

Changes from Original Petition: Additions are shown in underline format. Deletions are shown in ~~strikethrough format~~.

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### ***Affordable Housing Overlay Zoning Petition***

#### ***ADD NEW DEFINITIONS TO ARTICLE 2.000:***

*Affordable Housing Overlay (AHO)*. A set of modified development standards set forth in Section 11.207.3 of this Zoning Ordinance intended to allow incremental increases in density, limited increases in height, and relaxation of certain other zoning limitations for residential developments in which all units are made permanently affordable to households earning up to 100% of area median income.

*Affordable Housing Overlay (AHO) Dwelling Unit*. A dwelling unit within an AHO Project for which occupancy is restricted to an AHO Eligible Household and whose rent or initial sale price is established by the provisions of Section 11.207.3 of this Zoning Ordinance.

*Affordable Housing Overlay (AHO) Eligible Household*. A household whose gross household income does not exceed the amounts set forth in Section 11.207.3 of this Zoning Ordinance.

*Affordable Housing Overlay (AHO) Project*. The construction of a new building or buildings and/or the modification of an existing building or buildings resulting in single-family, two-family, townhouse, or multifamily dwellings within which each dwelling unit is an AHO Dwelling Unit subject to the standards and restrictions set forth in Section 11.207 of this Zoning Ordinance.

*Grade*. The mean finished ground elevation of a lot measured either around the entire perimeter of the building or along any existing wall facing a public street, which ground elevation is maintained naturally without any structural support.

*Ground Story or Ground Floor*. The lowest Story Above Grade within a building.

*Story*. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

*Story Above Grade*. A ~~s~~Story whose highest point is more than 4 feet above the Grade.

*Story Below Grade*. Any Story that is lower than the Ground Story of a building.

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**CREATE NEW SECTION:**

**11.207 AFFORDABLE HOUSING OVERLAY**

11.207.1 Purpose and Intent

The purpose of this Section is to promote the public good by supporting the development of housing that is affordable to households earning up to 100% of area median income. The intent of this Section is to allow incremental increases in density, limited increases in height, and relaxation of certain other zoning limitations for residential developments in which all units are made permanently affordable to households earning up to 100% of area median income (referred to as “AHO Projects,” as defined in Article 2.000 of this Zoning Ordinance); to incentivize the reuse of existing buildings in order to create AHO Projects that are more compatible with established neighborhood character; to promote the city’s urban design objectives in Section 19.30 of this Zoning Ordinance while enabling AHO Projects to be permitted as-of-right, subject to non-binding advisory design consultation procedures that follow all design objectives set forth within this Zoning Ordinance and the results of the design review process shall be provided to the Cambridge Affordable Housing Trust; and to apply such standards throughout the City, to promote city planning goals of achieving greater socioeconomic diversity and a more equitable distribution of affordable housing citywide.

11.207.2 Applicability

- (a) The provisions set forth in this Section shall apply to AHO Projects, as defined in Article 2.000 of this Zoning Ordinance, in all zoning districts except Open Space Districts.
- (b) An AHO Project shall be permitted as-of-right if it meets all of the standards set forth in this Affordable Housing Overlay, ~~or else it shall be subject to~~ in place of the requirements otherwise applicable in the zoning district. Any development not meeting all of the standards set forth in this Affordable Housing Overlay shall be subject to the requirements otherwise applicable in the zoning district, including any requirements for special permits.

11.207.3 Standards for Eligibility, Rent, and Initial Sale Price for AHO Dwelling Units

Comments on changes are in callout boxes below.

As voted by Ordinance Committee August 8, 2019.

This and other clarifying edits were made following review with the Planning Board.

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- (a) All dwelling units in an AHO Project shall comply with the standards for AHO Dwelling Units as set forth in this Section.
- (b) For all AHO Dwelling Units:
  - (i) AHO Dwelling Units shall be rented or sold only to AHO Eligible Households, with preference given to Cambridge residents, and former Cambridge residents who experienced a no-fault eviction in Cambridge in the last twelve (12) months, in accordance with standards and procedures related to selection, asset limits, and marketing established by the Community Development Department (CDD).
  - (ii) AHO Dwelling Units shall be created and conveyed subject to recorded covenants approved by ~~the Community Development Department CDD~~ guaranteeing the permanent availability of the AHO Dwelling Units for AHO Eligible Households.
- (c) For rental AHO Dwelling Units:
  - (i) The gross household income of an AHO Eligible Household upon initial occupancy shall be no more than one-hundred percent (100%) of AMI.
  - (ii) At least eighty percent (80%) of AHO Dwelling Units shall be occupied by AHO Eligible Households whose gross household income upon initial occupancy is no more than eighty percent (80%) of AMI.
  - (iii) Rent, including utilities and any other fees routinely charged to tenants and approved by ~~the Community Development Department CDD~~, shall not exceed thirty percent (30%) of the gross household income of the AHO Eligible Household occupying the AHO Dwelling Unit or other similar standard pursuant to an applicable housing subsidy program which has been approved by ~~the Community Development Department CDD~~.
  - (iv) After initial occupancy, the gross household income of an AHO Eligible Household shall be verified annually, or on such other basis required by an applicable housing subsidy program which has been approved by ~~the Community Development Department CDD~~, to determine continued eligibility and rent, in accordance with policies, standards, and procedures established by ~~the Community Development Department CDD~~.

Comments on changes are in callout boxes below.

As voted by Ordinance Committee August 8, 2019.

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(v) An AHO Eligible Household may continue to rent an AHO Dwelling Unit after initial occupancy even if the AHO Eligible Household's gross household income exceeds the eligibility limits set forth above, but may not exceed one hundred twenty percent (120%) of AMI for more than one year after that Eligible Household's gross household income has been verified to exceed such percentage, unless otherwise restricted pursuant to an applicable housing subsidy program which has been approved by ~~the Community Development Department~~CDD.

(vi) Notwithstanding the requirements set forth in (i) through (v) above, an owner may voluntarily choose to charge a lower rent than as provided herein for AHO Dwelling Units.

