

## **Project Review Special Permit – Traffic Impact Findings**

**19.25.1** Traffic Impact Findings. Where a Traffic Study is required as set forth in Section 19.24 (3) above the Planning Board shall grant the special permit only if it finds that the project will have no substantial adverse impact on city traffic within the study area as analyzed in the Traffic Study. Substantial adverse impact on city traffic shall be measured by reference to the traffic impact indicators set forth in Section 19.25.11 below.

In areas where the Planning Board determines that area-specific traffic guidelines have been established in the Ordinance, the Board recognizes written agreements between project proponents and the City dealing with transportation mitigation strategies.

**19.25.11** Traffic Impact Indicators. In determining whether a proposal has substantial adverse impacts on city traffic the Planning Board shall apply the following indicators. When one or more of the indicators is exceeded, it will be indicative of potentially substantial adverse impact on city traffic. In making its findings, however, the Planning Board shall consider the mitigation efforts proposed, their anticipated effectiveness, and other supplemental information that identifies circumstances or actions that will result in a reduction in adverse traffic impacts. Such efforts and actions may include, but are not limited to, transportation demand management plans; roadway, bicycle and pedestrian facilities improvements; measures to reduce traffic on residential streets; and measures undertaken to improve safety for pedestrians and vehicles, particularly at intersections identified in the Traffic Study as having a history of high crash rates.

The indicators are: (1) Project vehicle trip generation weekdays and weekends for a twenty-four hour period and A. M. and P.M. peak vehicle trips generated; (2) Change in level of service at identified signalized intersections; (3) Increased volume of trips on residential streets; (4) Increase of length of vehicle queues at identified signalized intersections; and (5) Lack of sufficient pedestrian and bicycle facilities. The precise numerical values that will be deemed to indicate potentially substantial adverse impact for each of these indicators shall be adopted from time to time by the Planning Board in consultation with the TPTD, published and made available to all applicants.

## **Project Review Special Permit – Urban Design Findings**

**19.25.2 Urban Design Findings.** The Planning Board shall grant the special permit only if it finds that the project is consistent with the urban design objectives of the city as set forth in Section 19.30. In making that determination the Board may be guided by or make reference to urban design guidelines or planning reports that may have been developed for specific areas of the city and shall apply the standards herein contained in a reasonable manner to nonprofit religious and educational organizations in light of the special circumstances applicable to nonprofit religious and educational activities.

### **19.30 Citywide Urban Design Objectives**

The following urban design objectives are intended to provide guidance to property owners and the general public as to the city's policies with regard to the form and character desirable for new development in the city. It is understood that application of these principles can vary with the context of specific building proposals in ways that, nevertheless, fully respect the policies' intent. It is intended that proponents of projects, and city staff, the Planning Board and the general public, where public review or approval is required, should be open to creative variations from the detailed provisions presented in this Section as long as the core values expressed are being served. A project need not meet all the objectives of this Section 19.30 where this Section serves as the basis for issuance of a special permit. Rather the permit granting authority shall find that on balance the objectives of the city are being served. Nor shall a project subject to special permit review be required to conform to the Required Building and Site Plan Requirements set forth in Section 19.50.

Further indicators of conformance with these policy objectives shall be found in planning documents and plans developed for specific areas of the city or the city as a whole, to the extent that they are not inconsistent with the objectives set forth in this Section 19.30. These documents include the *Harvard Square Development Guidelines*, the *Central Square Action Plan*, the *Central Square Development Guidelines*, the *North Massachusetts Avenue Urban Design Guidelines Handbook*, the *University Park at MIT Urban Design Guidelines*, the *North Point Policy Plan and Design Guidelines*, the *Cambridge Institutional Growth Management Plan*, the *East Cambridge Riverfront Plan*, the *Eastern Cambridge Plan*, the *Eastern Cambridge Design Guidelines*, the *Alewife Revitalization*, *Alewife Urban Design Study Phase II* and its Draft update of 1991, and *Toward a Sustainable Future: Cambridge Growth Policy Document*.

