

ON-LINE ZONING ORDINANCE DISCLAIMER

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ARTICLE 20.000 OVERLAY DISTRICTS

Text current through Ordinance #1397 of August 7, 2017.

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[Note: Institutional Overlay Districts are located in Section 4.50 of the Zoning Ordinance and the Eastern Cambridge Development Rights Transfer Districts are located in Article 21.000]

20.10 TRANSITION OVERLAY DISTRICTS

These overlay districts are intended to apply special dimensional, use, and other standards to development in areas where abutting zoning districts have significantly different character in one or more use or dimensional aspects. It is intended that the provisions of the overlay district will modify the form, location, and use of buildings such that the use of land in each district will not be unreasonably negatively impacted by the use of land in the adjoining district. The requirements of each overlay district shall apply in addition to the requirements of the pertinent base zoning district; where the base zoning regulations differ from the requirements of the overlay district, the requirements of the overlay district shall apply.

20.11 Hammond and Gorham Streets Transition Overlay District

20.11.1 Establishment and Scope. There is hereby established the Hammond and Gorham Streets Transition Overlay District, which shall be governed by the regulations and

procedures specified in this Section 20.11. These regulations are intended to provide a transition between the character and scale of development existing and permitted in the abutting Residence C-1 district and the institutional development existing and permitted in the base Residence C-3 district. It is the intent of this Section that these regulations shall apply to a single area located at the southerly edge of Hammond Street and Gorham Street, which shall be designated as the “Hammond and Gorham Streets Transition Overlay District” on the Zoning Map of the City of Cambridge established in Section 3.20, and shall be an area as bounded and described in Section 20.11.2 below.

20.11.2 Boundaries of the District.

The boundaries of the district shall be as described below.

- a. Southerly, southwesterly, and southeasterly, by a line that is 100 feet distant from and parallel to the southerly and southwesterly centerlines of Hammond, Gorham, and Museum Streets, said line making an arc with a radius of 100 feet as it follows the intersection of Gorham and Museum Streets;
- b. Easterly, by the existing boundary lines between the Residence C-3 zoning district and the Residence A-2 zoning district;
- c. Northerly, by the centerlines of Hammond, Gorham, and Museum Streets; and
- d. Westerly, by the easterly sideline of Oxford Street and its extension northerly to the centerline of Hammond Street.

Affecting lots or portions of lots numbered 2 and 44, as shown on Assessors Plat #148, and lot 41 on Assessors Plat #147.

20.11.3 Applicability. Divergence from the standards established in this Section 20.11 shall be allowed only by issuance of a special permit from the Planning Board as specified in Section 10.45. The Planning Board shall grant such permit upon its determination that the development proposed will better serve the objectives of this Section 20.11 and that the criteria specified in Section 10.43 will be satisfied. The Planning Board may not waive the requirements of the base Residence C-3 district.

20.11.4 Review Process. The Hammond and Gorham Streets Transition Overlay District shall be considered an area of special planning concern. Development proposals listed in Sections 19.42 and 19.43 shall be subject to the Development Consultation Procedure specified in those Sections.

20.11.5 Dimensional Standards

20.11.51 Maximum Height. The maximum height of a building shall be thirty-five feet. However, a building may exceed thirty-five feet in height provided all portions of the building above thirty-five feet in height are located beneath one or more roofs that are visible from Hammond, Gorham, Museum or Oxford Streets, that meet the following requirements:

- (a) The slope of the roof or roofs shall be at least 30 degrees, as measured from the vertical plane.
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(b) The centerline of the sloped roof, being the average distance between the thirty-five foot height and the top of the sloped roof, shall not exceed forty-five feet.

(c) Notwithstanding the above provisions (a) and (b), portions of a building in the Overlay District that are not visible at pedestrian height from Hammond, Gorham, or Museum Streets may exceed thirty-five (35) feet (whether or not they are located under a sloped roof) if they meet the following requirements:

(i) The portions of the building above thirty-five (35) feet are located between one or more sloping roofs that meet the requirements of Paragraphs (a) and (b) above.

(ii) The building height does not exceed the height of the top of any abutting sloped roof.

20.11.52 Minimum Yard Requirement. The minimum front yard at Hammond, Museum, and Gorham Streets shall be fifteen feet, as measured from the street line.

20.11.53 Relocated Buildings. Existing structures may be relocated into the Hammond and Gorham Streets Transitional Overlay District. Such structures shall comply with all provisions of this Section 20.11. However, as set forth below, variations from the requirements of this Section 20.11 shall be permitted for those relocated buildings meeting the following standards.

(a) The structure is at least fifty years old and consists of wood framed construction;

(b) The height above grade of the structure does not exceed by more than ten percent the maximum height specified in Section 20.11.51;

(c) The structure is not wider than fifty feet (measured along a line parallel to the street line on whichever of Hammond Street, Gorham Street, or Museum Street that the structure faces) ; and

(d) The structure does not exceed by more than 10% any of the other dimensional regulations specified in Section 20.11.6.

20.11.6 Special Provisions

20.11.61 Special Dimensional Limitations. A number of special dimensional requirements shall be imposed on buildings in the Hammond and Gorham Streets Transition Overlay District to ensure compatibility of future institutional building and site design with the residential scale of development across these streets. These requirements are subject to the following definitions.

Overlay Design Building Width. A width above grade no greater than forty-five feet measured at the widest point through the building along a line that (i) is parallel to the sideline of the street and that (ii) extends from the two most extreme points on opposite sides of the relevant portion of the building (excluding from that measurement any Permitted Projections).

Overlay Design Front Yard. A front yard that is a minimum of fifty feet measured from the streetline and required of all buildings in the Transition Overlay District except as may otherwise be provided in this Section 20.11.61.

Permitted Projections. (i) Trellises, pergolas, arbors, unenclosed steps, and unroofed porches that do not extend more than ten feet beyond the foundation wall, and (ii) bay windows that do not extend beyond 3.5 feet, cornices, projecting eaves, patios, chimneys, balconies, open fire escapes, and like projections with dimensions that do not exceed four feet beyond the line of the foundation wall.

The following requirements and limitations apply to all buildings in the Transition Overlay District.