(d) For owner-occupied AHO Dwelling Units:

(i) The gross household income of an AHO Eligible Household upon initial occupancy shall be no more than one-hundred percent (100%) of AMI.

(ii) At least fifty percent (50%) of AHO Dwelling Units shall be sold to ~~by~~ AHO Eligible Households whose gross household income upon initial occupancy is no more than eighty percent (80%) of AMI.

(iii) The initial sale price of an AHO Dwelling Unit shall be approved by ~~the Community Development Department~~CDD and shall be determined to ensure that the monthly housing payment (which shall include debt service at prevailing mortgage loan interest rates, utilities, condominium or related fees, insurance, real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of the monthly income of:

1. A household earning ninety percent (90%) of AMI, in the case of an AHO Dwelling Unit to be sold to an AHO Eligible Household whose income upon initial occupancy is no more than one-hundred percent (100%) of AMI; or
2. A household earning seventy percent (70%) of AMI, in the case of an AHO Dwelling Unit to be sold to an AHO Eligible Household whose income upon initial occupancy is no more than eighty percent (80%) of AMI.

Comments on changes are in callout boxes below.

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- (e) An AHO Project meeting the standards set forth herein as approved by ~~the Community Development Department CDD~~ shall not be required to comply with the Inclusionary Housing Requirements set forth in 11.203 of this Zoning Ordinance.

#### 11.207.4 Use

- (a) In all zoning districts, an AHO Project may contain single-family, two-family, townhouse, or multifamily dwellings as-of-right. Townhouse and Multifamily Special Permit procedures shall not apply.
- (b) An AHO Project may contain active non-residential uses on the ground floor as they may be permitted as-of-right in the base zoning district or the overlay district(s) that are applicable to a lot, which for the purpose of this Section shall be limited to Institutional Uses listed in Section 4.33, Office Uses listed in Section 4.34 Paragraphs a. through e., and Retail and Consumer Service uses listed in Section 4.35 that provide services to the general public.

#### 11.207.5 Development Standards

##### 11.207.5.1 General Provisions

- (a) For the purposes of this Section, the phrase “District Development Standards” shall refer to the development standards of the base zoning district as they may be modified by the development standards of all overlay districts (with the exception of this Affordable Housing Overlay) that are applicable to a lot, ~~but not the standards set forth within this Affordable Housing Overlay, and~~
- (a)(b) District Dimensional Standards shall include the most permissive standards allowable on a lot, that are whether such standards are permitted as-of-right or allowable by special permit. A District Dimensional Standard that is allowable by special permit shall include any non-discretionary requirements or limitations that would otherwise apply.
- ~~(b) For an AHO Project, the following development standards shall apply as-of-right in place of the more restrictive District Development Standards, except as otherwise stated. Where the District Development Standards for any type of use are less restrictive than the standards~~

Comments on changes are in callout boxes below.

Clarifying change suggested by Planning Board.

After review by the Planning Board this paragraph was found to be redundant and possibly confusing in relation to the following provisions. The other parts of this Section are revised for clarity.

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~~set forth below, such less restrictive development standards shall apply as-of-right to an AHO Project.~~

- (c) An AHO Project that conforms to the following development standards shall not be subject to other limitations that may be set forth in Article 5.000 or other Sections of this Zoning Ordinance, ~~including limitations on Floor Area Ratio (FAR) and lot area per dwelling unit,~~ except as otherwise stated in this Section.

#### 11.207.5.2 Dimensional Standards for AHO Projects

11.207.5.2.1 Building Height and Stories Above Grade. For an AHO Project, the standards set forth below shall apply in place of any building height limitations set forth in the District Development Standards.

- (a) Where the District Dimensional Standards ~~allow set forth~~ a maximum residential building height of forty (40) feet or less, an AHO Project shall contain no more than four (4) Stories Above Grade and shall have a maximum height of forty-five (45) feet, as measured from existing Grade. For AHO Projects containing active non-residential uses on the ground floor, the maximum height may be increased to fifty (50) feet but the number of Stories Above Grade shall not exceed four (4) stories.
- (b) Where the District Dimensional Standards set forth a maximum residential building height of more than forty (40) feet but not more than fifty (50) feet, an AHO Project shall contain no more than six (6) Stories Above Grade and shall have a maximum height of sixty-five (65) feet, as measured from existing Grade, except as further limited below. For AHO Projects containing active non-residential uses on the ground floor, the maximum height may be increased to seventy (70) feet but the number of Stories Above Grade shall not exceed six (6) stories.
- (i) Portions of an AHO Project that are within thirty-five (35) feet of a district whose District Dimensional Standards allow a maximum residential building height of forty (40) feet or less shall be limited by the provisions of Paragraph (a) above, except where the AHO Project abuts a non-residential use.

Comments on changes are in callout boxes below.

Changes to height standards as voted by Ordinance Committee August 8, 2019, with formatting and language improvements for clarity. See accompanying map illustrating different height districts.

The new Paragraph (b) establishes a set of districts where AHO Projects would be limited to 6 stories or 65 feet. As discussed, 65 feet may be a constrained height limit for a 6-story building if non-residential uses are included at the ground floor, and therefore 70 feet is suggested in those cases, but could be amended.

Note that limitations for below-grade spaces, as voted by the Ordinance Committee, have been included in the "Design Standards" section further below.

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~~(b)~~(c) Where the District Dimensional Standards ~~allow set forth~~ a maximum residential building height of more than ~~40-fifty (50)~~ feet, an AHO Project shall contain no more than seven ~~(7)~~ Stories Above Grade and shall have a maximum height of eighty (80) feet, as measured from existing Grade, except as further limited below.

- (i) Portions of ~~buildings-an AHO Project~~ that are within thirty-five (35) feet of a district whose District Dimensional Standards allow a maximum residential building height of forty (40) feet or less shall be reduced to a maximum of five (5) Stories Above Grade and a maximum height of sixty (60) feet, as measured from existing Grade, except where the ~~building-AHO Project~~ abuts a non-residential use.

(d) The Height Exceptions set forth in Section 5.23 of this Zoning Ordinance shall apply when determining the building height of an AHO Project.

