forty-five foot (45’) height limit with a thirty-five foot (35’) height limit to the “cornice line of any wall plane” at the front lot line.
- Establishes a general standard that development above a cornice line must meet certain bulk control plane requirements.

Residential District Changes – Use Standards

In addition to the map and dimensional standards above, the Petition amends the Table of Use Regulations in Section 4.30 as follows:

- Residence “A” – Makes two-family dwellings (4.31.b), townhouse developments (4.31.d), and conversion of existing dwellings for more than two families (4.31.h) a permitted use (currently prohibited).
 - The Petition also removes a footnote #2 for Existing one-family detached dwelling converted for two families (4.31.c) that stipulates that the exterior design of the structure is not changed.
- Residence B – Makes multifamily dwellings (4.31.g) as-of-right (currently prohibited).
 - The Petition also removes a footnote #3 for Townhouse development (4.31.d) requiring that a Planning Board Special Permit be obtained for development subject to the Townhouse Development ordinance in Section 11.10.
- The Petition makes the following additional changes to the Residential Use table:
 - Eliminates footnote #3 for Townhouse development in all Residence districts.
 - Eliminates footnote #17 for Existing dwelling converted for elderly oriented congregate housing (4.31.f) which requires that in Residence A districts, the exterior design of the structure is not changed unless a Planning Board Special Permit is granted.

Business District Changes – Dimensional Standards

The Petition makes modifications to the Table of Dimensional Requirements for Business Districts in Section 5.33, as follows:

- FAR
 - The Petition generally increases the allowable FAR for residential and non-residential uses in the Business A, A-1, A-2, A-3, B, and C districts. In some cases, the allowable residential FAR is more than doubled over what is existing (e.g., Business B is increased from 3.0 FAR to 7.0 FAR).
 - In other cases, where there is currently only a general FAR limit, the FAR limit is modified such that there is now a different FAR limit for non-residential uses than for residential uses (e.g., Business A-2 currently has a 1.0 FAR for all uses, and is modified such that non-residential FAR is 1.0 and residential FAR is 3.0).
- Minimum Lot Area per Dwelling Unit

- The Petition generally reduces the existing minimum lot area per dwelling unit requirements for several districts, including the Business A, A-2, B, and C. In the Business B and C districts specifically, the requirement is eliminated altogether.
- A new footnote (q) is added to the Business A-3 district which states that the Minimum Lot Area per Dwelling Unit is 300 sq/ft.
- Minimum Yard Requirements
 - As with the Residence districts, the Petition modifies the minimum setback requirements in many Business districts to move from a formula-based setback provision to an absolute requirement:
 - In Business A and A-1 districts, the rear yard setback is changed to 15’.
 - In the Business A-3 district, all setbacks are changed from formula setbacks to a 10’ front yard, 7.5’ side yard, and 15’ rear yard requirement.
- Maximum Building Height
 - The maximum building height is changed in Business A, A-2, and C districts to generally allow for taller heights for residential uses (60-65’) compared to non-residential uses.
- Dimensional Footnotes
 - The Petition makes modification to several footnotes in the Business District dimensional table:
 - Footnotes (a), (b), (l), (m), (n), and o are proposed to be eliminated. In some cases, these footnotes place additional conditions on some of the dimensional requirements in the table itself, like noting that in Business A districts, regardless of the rear yard formula setback, no building may be located nearer than twenty feet (20’) from the rear property line. In other cases, the footnotes are tied to a district that is proposed to be eliminated (i.e., Business C-1).
 - Footnote (g) is modified to clarify that the height limitations in Business C pertain only to non-residential development.
 - Footnote (j) is modified to expand the provision to all Business districts that no rear yard is required where the rear lot line abuts a lot in a business or industrial district.
 - Footnote (k) is modified to expand a required height bulk control plane from Business A-2 to include the Business A district, and provides provisions for how that bulk control plane could be exceeded. The footnote is also modified to eliminate a height stepdown requirement when a building is within fifty feet (50’) of a residential zoning district.
 - A new footnote (q) is created which stipulates that the Minimum Lot Area per Dwelling Unit for Residential Uses (4.31 a-h) is 300 square feet.