- (a) A single building or a portion of a building located in the Hammond and Gorham Streets Transition Overlay District facing Hammond, Gorham, or Museum Streets, that is proposed to have a width above grade no greater than the Overlay Design Building Width, may extend into the Overlay Design Front Yard but may not extend into the minimum front yard; however Permitted Projections (other than open fire escapes) may extend into the minimum front yard.
 - (b) Where more than one portion (excluding any Permitted Projections) of a building, each of which portions (i) is proposed to have a width above grade no greater than the Overlay Design Building Width, and (ii) is proposed to be located in the Overlay Design Front Yard, there shall be at least a minimum of thirty feet distance, measured parallel to the street, between any two said portions (excluding Permitted Projections) of such building that are located in the Overlay Design Front Yard. Permitted Projections are allowed in the courtyard area existing between the portions of the building.
 - (c) The minimum distance between buildings (excluding Permitted Projections) above grade shall be as set forth in Section 5.13 but not less than twenty-five feet, except that where such area is to be used as a pedestrian access in conformity with Section 20.11.62 (c) below, the minimum distance shall be thirty feet. There shall be at least three strips of land no less than twenty-five feet in width that extend uninterrupted by any building or portion of a building from Hammond, Gorham, or Museum Streets to the southern boundary of the Hammond and Gorham Streets Transition Overlay District. Such land may be used for permitted driveways, pedestrian walkways, green area, or landscaped area. In each instance where a building permit for construction of a new building or construction beyond the existing footprint of a building is sought from the Inspectional Services Department for a building within the Transition Overlay District, a map at a minimum scale of 1" = 50' shall be included in the set of building plans showing any existing, proposed, or potential locations for the open areas required in this Paragraph (c) and the pedestrian access required in Section 20.11.62 (c) below.
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(d) The portions of the buildings located below ground are ignored when applying the dimensional limitations in this Section 20.11.61. Underground parking in the Hammond and Gorham Streets Transition Overlay District is permitted. Buildings in the Hammond and Gorham Streets Transition Overlay District that are not connected at and above ground shall be deemed separate buildings, even if an underground garage connects one or more of them below ground. If permitted by governmental regulations and codes, the air exhaust and intake vents shall be oriented so as not to be pointed toward the area north of Hammond Street.

(e) The HVAC equipment and exhaust or intake vents that are located in and are serving the buildings or underground garages in the Hammond and Gorham Streets Transitional Overlay District shall be designed or screened so that they are not visible to a pedestrian standing in the public way of Hammond or Gorham Streets, and so that they comply with governmental laws regulating noise. Such equipment not serving a building within the Overlay District shall not be located within the district.

(f) The buildings built in the Hammond and Gorham Streets Transition Overlay District shall have at least one entrance facing Gorham or Hammond Streets. Nevertheless, the building may also have one or more additional entrances facing elsewhere that are actually the principal or functioning entrances serving the building.

20.11.62 Pedestrian and Vehicle Access and Accessory Parking.

(a) *Vehicular Access.* Within the Hammond and Gorham Streets Transition Overlay District, no curb cut shall be permitted that provides access to accessory or non-accessory parking and loading facilities within the Hammond Street Transition Overlay District or to such facilities lying outside the Hammond and Gorham Streets Transition Overlay District. However, such curb cuts shall be permitted to provide access for emergency vehicles and to satisfy the requirements of the Americans with Disability Act ("ADA") or the Massachusetts Architectural Access Board ("MAAB"), including the provision of parking facilities needed to meet accessibility requirements.

(b) *Permitted Parking and Loading.* Within the Hammond and Gorham Streets Transition Overlay District, any on-grade accessory loading facilities shall serve only the buildings within the District, and only parking spaces for emergency vehicles and to meet ADA and MAAB requirements shall be permitted. Underground parking garages and underground loading facilities that are accessory to an institutional use are permitted in the Hammond and Gorham Streets Transition Overlay District if the vehicular access to the garage is from south of the Hammond and Gorham Streets Transition Overlay District.

(c) *Pedestrian Access.* At least two pedestrian walkways not obstructed by buildings shall be maintained within the Hammond and Gorham Streets Transition Overlay District that connect Hammond or Gorham Streets with portions of the Residence C-3 district located south of and outside of the Hammond and Gorham Streets Transition

Overlay District. Such walkways may traverse the strips of land identified in Section 20.11.61 (c), or may be separate pathways.

20.11.7 Applicability of Section 19.50 – Building and Site Plan Requirements.

The requirements of Section 19.50 shall not apply to any construction within the Hammond and Gorham Streets Transition Overlay District.

20.12 Kirkland Place Transition Overlay District

20.12.1 Establishment and Scope. There is hereby established the Kirkland Place Transition Overlay District which shall be governed by the regulations and procedures specified in this Section 11.400. These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district and the development options possible in the base Residence C-3 zone. It is the intent of this Section that these regulations will apply to a single area located at the westerly edge of Kirkland Place, north of Kirkland Street and bounded and described as follows:

Amend the Zoning Map of the City of Cambridge by designating on the map as the Kirkland Place Overlay District that area bounded and described below:

Beginning at a point, said point being the intersection of the westerly side line of Kirkland Place and a line 135 feet distant from and parallel to the northerly street line of Kirkland Street. Thence running westerly 90 feet to a point, said point being the intersection of a line 135 feet distant from and parallel to the northerly street line of Kirkland Place 402 feet to a point, said point being the intersection of a line 90 feet distant from and parallel to the westerly street line of Kirkland Place and the northerly lot line of lot numbered 45 as shown on Assessor's Plat numbered 145. Thence turning and proceeding easterly along said northerly lot line to the northeasterly corner of said lot numbered 45. Thence turning and running southerly along the easterly lot line of lot numbered 45 to the intersection of the lot line and the circular part of Kirkland Place. Thence turning and proceeding southwestwardly along the circular part of the westerly street line of Kirkland Place approximately 62.69 feet. Thence turning and running southerly along the western street line of Kirkland Place for a distance of approximately 327 feet, to the point of origin.

The affected premises: odd numbers 3-13 Kirkland Place, all or portions of lots numbered 21, 37, 38, 39, and 45 as shown on Assessor's Plat numbered 145.

20.12.2 General Purpose. It is the purpose of this Section 20.12 to augment the existing zoning regulations to respond to the unique problems and pressures for change particular to the Kirkland Place area. These regulations are intended to encourage retention of buildings of historic value and enhance the established streetscape; to maintain the visual character and open space patterns; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 20.12.2.

20.12.3 Applicability. The Kirkland Place Transition Overlay District shall be an overlay district on the zoning map established by Section 3.20.