~~(e) Each Story Above Grade shall have a minimum height of 10 feet.~~

#### 11.207.5.2.2 Residential Density

(a) Where the District Dimensional Standards establish a maximum floor area ratio (FAR) of less than 1.00, an AHO Project shall not exceed an FAR of 2.00. Otherwise, there shall be no maximum FAR for an AHO Project.

(b) There shall be no minimum lot area per dwelling unit for an AHO Project.

#### 11.207.5.2.3 Yard Setbacks

- (a) For the purpose of this Section, the applicable District Dimensional Standards shall not include yard setback requirements based on a formula calculation as provided in Section 5.24.4 of the Zoning Ordinance, but shall include non-derived minimum yard setback requirements set forth in Article 5.000 or other Sections of this Zoning Ordinance.
- (b) Front Yards. An AHO Project shall ~~have a minimum front yard setback of 10 feet, except where the District Dimensional Standards establish a less restrictive requirement. However, conform to the minimum front yard setback set forth in the~~

Comments on changes are in callout boxes below.

Change suggested by Planning Board.

As requested by Ordinance Committee, this density limitation is suggested by CDD staff based on a review of the economic feasibility of affordable housing development in different zoning districts.

As adopted by the Ordinance Committee on August 8, 2019. The language has been revised so that it can be applied with minimal ambiguity. The final sentence is a clarification of the intent of the original petition.

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District Dimensional Standards that is not derived by formula, or the front yard setback may be reduced to the average of the front yard setbacks of the four (4) nearest pre-existing principal buildings ~~on the lots adjacent thereto on either side~~that contain at least two Stories Above Grade and directly front the same side of the street as the AHO Project, if such average is less than the front yard setback otherwise required or may be reduced to a minimum of ten (10) feet in the case of an AHO Project on a corner lot. Where the District Dimensional Standards set forth different requirements for residential and non-residential uses, the non-residential front yard setback requirement shall apply to the entire AHO Project if the Ground Story contains a non-residential use as set forth in Section 11.207.4 Paragraph (b) above; otherwise, the residential front yard setback shall apply.

- (c) Side Yards. An AHO Project shall have a minimum side yard setback of seven and one-half (7.5) feet, except where or may be reduced to the minimum side yard setback set forth in the District Dimensional Standards for residential uses that is not derived by formula if it is establish a less restrictive requirement.
- (d) Rear Yards. An AHO Project shall have a minimum rear yard setback of twenty (20) feet, except where or may be reduced to the minimum rear yard setback set forth in the District Dimensional Standards for residential uses that is not derived by formula if it is establish a less restrictive requirement.
- (e) Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half (3.5) feet from the principal exterior wall plane, and unenclosed steps, unroofed porches and the like which do not project more than ten (10) feet beyond the line of the foundation wall and which are not over four (4) feet above Grade, may extend beyond the minimum yard setback.
- (f) Bicycle parking spaces, whether short-term or long-term, and appurtenant structures such as coverings, sheds, or storage lockers may be located within a required yard setback but no closer than seven and one-half (7.5) feet to an existing principal residential structure on an abutting lot.

Comments on changes are in callout boxes below.

Clarifying changes are made following comments by the Planning Board.

As voted by the Ordinance Committee on August 8, 2019. It should be noted that this standard is more restrictive than current standards for bicycle parking spaces.

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#### 11.207.5.2.4 Open Space

- ~~(a)~~ Except where the District Dimensional Standards establish a less restrictive requirement or as otherwise provided below, the minimum percentage of open space to lot area for an AHO Project shall be thirty percent (30%). However, the minimum percentage of open space to lot area may be reduced to no less than fifteen percent (15%) if ~~at least one of the following criteria is met:~~
- ~~(b)~~ ~~An area commensurate with such reduction is used to provide off-street surface parking spaces on the lot along with necessary driveways and access aisles.~~
- ~~(c)~~(a) If the AHO Project includes the preservation and protection of an existing building included on the State Register of Historic Places.
- ~~(d)~~(b) The required open space shall be considered Private Open Space but shall be subject to the limitations set forth below and shall not be subject to the dimensional and other limitations set forth in Section 5.22 of this Zoning Ordinance. Private Open Space shall exclude parking and driveways for automobiles.
- ~~(e)~~(c) ~~At least half~~All of the required open space that is located at grade shall meet the definition of Permeable Open Space as set forth in this Zoning Ordinance.
- ~~(f)~~(d) ~~All of t~~The required open space shall be located at Grade or on porches and decks that are no higher than the floor elevation of the lowest Story Above Grade, except that up to twenty five percent (25%) of the required Oopen space may be located at higher levels, such as balconies and decks, ~~but shall not count toward meeting the required Private Open Space for the purpose of this Affordable Housing Overlay only if it is accessible to all occupants of the building.~~
- ~~(g)~~(e) For the purpose of this Affordable Housing Overlay, area used for covered or uncovered bicycle parking spaces that are not contained within a building shall be considered Private Open Space, ~~but shall not be considered Permeable Open Space.~~

#### 11.207.5.3 Standards for Existing Buildings

Comments on changes are in callout boxes below.

As discussed in the accompanying memo, CDD staff consulted with Cambridge Historical Commission staff and continues to recommend referring to the State Register where the zoning allows additional relief in cases where a historic building is preserved.

Changes to open space standards as voted by the Ordinance Committee on August 8, 2019. It should be noted that no district currently requires all grade-level open space to be permeable, so it is difficult to anticipate the effect of that requirement. In lower-scale residential districts, at least half of required open space must be permeable.