Other Proposed Dimensional Changes

In addition to the modifications to the residence and business district dimensional standards, the Petition adds new sections to Section 5.30 District Dimensional Standards and amends existing provisions:

- Creates new (a) and (b) under 5.30.11 which states that buildings with non-residential uses and residential uses may utilize the residential heights described in the dimensional table for residence and business districts; and that stories 75% or more below grade shall not count against FAR.
- Adds a new Section 5.33.9 – Requires certain types of non-residential ground floor uses when a mixed-use building is utilizing the taller heights permitted by Section 5.30.11.a. The Section establishes the range of non-residential uses that are permitted and establishes design requirements associated with those uses.
- Amends Section 5.53 such that in Residence A districts, a second principal dwelling can be located on a lot, subject to existing requirements (e.g., that a Planning Board Special Permit be obtained if the second dwelling is located more than seventy-five feet from the street line).

Other Proposed Ordinance Changes

The Petition proposes amending several other parts of the Zoning Ordinance, which are summarized below:

- Article 8 – Nonconformities
 - Removes a requirement that administratively-approved conforming additions to nonconforming structures must not increase the volume or area of the nonconforming structure by more than ten (10) percent since the structure first became nonconforming.
 - Removes a requirement that alteration or enlargement of a nonconforming structure, for which the BZA can grant a special permit, shall not increase the area or volume of the nonconforming structure by more than twenty-five (25) percent since the structure first became nonconforming.
- Article 11 – Townhouse Development
 - Removes references that townhouses are limited to one and two-families.
 - Clarifies that townhouse developments are permitted in all Residence districts.
 - Modifies the special permit applicability for townhouses to six (6) or more dwelling units in Residence A districts (rather than C districts).
 - Amends the maximum height of townhouses as follows:
 - Revises the height from four stories to the “lesser of the base zoning max height and four habitable stories”.
 - Creates opportunity to exceed the bulk control plane requirements in Section 11.15.3.
 - Eliminates a height limitation of thirty-five feet in Residence B districts.
- Article 11 – Affordable Housing Overlay
 - Further restricts the FAR limit for AHO developments such that an AHO project is limited to a 2.00 FAR when the District Dimensional Standard FAR is less than 1.50 (currently, 1.00).
- Article 20 – Overlay Districts

- Mixed Use Residential Overlay (MXR) District: Increases FAR for mixed-use developments in Residence C to 1.5 (currently 0.6)
- Eastern Cambridge Housing Overlay (ECHO) District: Increases FAR for residential uses with an underlying base zoning district of Residence C to 1.5 (currently 0.75).
- Harvard Square Overlay (HSOD) District: Increases as-of-right height limitation to eighty feet (80') if uses above sixty feet (60') are residential (current height limit is sixty feet). Allows heights up to 90' by Special Permit if residential use (currently 80'). Increases allowable FAR for residential and mixed-use developments to 7.0 (currently 4.0).
- Massachusetts Avenue Overlay (MAOD) District: Reduces minimum open space depth requirement from twenty feet (20') to fifteen feet (15') for Business C lots abutting Residence C or Residence B zoning districts. Increases the FAR for mixed-use lots from 1.75 to 4.00. Increases the maximum height from fifty feet (50') to sixty feet (60') in a BA-2 district when the lot has frontage on Mass Ave. Removes a bulk control plane requirement for mixed-use building with frontage on Mass Ave. Removes a provision requiring front yards in the BA-2 district south of Arlington Street unless waived by Planning Board Special Permit.
- Prospect Street Overlay District: Removes a requirement that if no front yard is required under base zoning, the front yard setback by three feet (makes all development subject to a three foot setback).
- Central Square Overlay District (CSOD): Increases the maximum building height for residential and mixed-use developments from fifty-five feet (55') to one hundred and twenty feet (120') as long as stories above 55' are dedicated to residential uses. Creates a stepback and bulk control plane provision for buildings in excess of sixty feet (60') in a Business B district. Eliminates an FAR restriction of 4.0 for residential and mixed-use developments in a Business B base zoning district.
- Article 21 – Transfer of Development Rights Regulations
 - In Eastern Cambridge & Alewife: Amends requirements so that the residual gross floor area available for residential development on a donating lot be that resulting from an FAR of 1.5 in a Residence C district (rather than 0.75).