The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of Section 20.12 which shall apply in addition to regulations imposed by the base zoning map designation. Where the base zoning regulations differ from requirements of this Section 20.12, the requirements of this Section shall apply. Divergence from the standards established in this Section may be allowed only by issuance for a Special Permit by the Planning Board as specified in Section 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.12 and that the criteria specified in Section 10.43 will be satisfied.

- 20.12.4** The Kirkland Place Transition Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 19.40.

- 20.12.5** Use Regulations. Use regulations of the Residence C-3 zoning designation shall apply in the Kirkland Place Transition Overlay District.

- 20.12.6** Dimensional Standards in the Kirkland Place Transition Overlay District

- 20.12.61** Floor Area Ratio. The above ground floor area ratio shall be the same as in the A-2 zoning district. The overall floor area ratio in the Transition Overlay District shall be 3.0. Any floor area created in excess of .5 must be completely below grade.

- 20.12.62** Maximum Height. The maximum height in the Transition Overlay District shall be 35 feet.

- 20.12.63** Setbacks. Building setbacks in the Transition Overlay District shall be the same as in the Residence A-2 zoning district.

- 20.12.64** Private open space. Open space requirements in the Transition Overlay District shall be the same as in the Residence A-2 zoning district.

- 20.12.65** Nonconforming structures. Notwithstanding the provisions of Section 8.23, that portion of a legal nonconforming structure lying within the Kirkland Place Transition Overlay District which is destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored and used again in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

(a) any restoration or rebuilding shall commence within twelve (12) months after the catastrophe; and

(b) the structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the origin design of the structure in quality of

materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

(c) the Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

Should the Community Development Department find that said conditions have not been met, the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no respect increase the nonconforming nature of the original structure; nothing in this Section, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

20.20 MIXED USE RESIDENTIAL OVERLAY DISTRICT (MXR)

20.21 *Establishment and Purpose.* There is hereby established the Mixed Use Residential Overlay District as shown on the Zoning Map of the City of Cambridge, as amended. It is the intent of this Overlay District to modify base residential district regulations, where a substantial inventory of non-residential uses already exists, such that: (1) existing non residential activities, compatible with existing and future residential construction, may continue, (2) retail and consumer service uses that might serve as support for existing or future residential construction are permitted, and (3) future residential construction on suitable sites is not inhibited. The Overlay District is intended to facilitate a mixed use environment supportive of housing construction within the district in the future while permitting existing non residential activities to operate and adjust to changing circumstances through limited expansion in built area in ways that will not negatively impact residential activities.

20.22 *Permitted Non-Residential Uses and New Construction.* A use not otherwise permitted in the base residential district may be permitted in the Mixed Use Residential Overlay District where such use is allowed or conditionally allowed in the Industry A-1 district, subject to the following conditions and limitations and the procedures established in Section 20.24 below.

- a. The use does not replace an existing residential use or, if the lot or area of a building proposed to be the location a non-residential use is vacant, no residential use had been established at any time in the previous five years.
 - b. Retail uses, Sections 4.35 and 4.36, shall only be permitted on the first floor and basement of a building, shall be located in a building containing other uses, and may not exceed more than twenty-five (25) percent of the gross floor area of the building in which they are located, or alternately no more than twenty-five (25) percent of the total area of a development proposal or any combination of existing and proposed buildings if so permitted by the Planning Board. No individual retail establishment may exceed 2500 gross square feet in area unless specifically permitted by the Planning Board.
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c. Transportation, communication and utility uses, Section 4.32; Office and Laboratory Uses, Section 4.34; Light industry, wholesale business or storage uses, Section 4.37; or Heavy industry uses, Section 4.38 may be permitted in an existing building, or as an addition to an existing building or as new construction on a vacant lot provided the additional gross floor area is to serve uses or operations already in existence in the district.

d. Parking lot or parking garage for private passenger cars, Section 4.32 b shall be prohibited.

20.23 *Dimensional Limitations.* The Gross Floor Area for any non-residential use or combination of non-residential uses on a lot shall be limited by the FAR set forth below for the applicable residential base district.

- a. Residence C: 0.6
- b. Residence C-1: 0.75
- c. Residence C-1A: 1.0
- d. Residence C-2: 1.25
- e. Residence C-2B: 1.25
- f. Residence C-2A: 1.5
- g. Residence C-3: 2.0
- h. Residence C-3B: 2.0

All other dimensional requirements of the residential district shall continue to apply.

20.24 *Procedures.*

20.24.1 Changes Permitted As-of-Right.

Any structure existing or authorized by permit as of September 15, 2000, which contains a non-residential use not permitted in the residential base district, may be expanded in area to accommodate the existing use in an amount not to exceed, in total for all additions, 15% of the existing Gross Floor Area of the building. In no case, however, may the FAR on the lot after said addition or additions exceed that set forth in Section 20.23 above.

20.24.2 Changes Permitted by Special Permit

All other changes of use, additions to existing buildings, or construction of new buildings permitted in Section 20.22 above, and otherwise not permitted to proceed as-of-right as set forth in Section 20.24.1 above, shall require the granting of a special permit from the Planning Board

20.25 *Criteria for Issuance of a Special Permit.* Designation of the base residential zoning district expresses the policy objective of the City of Cambridge that new construction in the district should principally be for residential use, or for other uses permitted in the residential base district. However, recognizing the present land use character of the area, this Mixed Use Residential Overlay District provides flexibility such that existing non-residential uses may continue to operate without unreasonable regulatory

impediment provided they do not now or will not in the future hinder the expansion or introduction of residential uses to the district. Therefore, in granting a special permit under this Section 20.20, the Planning Board shall take into consideration the following and make appropriate findings related thereto:

1. The proposed new use or expansion of an existing use will contribute to a physical and use environment that is supportive of residential uses, as for example the introduction of ancillary retail and consumer services;
2. In its operations, scale, building design and location on the lot, the proposed use or new construction will not significantly impair the health, safety and welfare of current residential occupants of the district or impair the prospects for construction of new residential uses on adjacent lots or within the district, or alternately will positively contribute to the health, safety and welfare of residents in the district;
3. In its design, the new construction could be reasonably converted to residential use in the future;
4. Where it is proposed to construct a building on a vacant lot or where it is proposed to expand an existing facility not used for residential purposes by more than fifteen (15) percent of its existing gross floor area, the lot is not suitable for residential use as indicated by its location and surrounding uses. Where the lot may be suitable for residential use, the proposed construction is to serve an existing operation or enterprise now in the district. That operation or enterprise shall be found to be an important contributor to the Cambridge economy, through the provision of employment, the generation of new ideas, products or processes, and through the potential to expand and grow elsewhere in the city in areas intended for non-residential development;
5. Special attention is paid in the design and layout of the new construction to mitigate or prevent negative impacts on present and future residential uses, including among other measures screening of mechanical equipment for visual or acoustical reasons, location of refuse management systems within the structure, and the location of loading and service delivery systems in the least obtrusive areas of the lot.