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A building that is in existence as of the effective date of this Ordinance and does not conform to the standards set forth in Section 11.207.5.2 above ~~in this Affordable Housing Overlay~~ may be altered, reconstructed, extended, and/or enlarged for use as an AHO Project as-of-right in accordance with the standards set forth below. Except as otherwise stated, the required dimensional characteristics of the building and site shall be those existing at the time of the conversion to an AHO Project if they do not conform to the standards of Section 11.207.5.2. The following modifications shall be permitted as-of-right, notwithstanding the limitations set forth in Article 8.000 of this Zoning Ordinance~~the following standards shall apply to development contained within the envelope of the existing building, and enlargements or additions occurring outside the envelope of the existing building shall conform to the standards for new construction set forth above.;~~

- ~~(a) The modifications to a nonconforming structure allowed as-of-right or by special permit in Article 8.000 of this Zoning Ordinance shall be allowed as-of-right for an AHO Project.~~
- (a) Construction occurring entirely within an existing structure, including the addition of Gross Floor Area ~~may be added or reconstructed~~ within the interior of the existing building envelope that may violate or further violate FAR limitations set forth in Section 11.207.5.2, and including any increase to the number of dwelling units within the existing building, provided that the resulting number of Stories Above Grade is not more than the greater of the existing number of Stories Above Grade, ~~the maximum number of stories permitted for new construction as set forth above,~~ or the existing height of the building divided by 10 feet.
- (b) The relocation, enlargement, or addition of windows, doors, skylights, or similar openings to the exterior of a building.
- (c) The addition of insulation ~~may be added~~ to the exterior of an existing exterior wall to improve energy efficiency, provided that the resulting exterior plane of the wall shall either conform to the yard setback standards ~~for an AHO project~~ set forth in Section 11.207.5.2 above or shall not intrude more than eight (8) inches further into the existing yard setback and provided that the lot shall either conform to the open space standards set forth in Section 11.207.5.2 or shall not decrease the existing open space by more than 5% or 100 square feet, whichever is greater.

Comments on changes are in callout boxes below.

Following comments from the Planning Board, this Section is revised for greater clarity. The intent remains to allow existing non-conforming buildings to be converted to AHO Projects, also allowing necessary alterations and conforming additions as-of-right.

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(d) The installation of exterior features necessary for the existing structure to be adapted to meet accessibility standards for persons with disabilities, including but not limited to walkways, ramps, lifts, or elevators, which may violate or further violate of the dimensional requirements set forth in Section 11.207.5.2.

(e) The repair, reconstruction, or replacement of any preexisting nonconforming portions of a building including but not limited to porches, decks, balconies, bay windows and building additions, provided that the repair, reconstruction or replacement does not exceed the original in footprint, volume, or area.

~~(d) An existing building may be moved to a new location on a lot, provided that the resulting height of the building above Grade at its new location shall be no greater than the height above Grade at its existing location, or the maximum building height permitted for an AHO Project as set forth above, whichever is greater, and also provided that the resulting yard setbacks shall not increase any nonconformance with the required yard setbacks set forth above for an AHO Project.~~

~~(f) Where the existing amount of open space on the lot does not conform to the standards for an AHO Project set forth above, the existing amount of open space shall be the required amount. However, permitted alterations to the structure or lot including but not limited to moving the building footprint, installing exterior insulation, installing bicycle parking, or installing exterior features to improve accessibility may displace existing open space so long as such open space is reestablished elsewhere on the site to the extent possible and the total amount of open space is not decreased from the existing condition by more than 5% or 100 square feet, whichever is greater.~~

~~(e)~~(g) Any other alterations, additions, extensions, or enlargements to the existing building that are not further in violation of the dimensional requirements set forth in Section 11.207.5.2 above.

#### 11.207.6 Parking and Bicycle Parking

The limitations set forth in Article 6.000 of this Zoning Ordinance shall be modified as set forth below for an AHO Project.

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#### 11.207.6.1 Required Off-Street Accessory Parking

- ~~(a) Off-street parking shall be required at a minimum ratio of 0.4 space per AHO Dwelling Unit, except as further modified below. There shall be no required minimum number of off-street parking spaces for an AHO Project except to the extent necessary to conform to other applicable laws, codes, or regulations.~~
- ~~(a)(b) An AHO Project shall provide or have access to either on-street or off-street facilities that can accommodate passenger pick-up and drop-off by motor vehicles and short-term loading by moving vans or small delivery trucks. The Cambridge Traffic, Parking, and Transportation Department shall certify to the Superintendent of Buildings that the AHO Project is designed to reasonably accommodate such activity without causing significant hazard or congestion. The Cambridge Director of Traffic, Parking, and Transportation shall have the authority to promulgate regulations for the implementation of the provisions of this Paragraph.~~
- ~~(f) Off-street parking shall not be required for an AHO Project on a lot that is located, in whole or in part, within one half-mile of a public rapid transit station or within one quarter-mile of a bus stop with a scheduled peak hour frequency of at least six buses per hour during 7:00 to 9:00 AM and 4:00 to 6:30 PM on weekdays.~~
- ~~(f) The requirement for off-street parking spaces shall be waived for AHO Dwelling Units created within existing buildings in existence as of the effective date of this Ordinance. In addition, the requirement for off-street parking spaces shall be waived for any new construction, in the form of additions or stand-alone buildings, of an AHO Project on a lot that also includes the preservation and protection of a building included on the State Register of Historic Places.~~
- ~~(f) Where the number of off-street parking spaces required by this Affordable Housing Overlay would otherwise be four spaces or fewer, the requirement to provide off-street parking spaces shall be waived.~~

#### ~~11.207.6.5~~11.207.6.2 Accessory Parking Provided Off-Site

Comments on changes are in callout boxes below.

Changes to minimum parking requirements as voted by the Ordinance Committee on August 13, 2019. Some clarifying text changes are included.

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- (a) Off-street parking facilities may be shared by multiple AHO Projects, provided that the requirements of this Section are met by all AHO Dwelling Units served by the facility and the facility is within 1,000 feet of all AHO Projects that it serves.
- (b) Off-street parking facilities for an AHO Project may be located within existing parking facilities located within 1,000 feet of the AHO Project and in a district where parking is permitted as a principal use or where the facility is a pre-existing nonconforming principal use parking facility, provided that the owner of the AHO Project shall provide evidence of fee ownership, a long-term lease agreement or renewable short-term lease agreement, recorded covenant, or comparable legal instrument to guarantee, to the reasonable satisfaction of the Superintendent of Buildings, that such facilities will be available to residents of the AHO Project.