Comments on Proposed Zoning

Overall Considerations

The Petition represents a “tectonic shift” in the way many zoning districts and dimensional standards would be characterized within the City, which could have fundamental, cascading effects throughout the entire Zoning Ordinance. Without further study of the proposed Petition, it is hard to predict what the outcomes of the Petition might be.

The Petition proposes several changes to parts of the Zoning Ordinance that are currently (or soon to be) under further study; including:

- Alewife – The [Alewife Zoning Working Group](#) process is completed, and a zoning proposal will soon be forwarded to City Council for its consideration.

- Cambridge Street – The [Our Cambridge Street Study](#) is completed, and a zoning proposal will also soon be submitted to City Council.
- A North Mass Ave Planning Study will commence later this summer.
- [Zoning to allow multifamily citywide](#) – currently being discussed in Housing Committee.
- [Potential Affordable Housing Overlay Amendments](#) – has been discussed in Housing Committee, and a [Policy Order](#) has been adopted directing Community Development Department staff to draft a zoning petition in response.

If enacted, this Petition would “short circuit” those planning efforts, requiring a rethinking of how those other efforts should be implemented within a fundamentally different zoning context. Further study could be required under these efforts before being able to move forward.

The Petition states that one of its intended goals is to permit development of buildings that are similar to what currently exists throughout the City, but there is no accompanying study to support the rationale for the proposed use and dimensional changes, or how enacting the proposed changes will result in a prevailing development pattern that matches the existing built environment. Many of the neighborhoods in the districts proposed to change are older neighborhoods that were built under different zoning requirements, but also different building codes, construction methods and economic factors that have also fundamentally changed. There is no guarantee that enacting the proposed zoning changes would therefore result in development that is akin to the types of buildings that exist in these areas.

Another stated goal of the petition is to reverse “downzoning” that occurred historically in Cambridge, but the Petition does not discuss this concept or how the zoning has changed in Cambridge over time. As discussed thoroughly in the [CDD staff memo](#) on the Missing Middle Housing zoning petition in 2021, Cambridge’s zoning was changed to be more permissive in the 1960s, in order to encourage development and reverse disinvestment that resulted following the Great Depression and World War II. In the decades that followed, however, the Zoning Ordinance was further amended to be gradually more restrictive over time. In 2001, the City underwent a citywide rezoning effort which aimed at encouraging mixed-use and residential development in areas of the City that would be more likely to redevelop. In 2019, the City adopted the [Envision Cambridge](#) Comprehensive Plan which sets forth a planning framework by which future zoning changes should be studied – by focusing on specific areas of the City and developing tailored recommendations for zoning changes that are fully informed by public input and meant to achieve deliberate outcomes.

While the Petition’s stated goals relate to housing development, some of the proposed zoning changes have the effect of increasing restrictions on residential uses, or creating greater allowances for non-residential development, which could result in an environment where commercial development, from an economic perspective, is a preferred land use type for development. As stated previously, many of the changes proposed herein have not been studied or vetted to determine whether the proposed changes would achieve the outcomes that are intended by the Petitioner.

Some of the proposed changes remove the requirement to obtain a special permit for certain types or scales of development. In many of these cases, a special permit requirement was instituted because

exceeding a base zoning provision requires a more delicate planning approach, and review of proposals on a case-by-case basis helps to ensure that the potential impacts are balanced/mitigated and the overall planning objective is achieved. Without additional context or rationale, it is difficult to determine whether the removal of a special permit requirement is in furtherance of the stated objectives of the Petition.

Similarly, many of the City’s overlay district provisions were put in place because a certain area of the City required a more tailored planning approach. Modifying or eliminating provisions in these districts “a la carte” could run counter to the original objective of these Districts, and proposed changes should be reviewed holistically in the context of specific area planning considerations.