20.30 Deleted

20.40 EASTERN CAMBRIDGE HOUSING OVERLAY DISTRICT

20.41 *Purpose.* It is the intent of this Section 20.40 to provide an incentive for residential development within the designated ECHO district as an extension of the existing residential neighborhood and to permit housing to be developed in combination with other uses permitted on a lot where a mix of uses is desirable. It is the intent of this Section 20.40 to provide an incentive through additional development potential to convert a lot devoted to non-residential uses to residential use.

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- 20.42** *Applicability.* The ECHO District shall be an overlay district on the zoning map established in Section 3.20. Buildings and land uses shall be controlled by the pertinent regulations within the applicable base zoning districts and any other regulations that may apply in the City of Cambridge Zoning Ordinance, including Section 5.30.12, except as modified by the provisions of this Section 20.40. Except as modified by the provisions of this Section 20.40, the base district regulations shall apply. Where reference is made in this Section 20.40 to residential uses, it shall mean residential uses as set forth in Section 4.31 a-h.
- 20.43** *Residential Development Density.* The maximum permitted FAR for all residential uses shall be twice the non-residential FAR permitted in the underlying base zoning district, except that for those areas whose underlying base zoning district is Residence C-1 the FAR shall be 0.75. For all areas within the ECHO District, the permitted number of dwelling units on a lot shall be that permitted in the base zoning district. However, where the proposed development has a residential FAR of at least 2.0 the permitted number of dwelling units may be increased but shall not exceed one dwelling unit for every 300 square feet of total lot area.
- 20.44** *Maximum Height of Buildings and Maximum Permitted Non-Residential FAR.* The following limitations as to height of buildings shall only apply to new buildings or additions to existing buildings. The permitted heights are set forth on the Eastern Cambridge Housing Overlay District Height Limitation Map, Map 20.41. The permitted heights are further described below. Where the maximum height permitted in this Section 20.44 is thirty-five feet, it shall apply to all uses permitted in the applicable base-zoning district. Where the height permitted is greater than forty-five feet, it shall apply only to permitted residential uses. For any location not appearing on Map 20.41 or described below, the permitted heights shall be those permitted in the base zoning district. The FAR set forth below shall apply to non-residential uses. Where no FAR is indicated the non-residential FAR shall be that permitted in the applicable base zoning district.
- 20.44.1** Maximum Height and Non-Residential FAR in that area between the centerline of Fulkerson Street and the centerline of Third Street.
1. Height of thirty-five (35) feet: from the centerline of Charles Street to a line one hundred (100) feet distant from and parallel to the southerly sideline of Charles Street, which is approximately the mid block between Charles and Bent Street.
 2. Height of forty-five (45) feet: from the mid block between Charles and Bent Streets described in (1) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Bent Street, which is approximately the mid block between Bent Street and Rogers Street. Non-residential FAR of 1.50.
 3. Height of fifty-five (55) feet: from the mid block between Bent Street and Rogers Street described in (2) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Rogers Street, which is approximately the mid block between Rogers Street and Binney Street. Non-residential FAR of 1.75.
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4. Height of sixty-five (65) feet: from the mid block of Rogers Street and Binney Street described in (3) above to the centerline of Binney Street. Non-residential FAR of 2.0.

20.44.11 Maximum Height in that area between the centerline of Third Street and the centerline of Second Street.

1. Thirty-five (35) feet: from the centerline of Charles Street to a line one hundred (100) feet distant from and parallel to the southerly sideline of Charles Street, which is approximately the mid block between Charles and Bent Street.
2. Forty-five (45) feet: from the mid block between Charles and Bent Streets described in (1) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Bent Street, which is approximately the mid block between Bent Street and Rogers Street.
3. Fifty-five (55) feet: from the mid block between Bent Street and Rogers Street described in (2) above to a line one hundred (100) feet distant from and parallel to the southerly sideline of Rogers Street, which is approximately the mid block between Rogers Street and Binney Street.
4. Sixty-five (65) feet: from the mid block of Rogers Street and Binney Street described in (3) above to the centerline of Binney Street.

20.44.2 Maximum Height in that area between the centerline of Fulkerson Street and the centerline of the of the railroad right-of-way.

1. Thirty-five (35) feet: extension of the area described in Section 20.43.1, Paragraph (1) above westerly from the centerline of Fulkerson Street to the centerline of the railroad right of way.
2. Sixty-five (65) feet: from the centerline of Binney Street and the centerline of the railroad right-of-way to a line 100 feet distant from the northerly sideline of Binney Street and 100 feet from the northwesterly sideline of Fulkerson Street to the areas intersection with the area described in Paragraph (1) above.
3. Forty-five (45) feet: extension of the area described in 20.43.1, paragraph (2), above to its intersection with the northeasterly sideline of the area described in Paragraph (2) of this Section 20.43.2
4. Fifty-five(55) feet: extension of the area described in 20.43.1, paragraph (3), above to its intersection with the northeasterly sideline of the area described in Paragraph (2) of this Section 20.43.2

20.44.3 Maximum Height in that area between the centerline of the railroad right-of way and the centerline of Cardinal Medeiros Way.