**19.30 Citywide Urban Design Objectives [SUMMARIZED]**

Objective	Indicators
New projects should be responsive to the existing or anticipated pattern of development.	<ul style="list-style-type: none"> <li>• Transition to lower-scale neighborhoods</li> <li>• Consistency with established streetscape</li> <li>• Compatibility with adjacent uses</li> <li>• Consideration of nearby historic buildings</li> </ul>
Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.	<ul style="list-style-type: none"> <li>• Inhabited ground floor spaces</li> <li>• Discouraged ground-floor parking</li> <li>• Windows on ground floor</li> <li>• Orienting entries to pedestrian pathways</li> <li>• Safe and convenient bicycle and pedestrian access</li> </ul>
The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.	<ul style="list-style-type: none"> <li>• Location/impact of mechanical equipment</li> <li>• Location/impact of loading and trash handling</li> <li>• Stormwater management</li> <li>• Shadow impacts</li> <li>• Retaining walls, if provided</li> <li>• Building scale and wall treatment</li> <li>• Outdoor lighting</li> <li>• Tree protection (requires plan approved by City Arborist)</li> </ul>
Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.	<ul style="list-style-type: none"> <li>• Water-conserving plumbing, stormwater management</li> <li>• Capacity/condition of water and wastewater service</li> <li>• Efficient design (LEED standards)</li> </ul>
New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.	<ul style="list-style-type: none"> <li>• Institutional use focused on existing campuses</li> <li>• Mixed-use development (including retail) encouraged where allowed</li> <li>• Preservation of historic structures and environment</li> <li>• Provision of space for start-up companies, manufacturing activities</li> </ul>
Expansion of the inventory of housing in the city is encouraged.	<ul style="list-style-type: none"> <li>• Housing as a component of large, multi-building development</li> <li>• Affordable units exceeding zoning requirements, targeting units for middle-income families</li> </ul>
Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.	<ul style="list-style-type: none"> <li>• Publicly beneficial open space provided in large-parcel commercial development</li> <li>• Enhance/expand existing open space, complement existing pedestrian/bicycle networks</li> <li>• Provide wider range of activities</li> </ul>

## **Special Permits to Allow Retail, Increase FAR, Additional FAR for Public Improvements, Increase Building Height, and Waiver of Front and Side Yard Requirements in Alewife Overlay Districts**

**20.92** *General Purpose.* It is the purpose of this Section 20.90 to augment existing base district zoning regulations to respond to the unique problems and pressures for change in the Alewife area. The regulations contained in this Section 20.90 provide for more careful public scrutiny of future development proposals and provide an opportunity to shape the form and character of that development in ways that will benefit both individual property owners and the general interests of the larger commercial and residential neighborhood as a whole.

These regulations are intended to harness the opportunities presented with the redevelopment of private property in ways that will:

1. Encourage forms of development, mix of uses, and range of improvements that will facilitate and encourage walking, biking and transit use and reduce the growth of auto trips in an area already burdened with regional vehicular traffic passing through to other destinations in the metropolitan region;
2. Preserve and enhance the capacity to store floodwater, recharge groundwater and manage the collection and disposal of stormwater in ways that add to the quality and visual appeal of the built environment as well as to the quality of the water itself;
3. Minimize the negative impact of new development on the adjacent Cambridge Highlands residential neighborhood while introducing new amenities and services that will benefit the residents of that neighborhood;
4. Integrate the entire area through the creation of new pedestrian paths, roadways, green spaces and bridges that will facilitate movement within the several Districts and beyond to the Cambridge Highlands, North Cambridge and Neighborhood Nine neighborhoods and the Fresh Pond Reservation;
5. Introduce a significant component of residential living and support retail services to enhance the area's appeal for all persons who come to work, shop as well as live within the Districts; and
6. Create an identity and sense of place for the Alewife Districts that parallels the development of the historic urban centers that characterize much of Cambridge.

**20.94** *Modifications to Permitted Uses*

**20.94.1** *Additional Permitted Uses.* In any base office or industrial district all uses listed in Section 4.35 - Retail Business and Consumer Service Establishments shall be permitted by special permit from the Planning Board (if not otherwise allowed as of right in the district), subject to the following limitations unless the limitations are specifically waived by the Planning Board upon its finding that the purposes set forth in Section 20.92 above have been met:

- (a) No individual establishment may exceed 10,000 square feet in area.
- (b) The retail use shall be located on the first floor or basement of the building in which it is located.
- (c) The total Gross floor Area devoted to retail uses may not exceed 10% of the Gross Floor Area of the buildings constructed or authorized on the lot.

**20.95.1** Maximum Floor Area Ratio. The maximum ratio of floor area to the lot area may be increased as set forth below, after the issuance of a special permit from the Planning Board.

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3. Quadrangle Southeast District: 1.5 for non-residential uses; 2.0 for residential uses.

**20.95.11** Additional FAR for Public Improvements. In order to provide an incentive to property owners to protect important segments of future roadways and infrastructure from permanent building construction, the Planning Board, in its review of any Special Permit application, may grant additional FAR above that permitted in Section 20.95.1 above in all Overlay Districts where the proposed development incorporates or provides one or more of the following improvements or property interests in a manner and to an extent determined to be sufficient to significantly advance the objectives of the Concord-Alewife Plan.

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2. Conveyance of fee or easement property interests to the City of Cambridge (in a form acceptable to the City) to permit the future construction of roadway segments, pedestrian paths, the pedestrian bridge referenced above in Paragraph 1, public parks and other publicly accessible open space and recreation features consistent with the Concord-Alewife Plan, which segment, path, park or open space is identified on the maps entitled Priority Infrastructure Plan and Additional Infrastructure Plan or is otherwise identified by the Planning Board at another location and determined by the Board to be of equal value and consistent with those elements identified on the Map and the objectives set forth in the Plan.