Specific Considerations – Residence District Changes

Many of the Petition’s proposed changes would affect development in Cambridge’s lower-scale neighborhoods. From a policy perspective, the concept of permitting greater density for multifamily or townhouse developments and lower density for single- and two-family development could be a way of achieving incremental density without encouraging “oversized” homes. However, it is unclear from the Petition how certain dimensional standards were arrived at, or what the rationale was behind many of the proposed changes. For example, the Petition removes a formula-based setback approach for many residential districts and replaces it with an absolute number, but the Petition does not describe how such a number was decided. Other standards, like minimum open space standards, help the City achieve other policy goals like climate resilience, and potential impacts to these competing policy priorities should be weighed holistically before changes are proposed.

The Petition proposes several changes to the City’s Townhouse Development regulations. These regulations were put in place in the 1970s and became a popular infill development approach in the 1980s. Today, the City does not typically see new townhouse developments proposed under this Article, and the regulations are narrowly tailored and cumbersome. Prior to revisiting these requirements, a broader conversation should occur to determine whether townhouse-style development or other “cluster development” is something the City wants to encourage in residential areas, or if these provisions should be removed from the Zoning Ordinance altogether.

The Petition creates a concept by which “mixed-use structures” follow a similar set of development standards as residential uses, which is confusing because many of the City’s residence districts do not permit non-residential uses. Again, prior to enacting zoning changes that would encourage mixed-use development in residential areas, the City should have a conversation about what specific streets or neighborhoods are appropriate to include a range of ground-story commercial uses, and those areas could be rezoned to accommodate that broader mix of uses.

Specific Considerations – Business District Changes

As noted earlier in this memo, the Petition proposes changes in areas that are currently or will soon be undergoing planning studies that could include zoning changes. A key benefit of an area-specific or

neighborhood planning approach is the ability to make tailored zoning recommendations to achieve the planning objectives of that area. Specific design standards, use considerations, and review procedures can be created that more closely align with neighborhood goals.

The Petition proposes increasing the non-residential FAR in Business A, B, and C districts, which may have the effect of encouraging commercial development over housing development in these areas. Further, the Petition creates a concept of a “mixed-use structure” which means locating residential development over ground-story commercial uses. While this development style has been replicated and realized throughout the City, the City has also seen other development scenarios where uses are side-by-side rather than stacked on top of one another where a vertical arrangement of land uses may be infeasible or impractical due to other development considerations.

The proposed Section 5.33.9 appears modeled after regulations that exist in the Mass Ave Overlay District, which require certain ground-story non-residential uses and associated dimensional requirements for lots fronting Mass Ave. In this case, the requirement functions more like an incentive, where a mixed-use development meeting these requirements can achieve the heights that are permitted for residential developments, but it is not entirely clear from the language what the incentive would be or how it would work.

Specific Considerations – Other Changes

The Petition proposes several other changes which would require further study and review by the City. For example, the Petition proposes a number of modifications to the City’s Nonconformities provisions, which were updated as recently as 2021 in response to state statutes and case law around nonconformity. There may be legal issues with changes to these provisions. The Petition changes how some dimensional standards are calculated citywide, such as stating that stories 75% or more below grade do not count towards FAR; a change which conflicts with recently-adopted standards as part of the City’s Climate Resilience Zoning.

There are additional challenges with the form of the petition, where provisions are unclear or appear in direct conflict with other provisions in the Ordinance. For example, the Petition references a reclassification of Neighborhoods 4, 5, and 6 from Residence B to Residence C, but there is no accompanying map or supporting material that describes these neighborhoods or defines their boundaries. Another example is that the proposed minimum lot area per dwelling unit changes are confusing, because they remain the same in the dimensional tables but a footnote is included which stipulates that the minimum lot area per dwelling unit for residential units is 300 square feet.

Conclusions

Prior to this Petition advancing, staff would recommend further study on the proposed changes and how they might interact with zoning changes being contemplated as part of ongoing planning work by the

City. The Board may also suggest that guidance be sought from the Law Department on some of the legal issues and questions raised in this memo. Finally, staff would recommend at a minimum that a careful review of the language be undertaken to make it more consistent with language already in effect in the Zoning Ordinance and remove any potential conflicts and ambiguities.