1. Eighty-five (85) feet except as described in Paragraph (2) below.
 2. Thirty-five (35) feet in that area bounded by the centerline of Binney Street, then the centerline of Medeiros Avenue; then the Residence C-1 zoning district line; then the centerline of the railroad right of way; then a line one hundred (100) feet distant from, parallel to, and southerly or easterly of the Residence C-2 zoning district line and the easterly sideline of Medeiros Avenue, to the point of origin.
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- 20.44.4** Maximum Height in all areas having a base Residence C-1 zoning district.
1. Thirty-five (35) feet.
- 20.44.5** Maximum Height at All Other Locations. At all other locations the maximum height permitted shall be the maximum height permitted in the base zoning district for residential uses
- 20.45** *Eastern Cambridge Design Guidelines.* In reviewing any special permit that may be required for development in the ECHO District, the permit granting authority shall find that the development is generally consistent with the policy objectives set forth in the Eastern Cambridge Plan and the guidance provided in the Eastern Cambridge Design Guidelines. Any development permitted as-of-right is encouraged to be consistent with the Guidelines.
- 20.46** *Transfer of Development Rights.* Development capacity may be transferred from the areas designated within the ECHO District consistent with the regulations set forth in Section 20.30 of this Ordinance.
- 20.47** *Non-Conforming Uses.* Notwithstanding any provision of Article 8.000, in the Eastern Cambridge Housing Overlay District, any structure containing a non-conforming use may be altered or enlarged without limit as to percent of enlargement in order to accommodate expansion of that non-conforming use provided the structure or portion of the structure to be altered or enlarged is located within a non-residential base district and further provided that the structure will not be in further violation of the dimensional requirements of this Section 20.40 or any applicable base district.
- 20.50** **HARVARD SQUARE OVERLAY DISTRICT AND HARVARD SQUARE HISTORIC OVERLAY DISTRICT**
- 20.51** *Establishment and Scope.* There is hereby established the Harvard Square Overlay District and the Harvard Square Historic Overlay District which shall be governed by the regulations and procedures specified in this Section 20.50. It is the intent of this section that these regulations will apply to an area described generally as the Harvard Square business district and certain abutting portions of the neighborhoods around it.
- 20.51.1** The Harvard Square Overlay District shall be that overlay district established on the Zoning Map of the City of Cambridge by Section 3.20. The Harvard Square Historic Overlay District shall be that portion of the Harvard Square Overlay district that is encompassed by any historic district duly established by the City Council under the authority granted by the City of Cambridge by Chapter 40C of the General Laws of the Commonwealth of Massachusetts or any Neighborhood Conservation District established by the City Council under the provisions of chapter 2.78 of the Cambridge Municipal Code. All provisions of the Harvard Square Overlay District and all references to it in this Ordinance shall apply equally to the Harvard Square Historic Overlay District except as set forth below.
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20.52 *General Purpose.* It is the purpose of this Section 20.50 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to the Harvard Square area. The regulations contained in said section provide for more careful public scrutiny of development proposals that may alter the established urban form of the Harvard Square area. These regulations are intended to channel the extreme development pressures in ways which will preserve and enhance the unique functional environment and visual character of Harvard Square; to mitigate the functional impacts of new development on adjacent residential neighborhoods; to maintain the present diversity of development and open space patterns and building scales and ages; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 20.52. The additional flexibility granted to development within the Harvard Square Historic Overlay District is intended to facilitate the protection and enhancement of the historic resources and character of Harvard Square while not unreasonably limiting the opportunities for appropriate contemporary changes to the built environment in the Harvard Square area.

20.53 *General Provisions*

20.53.1 The Harvard Square Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Article 19.40 except that any Large Project Review (new buildings of 2,000 square feet or more) shall be conducted by the Harvard Square Advisory Committee using procedures specified in Subsection 20.54.1 of this Section 20.50.

20.53.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances.

In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority or the Harvard Square Advisory Committee shall be guided by the objectives and criteria contained in the publication *Harvard Square Development Guidelines* [Document compiled from the *Guidelines for Development and Historic Preservation as contained in the Final Report of the Harvard Square Neighborhood Conservation District Study Committee*, dated November 29, 2000 and the *Harvard Square Development Guidelines*, 1986], in addition to the requirements of Sections 10.30 (Variances) and 10.40 (Special Permits) and this Section 20.50. These guidelines are also intended to assist in shaping any contemplated physical change within the Harvard Square Overlay District

20.53.3 *National Register and Contributing Buildings*

For the purposes of this Section 20.50 the following definitions shall apply:

1. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of the Department of the Interior.
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2. A contributing building shall be:

- a. Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of Interior; or
- b. A building located outside a National Register District but identified as a contributing building in the *Harvard Square Development Guidelines*, Community Development Department, July 1, 1986.

However, a building shall no longer be considered a contributing building as defined in this Subsection 20.53.3(b) for the purposes of this Section 20.50 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

20.54 *Detailed Provisions*

20.54.1 Harvard Square Advisory Committee

There shall be established a Harvard Square Advisory Committee, with members appointed by the City Manager, which shall have the following duties, responsibilities, and membership.

1. *Purpose.* It is the intent of this Subsection 20.54.1 that the Committee shall in its official actions fulfill the following purposes.

- a. To establish a formal, ongoing body that will review all major development actions in the Harvard Square Overlay District.
- b. To provide a forum within which a wide range of perspectives on development actions can be heard.
- c. To establish a citizen/professional body which can advise both public agencies and private interests as to the development and urban design issues raised by a development or planning proposal and suggest avenues of research which might be pursued to resolve identified conflicts or make the project better fulfill both public and private objectives for the Harvard Square Overlay District.

2. *Responsibilities.* The Committee shall undertake all Large Project Reviews and shall receive all applications for variances and special permits for activities within the Harvard Square Overlay District for review and comment. In addition, the Committee may comment on any preliminary proposal for which any public agency or private interest may wish to receive advice and recommendations.

3. *Procedures.*

- a. Within six (6) months preceding any application for (1) a building permit for any project subject to Large Project Development Consultation Review or (2) a special permit or variance for any project within the Harvard Square Overlay District, the graphic and other material required in Section 19.43.2 – Application for a Large Project Review shall be submitted to the Harvard Square Advisory Committee for their review and comment.

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- b. Within thirty (30) days of that submittal, [or within up to sixty (60) days with the written consent of the applicant] the Committee shall prepare a written report of findings and recommendations with respect to the applicant's proposed project.
 - c. The Committee's written report shall outline the urban design and development issues raised by the proposal. It shall suggest those areas within which additional exploration of alternatives might be sought or factual information gathered which might help to resolve potential conflicts between the public and private objectives or which help to shape the project to better serve these objectives.
 - d. The report shall be forwarded to the applicant and shall be included in any application for a building permit, special permit or variance.
 - e. It is expected that, in making decisions regarding special permits and variances within the Overlay District, the Planning Board and/or Zoning Board of Appeal will give due consideration to the report and recommendations of the Advisory Committee. Where the Committee makes recommendations with respect to the granting of special permits and/or variances, and the Planning Board and/or Zoning Board of Appeal does not follow said recommendations, then the Board(s) shall make written reply to the Committee, detailing why the Board(s)'s decisions were different from the Committee recommendations.
 - f. The Community Development staff shall serve as staff to the Committee.