~~11.207.6.6~~11.207.6.3 Modifications to Design and Layout Standards for Off-Street Parking

- (a) Notwithstanding Section 6.43.2, parking spaces may be arranged in tandem without requiring a special permit, provided that no more than two cars may be parked within any tandem parking space.
- (b) Notwithstanding Section 6.43.6, owners of adjacent properties may establish common driveways under mutual easements without requiring a special permit.
- (c) Notwithstanding Paragraph 6.44.1(a), on-grade open parking spaces may be located within ten (10) feet but not less than five (5) feet from the Ground Story of a building ~~wall~~ on the same lot or seven and one-half (7.5) feet from the Ground Story of a building on an adjacent lot ~~at the basement or first story~~ without requiring a special permit, provided that such parking spaces are screened from buildings on abutting lots by a fence or other dense ~~plantings~~year-round visual screen.
- (d) Notwithstanding Paragraph 6.44.1(b), on-grade open parking spaces and driveways may be located within five (5) feet of a side or rear property line without requiring a special permit, provided that screening is provided in the form of a fence or other dense ~~plantings~~year-round visual screen at the property line, unless such screening is waived by mutual written agreement of the owner of the lot and the owner of the abutting lot.

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#### 11.207.6.4 Modifications to Bicycle Parking Standards

- (a) Notwithstanding Section 6.104, long-term or short-term bicycle parking spaces may be located anywhere on the lot for an AHO Project or on an adjacent lot in common ownership or under common control.
- (b) Notwithstanding Section 6.107.5, up to 20 long-term bicycle parking spaces may be designed to meet the requirements for Short-Term Bicycle Parking Spaces, so long as they are covered from above to be protected from precipitation.
- (c) The requirement for short-term bicycle parking shall be waived where only four or fewer short-term bicycle parking spaces would otherwise be required.
- (d) The number of required bicycle parking spaces shall be reduced by half, up to a maximum reduction of 28 spaces, where a standard-size (19-dock) Public Bicycle Sharing Station is provided on the lot or by the developer of the AHO Project on a site within 500 feet of the lot, with the written approval of the City if located on a public street or other City property, or otherwise by legally enforceable mutual agreement with the owner of the land on which the station is located as approved by the Community Development Department. If additional Public Bicycle Sharing Station docks are provided, the number of required bicycle parking spaces may be further reduced at a rate of 0.5 bicycle parking space per additional Public Bicycle Sharing Station dock, up to a maximum reduction of half of the required number of spaces.
- (e) For AHO Dwelling Units created within an existing building, bicycle parking spaces meeting the standards of this Zoning Ordinance shall not be required but are encouraged to be provided to the extent practical given the limitations of the existing structure. Bicycle parking spaces shall be provided, as required by this Zoning Ordinance, for dwelling units in an AHO Project that are constructed fully outside the envelope of the existing structure.

#### 11.207.6.5 Transportation Demand Management

An AHO Project ~~whose parking requirements are waived pursuant to the provisions of this Section not providing off-street parking at a ratio of 0.4 space per dwelling unit or more~~ shall

Comments on changes are in callout boxes below.

This change is to maintain the intent of the original petition given the change to not require a minimum number of parking spaces.

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provide, in writing, to the Community Development Department a Transportation Demand Management program containing the following measures, at a minimum:

- (a) Offering either a free annual membership in a Public Bicycle Sharing Service, at the highest available tier where applicable, or a 50% discounted MBTA combined subway and bus pass for three-six months or pass of equivalent value, to up to two individuals in each household upon initial occupancy of a unit.
- (b) Providing transit information in the form of transit maps and schedules to each household upon initial occupancy of a unit, or providing information and a real-time transit service screen in a convenient common area of the building such as an entryway or lobby.

#### 11.207.7 Building and Site Design Standards for New Development

##### 11.207.7.1 General Provisions

- (a) ~~The following design standards shall apply to all AHO Projects.~~ Except where otherwise stated, the Project Review requirements set forth in Article 19.000 of this Zoning Ordinance and any design standards set forth in Section 19.50 or elsewhere in the Zoning Ordinance shall ~~not apply if be superseded by~~ the following standards for an AHO Project are met; ~~however, the design standards specific to the project area are encouraged to be met to the extent possible if they are not in conflict with the purpose of this Section.~~
- (b) The following design standards shall apply to new construction and to additions to existing structures. Except as otherwise provided, an existing building that is altered or moved to accommodate an AHO Project shall not be subject to the following standards, provided that such alterations do not create a condition that is in greater nonconformance with such standards than the existing condition.

##### 11.207.7.2 Site Design and Arrangement

- (a) The area directly between the front lot line and the principal wall plane of the building nearest to the front lot line shall match its street context and consist of ~~any combination of~~ landscaped area, hardscaped area accessible to pedestrians and bicyclists, and usable spaces such as uncovered porches, patios, or balconies. Parking and other motor vehicle

Comments on changes are in callout boxes below.

**Commented [RJ1]:** Change “three months” to “six months”

Following comments from the Planning Board, this paragraph is revised to remove potential ambiguity.

As voted by the Ordinance Committee on August 13, 2019. Staff question whether this a clear enough standard.

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uses, including service and loading facilities, shall not be located within such area, except for driveway access which shall be limited to a total of thirty (30) feet of width for any individual driveway for each one hundred (100) feet of lot frontage.

- (b) Pedestrian entrances to buildings shall be visible from the street, except where the building itself is not visible from the street due to its location. All pedestrian entrances shall be accessible by way of access routes that are separated from motor vehicle access drives.
- (c) A building footprint exceeding 250-one hundred fifty (150) feet in length, measured parallel to the street, shall contain ~~portions-entry courtyards~~ that are set back by at least forty (40) feet in depth measured from and perpendicular to the front lot line and at least 40-thirty (30) feet in width measured parallel to the front lot line.