In this instance, the additional FAR shall be equal to the FAR otherwise permitted on the lot as-of-right or by special permit, but shall be applied only to that portion of the lot for which a fee or easement interest is to be conveyed.

**20.95.2** Maximum Permitted Height. The maximum height for any building may be increased as set forth below, after the issuance of a special permit from the Planning Board:

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4. Quadrangle Southeast District: 70 feet for non-residential uses; 85 feet for residential uses.

**20.95.34** Waiver of Yard Requirements. The yard requirements of the applicable base or Overlay districts may be reduced or waived as set forth below:

1. Side and rear yard requirements of any applicable base zoning district may be waived, subject to the minimum requirements of Section 20.95.31 above, and front yards may be reduced to a minimum of fifteen (15) feet after the issuance of a special permit from the Planning Board.

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3. The Planning Board shall consider the following in making its findings:
  - a. The objectives of the Concord-Alewife Plan continue to be met.

- b. The stormwater management objectives for the area continue to be met both on the site and as the site may be a part of a larger system for managing stormwater runoff.
- c. The reduction or waiver of yard requirements provides for more efficient development of land; encourages or facilitates a more logical pattern of buildings, streets, parks and open space; or enhances the urban, pedestrian character of the area as envisioned in the Concord- Alewife Plan.

## Special Permit for Building Construction in Flood Plain Overlay District

- 20.73** *Applicability.* No structure or building shall be erected, constructed, expanded, substantially improved, or moved and no earth or other materials shall be dumped, filled, excavated, transferred or otherwise altered in the Flood Plain Overlay District unless a special permit is granted by the Planning Board.
- 20.74** *Procedure.* Application for a special permit shall be made on a form prescribed by the Board. In addition to the information required for the submittal, the applicant shall also present the following:
1. A detailed landscape plan drawn to a scale of one inch equals twenty (20) feet showing the elevation and design of flood water retention systems as required by applicable law;
  2. Base flood elevation data, where the base flood elevation is not provided on the FIRM;
  3. Certification and supporting documentation by a Massachusetts registered professional engineer demonstrating that such encroachment of the floodway as specified above in Subsection 20.73 shall not result in any increase in flood levels during the occurrence of the 100-year flood;
  4. Such other technical information as necessary to permit the Planning Board to make the findings required in Section 20.75 below;
  5. Description of the status of the proposal, pursuant to the requirements of the Massachusetts Wetlands Protection Act, before the Cambridge Conservation Commission, including any Order of Conditions or Determination of Applicability issued; and
  6. Four (4) copies of all application materials.
- 20.74.1** Upon receipt of the application and development plans, the Planning Board shall transmit copies of the plans to the Conservation Commission and the City Engineer. Within forty-five (45) days of receipt of the plans, the Conservation Commission and the City Engineer shall review said plans and submit their respective reports and recommendations to the Planning Board. The Planning Board shall not render any decision on an application for a special permit for development in the Flood Plain Overlay District until said reports have been received and considered or until the forty-five (45) day period has expired without the receipt of such report, whichever is earlier.
- 20.75** *Criteria.* The Planning Board shall grant a Special Permit for development in the Flood Plain Overlay District if the Board finds that such development has met all of the following criteria in addition to other criteria specified in Section 10.43:
1. No filling or other encroachment shall be allowed in Zone A areas or in the floodway which would impair the ability of these Special Flood Hazard Areas to carry and discharge flood waters, except where such activity is fully offset by stream improvements such as, but not limited to, flood water retention systems as allowed by applicable law.
  2. Displacement of water retention capacity at one location shall be replaced in equal volume at another location on the same lot, on an abutting lot in the same ownership, on a noncontiguous lot in the same ownership, or in accordance with the following requirements.
  3. All flood water retention systems shall be suitably designed and located so as not to cause any nuisance, hazard, or detriment to the occupants of the site or abutters. The Planning Board may require screening, or landscaping of flood water retention systems to create a safe, healthful, and pleasing environment.

4. The proposed use shall comply in all respects with the provision of the underlying zoning district, provisions of the State Building Code, Wetlands Protection Act, and any other applicable laws.
5. Applicants for development in the Alewife area shall be familiar with area-specific and general city-wide land use plans and policy objectives (e.g. *Concord-Alewife Plan, A Report of the Concord Alewife Planning Study*, November 2005; *Toward a Sustainable Future, Cambridge Growth Policy, 1993, Update, 2007*; Section 19.30 - Urban Design Objectives of this Zoning Ordinance) and shall demonstrate how their plan meets the spirit and intent of such documents in conjunction with the requirements of this Section 20.70 - Flood Plain Overlay District and Section 20.90 – Alewife Overlay Districts 1-6.
6. The requirement of Section 20.74(3) has been met.



## General Criteria for Issuance of a Special Permit

- 10.43** *Criteria.* Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:
- (a) It appears that requirements of this Ordinance cannot or will not be met, or
  - (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
  - (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or
  - (d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or
  - (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and
  - (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.