4. *Membership and Terms*

a. *Membership.*

- (1) At least one member having recognized qualification as an architect or landscape architect.
- (2) One member having recognized qualifications as real estate or development or financial expert.
- (3) One member who operates a business within the Harvard Square Overlay District.
- (4) Two members owning commercial property within the Harvard Square Overlay District.
- (5) Five members representing residents of the five abutting Cambridge residential neighborhoods.
- (6) One additional resident to be appointed with should serve at large.
- (7) One member representing an institution owning institutional property in the Harvard Square Overlay District.
- (8) One member representing the Cambridge Historical Commission.

b. *Terms.* Committee members shall be appointed for terms of three years each. Initial appointment shall, however, be staggered such that four members shall have terms of one year, five members shall have terms of two years, and four members shall have terms of three years each.

20.54.2 Building Height Limitations. The maximum height of buildings in the Harvard Square Overlay District shall be governed by the requirements of this Section 20.54.2;

however, at locations where the base zoning district establishes a more restrictive height limitation, the more restrictive shall apply.

1. *As of Right Height Limitations.* The maximum height of any building shall be sixty (60) feet.
2. *Special Permit for Additional Height.* The maximum allowable height in the Harvard Square Overlay District may be increased up to eighty (80) feet upon issuance of a Special Permit by the Planning Board. If a Special Permit is issued portions of the building may extend to eighty (80) feet in height provided that those portions in excess of sixty (60) feet are set back from the street line at least ten (10) feet, and that those portions are also set back from one or more forty-five (45) degree sky exposure planes, unless otherwise permitted by the Planning Board. A forty-five (45) degree sky exposure plane shall be an imaginary inclined plane beginning fifty-five (55) feet above any streetline in the districts and rising over one or more lots at a forty-five (45) degree angle.
3. deleted.

20.54.3 Retail, Business, and Consumer Service Establishments (Section 4.35) in Office and Residential Districts.

1. The Planning Board may allow by special permit the retail use of a lot or structure all or partially within the Harvard Square Overlay District and in a base residential or office district where retail uses are not permitted under the provisions of Section 4.30 - Table of Use Regulations; provided, however, that the following conditions are met or findings made:

- a. The general purposes of this Section 20.50 are met.
 - b. The use will be located in a structure in existence as of June 1, 1985 and will not involve significant new construction.
 - c. The addition of such use(s) will assist in the preservation, rehabilitation and/or restoration of a National Register or contributing building or important open space by increasing the economic feasibility of maintaining such features.
 - d. The preservation of the buildings and open space identified in (c) above is assured through an approved mechanism for the full period that the special permit is in force and effect.
 - e. The proposed use will preserve, rehabilitate or restore the outward appearance of the structure or open space.
 - f. In its operation the use will not, in impact, be significantly different from the uses permitted in the base district.
 - g. The use is completely contained within the structure.
 - h. The use will be patronized substantially by pedestrians and will, if required by the Planning Board, function adequately without additional off street parking or loading facilities and will in any case not generate vehicular traffic in quantity and type substantially different from that generated by permitted uses.
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i. The applicant can demonstrate a need for the use(s) as a service to adjacent residential communities or to the academic community and can demonstrate that for economic or other reasons the use cannot easily be located in existing business or office districts where the use is permitted. In addition the applicant must demonstrate that either the use has been displaced as result of redevelopment elsewhere in the Harvard Square Overlay District, or that the use is important in its contribution to the variety, continuity, or uniqueness of the Harvard Square Overlay District.

j. The retail use does not take the place of a residential or dormitory use.

k. The following uses listed in Section 4.35 are however specifically prohibited:

4.35e (Lunchroom, restaurant, cafeteria);

4.35f (Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided);

4.35g (Bar or other establishment where alcoholic beverages are sold and where dancing is provided);

4.35j (Mortuary, undertaking or funeral establishment);

4.35l (Veterinary establishment, kennel, pet shop);

4.35m (sales place for new and used cars);

4.35o (Fast Order Food Establishment);

4.35p (Massage establishment).

l. The proposed use is not located in a base Residence C-2B or Office 2 District.

2. In the Office 2 base district the provisions of Section 4.40 - Footnotes to the Table of Use Regulations, footnote 12, shall not apply in the Harvard Square Overlay District.

3. The conditions and required findings mentioned in this Section 20.54.3 are not severable, and if a court declares any such condition or required finding invalid, then this Section 20.54.3 shall cease to operate in its entirety, and no additional special permits shall be issued under its authority.

20.54.4 Parking and Loading Requirements. Uses in the Harvard Square Overlay District which meet the following requirements shall be exempt from the parking and loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

1. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or

2. The use is contained in a new structure or new addition to a structure identified in (1.) above, after the issuance of a special permit by the Planning Board provided:

a. The total development authorized on the site is reduced to eighty (80) percent of the maximum permitted on the lot; or a cash contribution is made to the Harvard

Square Improvement Fund to be established by the City of Cambridge in an amount equal to fifty (50) percent of the cost of construction of the spaces not provided, said contribution to be used by the City of Cambridge for one or more of the following capital improvements in the Harvard Square Overlay District:

- (1) Provision of public parking, preferably for short term users;
- (2) Improvements to public parks, or restoration of historic structures, monuments and other features owned by the City of Cambridge or other public agency or a nonprofit organization;
- (3) Extension throughout the Harvard Square Overlay District of the surface improvements installed by the MBTA as part of the Red Line subway extension (brick sidewalks, light post, street furniture, etc.)

The Harvard Square Advisory Committee shall receive and make comments on any proposal for the expenditure of such cash contributions. To the extent practicable the provision of public parking facilities shall be the first priority of any expenditure. The funds shall not be used for ordinary maintenance activities normally undertaken by the City of Cambridge.

The value of the cash contribution shall be determined by the Community Development Department assuming equivalent structured parking spaces and using generally accepted cost estimation methods customarily used by architects and engineers or using actual construction costs for comparable contemporary parking construction in Cambridge.