#### 11.207.7.3 Building Façades

- (a) At least ~~15%~~ twenty percent (20%) of the area of building façades facing a public street or public open space shall consist of clear glass windows. For buildings located in a Business A (BA), Business A-2 (BA-2), Business B (BB) or Business C (BC) zoning district, this figure shall be increased to ~~25%~~ thirty percent (30%).
- (b) Building façades shall incorporate architectural elements that project or recess by at least two feet from the adjacent section of the façade. Such projecting or recessed elements shall occur on an average interval of 40 linear horizontal feet or less for portions of the façade directly facing a public street, and on an average interval of 80 linear horizontal feet or less for other portions of the façade. Such projecting or recessed elements shall not be required on the lowest Story Above Grade or on the highest Story Above Grade, and shall not be required on the highest two Stories Above Grade of a building containing at least six Stories Above Grade. The intent is to incorporate elements such as bays, balconies, cornices, shading devices, or similar architectural elements that promote visual interest and residential character, and to allow variation at the ground floor and on upper floors where a different architectural treatment may be preferable.

~~(g) To provide additional visual interest to the façade, for window openings above the ground floor facing a public street or public open space, the developer is encouraged to include~~

Comments on changes are in callout boxes below.

As voted by the Ordinance Committee on August 13, 2019. This new standard could be constraining given the reduction in building length relative to the dimensions of the setbacks. It may also be unclear what is meant by “entry courtyards.” The original intent of this standard was to create breaks in massing on large lots comparable to Cambridge block sizes.

As voted by the Ordinance Committee on August 13, 2019.

As voted by the Ordinance Committee on August 13, 2019.

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~~architectural elements that provide depth and/or surface relief such as recessed or projecting window surfaces, sills, sun shades, or shutters.~~

~~11.207.7.5~~11.207.7.4 Ground Floors~~Stories and Stories Below Grade~~

- (a) The elevation at floor level of the ~~ground floor of a building, meaning the lowest story above Grade, Ground Story~~ shall be at the mean Grade of the abutting public sidewalk, or above such mean Grade by not more than four feet. ~~Where a~~Active non-residential uses ~~are provided~~ at the ~~ground floor, the ground floor~~Ground Story shall be accessible directly from the sidewalk without requiring use of stairs or a lift. The requirements of this paragraph shall not apply if it is determined by the City Engineer that a higher ~~ground floor~~Ground Story elevation is necessary for the purpose of flood protection.
- (b) Where structured parking is provided within the ~~ground floor~~Ground Story of a building, the portion of the building immediately behind the front wall plane shall consist of residential units, common areas, or other populated portions of the building in order to screen the provided parking over at least ~~50% seventy-five percent (75%)~~ of the length of the façade measured parallel to the street ~~and excluding portions of the façade used for driveway access. On a corner lot, the requirements of this Paragraph shall only apply along one street.~~
- (c) The façade of a ~~ground floor~~Ground Story facing a public street shall consist of expanses no longer than ~~twenty-five (25)~~ feet in length, measured parallel to the street, which contain no transparent windows or pedestrian entryways.
- (d) If the ~~ground floor~~Ground Story is designed to accommodate active non-residential uses, the following additional standards shall apply:
  - (i) the height of the ~~lowest story above Grade~~Ground Story for that portion of the building containing active non-residential uses shall be at least ~~fifteen (15)~~ feet;
  - (ii) the depth of the space designed for active non-residential uses shall be at least ~~thirty-five (35)~~ feet on average measured from the portion of the façade that is nearest to the front lot line in a direction perpendicular to the street, and measured to at least one street in instances where the space abuts two or more streets; and

Comments on changes are in callout boxes below.

Clarifying revisions by CDD staff.

As voted by the Ordinance Committee on August 13, 2019.

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- (iii) that portion of the ~~ground floor~~Ground Story façade containing active non-residential uses shall consist of at least fifty percent (50%) transparent glass windows ~~or, if the use is a retail or consumer service establishment, at least seventy percent (70%) transparent glass windows, along one street in the case of a corner lot.~~

(e) ~~Ground floors~~Stories shall be designed to accommodate at least one space, with a total frontage equaling at least fifty percent (50%) of the frontage of any existing retail space on the site, for an active non-residential use, which may include retail or consumer establishments as well as social service facilities supporting the mission of the owner of the AHO Project, on sites that are located in a Business base zoning district, and where the project site ~~and or~~ at least one of the lots abutting the project site contains or has contained a retail ~~and or~~ consumer service use at any point within the past two years prior to application for a building permit for an AHO Project.

(e)(f) Private living spaces within dwelling units, including bedrooms, kitchens, and bathrooms, may only be contained within Stories Above Grade. Stories Below Grade may only contain portions of dwelling units providing entries, exits, or mechanical equipment, or common facilities for residents of the building, such as lobbies, recreation rooms, laundry, storage, parking, bicycle parking, or mechanical equipment.

#### 11.207.7.6~~11.207.7.5~~ Mechanical Equipment, Refuse Storage, and Loading Areas

All mechanical equipment, refuse storage, or loading areas serving the building or its occupants that are (1) carried above the roof, (2) located at the exterior building wall or (3) located outside the building, shall meet the requirements listed below. Mechanical equipment includes, but is not limited to, ventilation equipment including exhaust fans and ducts, air conditioning equipment, elevator bulkheads, heat exchangers, transformers and any other equipment that, when in operation, potentially creates a noise detectable off the lot. The equipment and other facilities:

- (a) Shall not be located within any required setback. This Paragraph (a) shall not apply to electrical equipment whose location is mandated by a recognized public utility, provided

Comments on changes are in callout boxes below.

As voted by the Ordinance Committee on August 13, 2019.

As voted by the Ordinance Committee on August 13, 2019.

As voted by the Ordinance Committee on August 8, 2019, with text clarifications (this provision was discussed in a prior section).

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that project plans submitted for review by the City identify a preferred location for such equipment.