- b. The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met).
- c. The Planning Board shall specifically find that an exemption from parking and loading requirements will result in a building design that is more appropriate to its location and the fabric of its neighborhood and that it is in conformance with the objectives and criteria contained in *Harvard Square Development Guidelines*.
- d. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and
- e. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

- 20.54.5** Building Setbacks. Maintenance of the Harvard Square Overlay District's positive diversity of building form and scale and its variety of open spaces, yards and courtyards is encouraged throughout the District. It is therefore desirable to permit design flexibility to allow any physical change in the District to reflect the character of the area within which it is located. To this end any building in the Harvard Square Overlay District shall be exempt from the yard requirements as specified in Section

5.30, (except where such yard abuts a lot, but not a public way, outside the Overlay District) if the following conditions are met:

1. The building existed as of December 15, 1985 or a building permit had been issued by that date, or
2. For any new building in any Business, Office or Residence C-3 base-zoning district, for which a building permit is issued after December 15, 1985, the Planning Board issues a Special Permit exempting the building from yard requirements provided:
 - a. The design of the new structure shall be in conformance with the objectives and criteria contained in *Harvard Square Development Guidelines*.
 - b. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and
 - c. No National Register or contributing building previously existed on the site in the preceding five (5) years and which has been so altered as to terminate or preclude its designation or demolished prior to the application.

20.54.6 Maximum Ratio of Floor Area to Lot Area (FAR) in the Harvard Square Historic Overlay District.

Notwithstanding the FAR limits set forth in Article 5.000 or elsewhere in this Ordinance, the maximum FAR applicable in the Harvard Square Historic Overlay District shall be as follows: Business B district: 4.0 for all uses except dwellings, 3.0 for dwellings; Office 3 district: 3.0 for all uses; Office 2 district: 2.0 for all uses; Residence C-3 district: 3.0 for all uses; Residence C-2B district: 1.75 for all uses; Residence C-1 district: 0.75 for all uses; Business A district: 1.0 for all uses except dwellings, 1.75 for dwellings.

20.55 *Sign Regulations in the Harvard Square Historic Overlay District*

20.55.1 All provisions of Article 7.000 shall apply in the Harvard Square Historic District, except as modified below. It is the intent of these modifications to allow greater flexibility in the size, location and illumination of signs in order to encourage more thoughtful design of individual signs, to encourage greater respect for the building and visual context within which new signs are erected, and thereby add interest and character to the shopping environment in Harvard Square.

1. In Section 7.16.22 – Signs in all Business, Office and Industrial Districts, Paragraphs A, B, and C shall not apply in office and business base districts. However, no sign on the outside of a building may extend higher than 20 feet above grade.
2. In Section 7.16.3 – Application of the Sign Frontage Formula shall not apply.
3. In the Residence C-2B base district the provisions of Section 7.16.22 shall apply to permitted or legally established nonconforming office and retail uses.

20.60 PARKWAY OVERLAY DISTRICT

- 20.61** *Establishment and Scope.* There is hereby established a Parkway Overlay District which shall be governed by the regulations specified in this Section 20.60. Within this parkway district is also a subdistrict to be referred to as the Concord Avenue Parkway Subdistrict. It is the intent of this section that these regulations will apply to areas of the city where development is likely to occur near major public open space connectors, especially arterial roadways that could provide such connections.
- 20.62** *Purpose.* It is the purpose of this Section 11.60 to augment base zoning regulations in designated areas in order to create unified identifiable images of designated areas, to enhance public safety by reducing visual confusion and haphazard development, to encourage development which will protect and enhance the use and enjoyment of public open space resources. The Parkway Overlay District has been designated specifically for the areas adjacent to arterial roadways located in parklike settings such as the Fresh Pond Reservation. To more fully implement these objectives for a portion of the Parkway Overlay District that includes the Fresh Pond Reservation, this article includes special provisions for the “Concord Avenue Parkway Subdistrict,” which is defined in section 20.69 and is subject to the provisions of that section, as well as the provisions generally governing the Parkway Overlay District. The terms “the district” or “said district” or “the Parkway Overlay District” shall mean both the Parkway Overlay District and the Concord Avenue Subdistrict, unless specifically noted otherwise.
- 20.63** *Applicability.* The Parkway Overlay District shall be an overlay district on the zoning map established by Section 3.20. The Concord Avenue Parkway Subdistrict shall also be shown on the map established by Section 3.20.
- 20.63.1** The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning districts, except as modified by the requirements of this Section 20.60 which shall apply in addition to regulations imposed by the base zoning map designations. Where the base zoning regulations differ from requirements of this Section 20.60, the stricter provisions shall apply.
- 20.63.2** The requirements of this Section 20.60 shall not apply to Planned Unit Development proposals filed, reviewed and regulated by Articles 12.000 and 13.000; however, said requirements shall apply to other development proposals in a PUD district.
- 20.63.3** The requirements of this Section 20.60 shall not apply to lots containing one family, two family or three family residences as principal uses.
- 20.63.4** The requirements of this Section 20.60 shall not apply to construction activities incidental to emergency repairs of public utility facilities.
- 20.63.5** In reviewing applications for any special permit in the Parkway Overlay District, the Planning Board shall consider compliance with the requirements specified in this Section 20.60, the recommendations made in the Cambridge Community Development Department's 1979 report entitled *Alewife Revitalization*, and the criteria specified in Section 10.43.
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- 20.63.6** Developments that must obtain a special permit under any section of the Zoning Ordinance shall be exempt from the Development Consultation Procedures mandated by Subsection 20.69. Compliance with the regulations and guidelines for the Parkway Overlay District shall be considered in the context of the special permit review.
- 20.63.7** The development standards specified in this Section 20.60 shall apply to all development within the Parkway Overlay District not exempted by subsections 20.63.2, 20.63.3, and 20.63.4. Divergence from these standards may be allowed only by issuance of a special permit from the Planning Board as specified in Subsection 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.60 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.
- 20.64** *Dimensional Standards in the Parkway Overlay District*
- 20.64.1** *Front Yards.* Front yards should be of sufficient size and appropriately landscaped so as to increase public safety and to positively contribute to the visual and environmental quality of the district. Therefore the following standards shall apply:
1. The minimum front yard setback for the principal front wall plane for any structure shall be twenty-five (25) feet measured from the street line. For corner lots, only the front yard oriented toward Concord Turnpike, Alewife Brook Parkway, Concord Avenue, or Fresh Pond Parkway shall be required to provide this setback. The other front yard shall satisfy the minimum setback specified in Section 5.30 for the base zoning district.
 2. Required front yards shall consist entirely of Green Area Open Space as defined in Article 2.000 with the exception of paving necessary for vehicular access. Such paved access area shall be limited to one 24-foot driveway for each one hundred (100) feet of lot frontage or fraction thereof.
 3. Front yards shall contain at least one three (3) inch caliper tree for every twenty-five (25) linear feet of street frontage.
 4. Front yards may contain fences along front and side lot lines in accordance with the provisions of Subsection 20.65.
- 20.64.2** *Maximum Building Height.* The transition from public open spaces to private development should not be abrupt. Therefore, the maximum height of the principal front wall plane of buildings in the Parkway Overlay District shall be fifty-five (55) feet. Portions of buildings may be allowed to extend to eighty-five (85) feet in height provided that those portions in excess of fifty-five (55) feet are set back from the principal front wall plane at least ten (10) feet and that those portions also set back from one or more sixty (60) degree building bulk control planes.
- 20.64.3** *Building Facades.* Building facades should be designed so as to enhance the visual quality of the district. The following standards shall apply:
1. Principal building entrances shall face the parkways and boulevards which serve to define the district.
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2. Building facades and rooflines shall be articulated and expanses of unbroken wall planes shall be limited to thirty-five (35) linear feet for those facades facing public open space and/or public roadways.