- (b) When on the ground, shall be permanently screened from view from adjacent public streets that are within 100 feet of the building, or from the view from abutting property in separate ownership at the property line. The screening shall consist of ~~densely planted shrubs or trees~~ a dense year-round screen equal or greater in height at the time of installation than the equipment or facilities to be screened, or a fence of equal or greater height that is comparable in quality to the materials used on the principal facades of the building, with no more than twenty-five (25) percent of the face of the fence open with adjacent planting.
- (c) When carried above the roof, shall be set back from the principal wall plane by a dimension equal to at least the height of the equipment and permanently screened from view, from the ground, from adjacent public streets and any abutting residentially used lot or lots in a residential zoning district. The screening shall be at least ~~50%~~ seventy-five percent (75%) opaque, ~~and~~ uniformly distributed across the screening surface, or opaque to the maximum extent permissible if other applicable laws, codes, or regulations mandate greater openness.
- (d) Shall meet all city, state and federal noise regulations, as applicable, as certified by a professional acoustical engineer if the Department of Inspectional Services deems such certification necessary.
- (e) That handle trash and other waste, shall be contained within the building or screened as required in this Section until properly disposed of.

~~11.207.7.7~~ 11.207.7.6 Environmental Design Standards

- (a) This Section shall not waive the Green Building Requirements set forth in Section 22.20 of this Zoning Ordinance that may otherwise apply to an AHO Project.
- (b) Where the provisions of the Flood Plain Overlay District apply to an AHO Project, the performance standards set forth in Section 20.70 of this Zoning Ordinance shall apply; however, a special permit shall not be required.

Comments on changes are in callout boxes below.

As voted by the Ordinance Committee on August 13, 2019.

As voted by the Ordinance Committee on August 13, 2019, with clarifying changes by CDD staff.

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- (c) An AHO Project shall be subject to other applicable laws, regulations, codes, and ordinances pertaining to environmental standards. Notwithstanding the language of the Tree Protection Ordinance, Chapter 8.66 of the Cambridge Municipal Code, an AHO Project shall comply with the requirements of such Ordinance to the extent that it would be required to comply if it were not an affordable housing AHO pProject.
- (d) New outdoor light fixtures installed in an AHO Project shall be fully shielded and directed to prevent light trespass onto adjacent residential lots.

#### 11.207.8 Advisory Design Consultation Procedure

Prior to application for a building permit, the developer of an AHO Project shall comply with the following procedure, which is intended to provide an opportunity for non-binding community and staff input into the design of the project.

- (a) The intent of this non-binding review process is to advance the City's desired outcomes for the form and character of AHO Projects. To promote the City's goal of creating more affordable housing units, AHO Projects are permitted to have a greater height, scale, and density than other developments permitted by the zoning for a given district. This procedure is intended to promote design outcomes that are compatible with the existing neighborhood context or with the City's future planning objectives for the area.
- (b) The City's Design Guidelines for 100% Affordable Housing Overlay, along with other design objectives and guidelines established for the part of the city in which the AHO Project is located, are intended to inform the design of AHO Projects and to guide the Planning Board's consultation and report as set forth below. It is intended that designers of AHO Projects, City staff, the Planning Board, and the general public will be open to creative variations from any detailed provisions set forth in such objectives and guidelines as long as the core values expressed are being served.
- (c) At least ~~one~~ two community meetings shall be scheduled at a time and location that is convenient to residents in proximity to the project site. The Community Development Department (CDD) shall be notified of the time and location of such meetings, and shall give notification to abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the lot on which

Comments on changes are in callout boxes below.

As voted by the Ordinance Committee on August 13, 2019, with clarifying changes by CDD staff.

**Commented [RJ2]:** Change "AHO Project" to "affordable housing project"

**Commented [RJ3]:** To be reviewed for language pertaining to shielding light from a public way

Responding to the discussion of the Ordinance Committee on August 13, 2019, CDD staff suggest these statements of intent to inform the design consultation process. Specific reference is added to the Design Guidelines, which have also been revised to reflect past discussions.

As voted by the Ordinance Committee on August 13, 2019, with clarifying changes by CDD staff.

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~~the AHO Project is proposed each abutting property owner~~ and to any individual or organization who each year files with CDD a written request for such notification, or to any other individual or organization CDD may wish to notify.

(i) The purpose of the first community meeting shall be for the developer to share the site and street context analysis with neighborhood residents and other interested parties prior to building design, and receive feedback from community members.

~~(i)~~(ii) The purpose of the subsequent community meeting(s) shall be to present preliminary project designs, answer questions from neighboring residents and other interested members of the public, and receive feedback on the design. The date(s), time(s), location(s), attendance, materials presented, and comments received at such meeting(s) shall be documented and provided to CDD.

~~(b)~~(d) Following one or more such community meeting(s), the developer shall prepare the following materials for review by the Planning Board. CDD shall review to certify that the submitted written and graphic materials provide the required information in sufficient detail. All drawings shall be drawn to scale, shall include a graphic scale and north arrow for orientation, and shall provide labeled distances and dimensions for significant building and site features.

(i) A context map indicating the location of the project and surrounding land uses, including transportation facilities.

~~(i)~~(ii) A context analysis, discussed with CDD staff, including existing front yard setbacks, architectural character, and unique features that inform and influence the design of the AHO Project.

~~(ii)~~(iii) An existing conditions site plan depicting the boundaries of the lot, the locations of buildings, open space features, parking areas, trees, and other major site features on the lot and abutting lots, and the conditions of abutting streets.

(iv) A proposed conditions site plan depicting the same information above as modified to depict the proposed conditions, including new buildings (identifying building entrances and uses on the ground floor and possible building roof deck) and major anticipated changes in site features.

Comments on changes are in callout boxes below.

As voted by the Ordinance Committee on August 13, 2019, with clarifying changes by CDD staff.

As voted by the Ordinance Committee on August 13, 2019.

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- ~~(iii)~~(v) A design statement on how the proposed project attempts to reinforce existing street/context qualities and mitigates the planned project's greater massing, height, density, &c.
- ~~(iv)~~(vi) Floor plans of all proposed new buildings and existing buildings to remain on the lot.
- ~~(v)~~(vii) Elevations and cross-section drawings of all proposed new buildings and existing buildings to remain on the lot, depicting the distances to lot lines and the heights of surrounding buildings, and labeling the proposed materials on each façade elevation.
- ~~(vi)~~(viii) A landscape plan depicting and labeling all hardscape, permeable, and vegetated areas proposed for the site along with other structures or appurtenances on the site.
- ~~(vii)~~(ix) Plans of parking and bicycle parking facilities, as required by Section 6.50 of this Zoning Ordinance.
- ~~(viii)~~(x) Materials palettes cataloguing and depicting with photographs the proposed façade and landscape materials.
- ~~(ix)~~(xi) Existing conditions photographs from various vantage points on the public sidewalk, including photos of the site and of the surrounding urban context.
- ~~(x)~~(xii) Proposed conditions perspective renderings from a variety of vantage points on the public sidewalk, including locations adjacent to the site as well as longer views if proposed buildings will be visible from a distance.
- ~~(xi)~~(xiii) A dimensional form, in a format provided by CDD, along with any supplemental materials, summarizing the general characteristics of the project and demonstrating compliance with applicable zoning requirements.
- (xiv) A brief project narrative describing the project and the design approach, and indicating how the project has been designed in relation to the citywide urban design objectives set forth in Section 19.30 of the Zoning Ordinance, any design guidelines that have been established for the area, and ~~design guidelines established for AHO Projects in Cambridge~~ the Design Guidelines for the 100% Affordable Housing Overlay.

Comments on changes are in callout boxes below.

As voted by the Ordinance Committee on August 13, 2019.

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(xv) Viewshed analysis and shadow studies that show the impact on neighboring properties with existing Solar Energy Systems.

~~(xii)~~(xvi) An initial development budget that shows anticipated funding sources and uses including developer fee and overhead.

~~(e)~~(e) Within 65 days of receipt of a complete set of materials by CDD, the Planning Board shall schedule a design consultation as a general business matter at a public meeting and shall give notification to abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the lot on which the AHO Project is proposed and to any individual or organization who each year files with CDD a written request for such notification, or to any other individual or organization CDD may wish to notify. The materials shall be made available to the public in advance, and the Planning Board may receive written comments prior to the meeting from City staff, abutters, and ~~from the general members of the~~ public.

~~(e)~~(f) At the scheduled design consultation, the Planning Board shall hear a presentation of the proposal from the developer and oral comments from the public. The Board may ask questions or seek additional information from the developer or from City staff.

~~(e)~~(g) The Planning Board shall evaluate the proposal for general compliance with the requirements of this Section, for consistency with City development guidelines prepared for the proposal area and ~~for AHO Projects in general~~the Design Guidelines for the 100% Affordable Housing Overlay, 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 Board may also suggest specific project adjustments and alterations to further the purposes of this Ordinance. The Board shall communicate its findings in a written report provided to the developer and to CDD within 20 days of the design consultation.

~~(f)~~(h) The developer may then make revisions to the design, in consultation with CDD staff, and shall submit a revised set of documents along with a narrative summary of the Planning Board's comments and changes made in response to those comments.

Comments on changes are in callout boxes below.

As voted by the Ordinance Committee on August 13, 2019. The language related to a "pro-forma" is revised to use terms that are more directly applicable to affordable housing developments.

As voted by the Ordinance Committee on August 13, 2019, with clarifying changes by CDD staff.

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~~(g)~~(i) The Planning Board shall review and discuss the revised documents at a second design consultation meeting, which shall proceed in accordance with Paragraphs (c) and (d) above. Following the second design consultation, the Planning Board may submit a revised report and either the revised report or if there are no revisions the initial report shall become the final report (the "Final Report"). Any additional design consultations to review further revisions may occur only at the discretion and on the request of the developer or the Cambridge Affordable Housing Trust.

~~(h)~~(j) The Final Report from the Planning Board shall be provided to the Superintendent of Buildings to certify compliance with the procedures set forth herein.

#### 11.207.9 Implementation of Affordable Housing Overlay

- (a) The City Manager shall have the authority to promulgate regulations for the implementation of the provisions of this Section 11.207. There shall be a ~~thirtysixty~~-day review period, including a public meeting, to receive public comments on draft regulations before final promulgation.
- (b) The Community Development Department may develop standards, design guidelines, and procedures appropriate to and consistent with the provisions of this Sections 11.207 and the above regulations.

#### 11.207.10 Enforcement of Affordable Housing Overlay

The Community Development Department shall certify in writing to the Superintendent of Buildings that all applicable provisions of this Section have been met before issuance of any building permit for any AHO Project, and shall further certify in writing to the Superintendent of Buildings that all documents have been filed and all actions taken necessary to fulfill the requirements of this Section before the issuance of any certificate of occupancy for any such project.

#### 11.207.11 Review of Affordable Housing Overlay

- (a) Annual Report. CDD shall provide an annual status report to the City Council, beginning eighteen (18) months after ordination and continuing every year thereafter. The report shall contain the following information:

Comments on changes are in callout boxes below.

As voted by the Ordinance Committee on August 13, 2019.

As voted by the Ordinance Committee on August 13, 2019.

New section as voted by the Ordinance Committee on August 13, 2019, with suggested language from CDD staff.

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- (i) List of sites considered for affordable housing development under the Affordable Housing Overlay, to the extent known by CDD, including site location, actions taken to initiate an AHO Project, and site status;
- (ii) Description of each AHO Project underway or completed, including site location, number of units, unit types (number of bedrooms), tenure, and project status; and
- (iii) Number of residents served by AHO Projects.

~~(a)~~(b) Five-Year Progress Review. Five (5) years after ordination, CDD shall provide to the City Council, Planning Board and the Affordable Housing Trust, for its review, a report that assesses the effectiveness of the Affordable Housing Overlay in increasing the number of affordable housing units in the city, distributing affordable housing across City neighborhoods, and serving the housing needs of residents. The report shall also assess the effectiveness of the Advisory Design Consultation Procedure in gathering meaningful input from community members and the Planning Board and shaping AHO Projects to be consistent with the stated Design Objectives. The report shall evaluate the success of the Affordable Housing Overlay in balancing the goal of increasing affordable housing with other City planning considerations such as urban form, neighborhood character, environment, and mobility. The report shall discuss citywide outcomes as well as site-specific outcomes.

Comments on changes are in callout boxes below.

**Commented [RJ4]:** Change to "... provide for its review to the City Council, Planning Board, and Affordable Housing Trust a report ..."