3. Ground floor levels shall include a minimum of thirty (30) percent transparency to enliven and enrich the public environment.

20.65 *Fences.* In order to maintain a feeling of openness, to facilitate pedestrian enjoyment and use, and to maximize scenic views, fences along the front and side lot lines shall comply with the following standards:

1. No fence along a front or side lot line and within twenty-five (25) feet of a public right of way shall be more than four (4) feet in height from the curb level of the street or more than thirty (30) percent opaque.

2. Chainlink and wire fences are prohibited.

20.66 *Parking Standards.* Development in the Parkway Overlay District shall conform to the Off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 20.66.

20.66.1 *Curb Cuts.* Only one curb cut of a maximum of forty (40) feet shall be permitted per one hundred (100) linear feet of street frontage in the Parkway Overlay District. Wherever possible, curb cuts should be on local streets rather than arterial roadways and in no case shall a curb cut be allowed within one hundred (100) feet of an intersection unless the lot contains less than one hundred and twenty-five (125) feet of street frontage.

20.66.2 *Siting of Parking Areas.* Parking areas, whether accessory or nonaccessory, shall not be located in the front yard required for any lot in the district. Enclosed parking facilities are encouraged. On grade, open area parking areas shall be located behind the building or buildings served or arranged in such a way as to minimize their visibility from public ways.

20.66.3 *General Landscaping of On Grade, Open Parking.* Landscaping of parking areas in the district should help to ensure public safety, moderate the microclimate and minimize noise, glare and the unsightly intrusion of automobiles and unbuffered hard surfaces in the area of public open space. Therefore, any on grade open parking area for ten (10) or more cars shall be required to meet the following landscaping standards:

1. On grade, open parking areas shall be arranged and landscaped to properly screen cars from public rights of way and pedestrian ways. Such screening shall consist of a fence or wall not less than fifty (50) percent opaque and not less than four (4) feet in height.

2. At least ten (10) percent of the area devoted to on grade open parking shall be landscaped. The area devoted to on grade open parking shall be that portion of the lot containing parking spaces, driveways and landscaped area located between or adjacent to parking spaces and drives. No portion of the lot required

as a setback between parking spaces and a building or lot line shall be counted in computing the ten (10) percent landscape requirement.

3. Each landscape area shall have minimum dimensions of three (3) feet.

4. Landscaped areas at least six (6) feet in width shall be used to divide parking areas into bays of not more than twenty (20) spaces. Such landscaped areas may be counted as part of the ten (10) percent required landscaped area.

20.66.4 Trees for Landscaping On grade, Open Parking Areas. The landscaping necessary to meet the standards specified in Subsection 20.66.3 shall include trees as follows:

1. For every ten (10) on grade, open parking spaces or fraction thereof, there shall be a minimum of one 3-inch caliper tree located within the area devoted to on grade parking.

2. The trees required for the landscaping of on grade, open parking areas - whether such trees are coniferous or deciduous, flowering or nonflowering - should be tolerant to urban environmental conditions, able to screen parking areas by virtue of their size, form, density of foliage and spread, and easy to maintain. A suggested list of trees which meet these criteria is listed in Subsection 11.16.4 of this Ordinance.

3. Standards of Tree Protection

a. Each tree planted in a paved area shall have minimum of fifty (50) square feet of porous surface area surrounding the tree.

b. Trees which are planted along roadways or in parking lots shall be protected by a curbed planter strip or by precast concrete curbs or railroad ties or by suitably designed concrete, steel or wood bollards placed at least four feet (4') from the tree.

20.67 *Mechanical Equipment and Refuse Storage Areas.*

1. No refuse storage areas nor mechanical equipment areas shall be located in a front yard within the district. Such areas shall be screened from view from street and parking areas, residential districts, open space areas, and designated parkways by a six (6) foot high durable nonliving barrier (or earth berm) planted with at least one shrub or vine for each ten (10) feet of barrier towards the abutting property.

2. Mechanical equipment on the roof of any building shall be permanently screened from view from the ground or other buildings in the area.

20.68 *Development Consultation Procedure.* The Parkway Overlay District shall be considered an area of special planning concern. Except as modified by Subsection 20.68.1, development proposals listed in Subsection 19.42 shall be subject to the development consultation procedure.

20.68.1 Development proposals requiring a special permit or exempted under Subsections 20.63.2, 20.63.3, or 20.63.4 shall not be subjected to the development consultation procedure.

20.68.2 Subsection 19.43.1 notwithstanding, only exterior building alterations increasing gross floor area by one thousand (1000) square feet or more shall be subject to the development consultation procedure.

20.68.3 Subsection 19.42.1(4) notwithstanding, only construction of ten (10) or more parking spaces shall be subject to the development consultation procedure.

20.69 *Concord Avenue Parkway Subdistrict*

For the purposes of providing additional protection to a portion of Concord Avenue that abuts the Fresh Pond Reservation and which serves as a gateway to Cambridge, this section hereby creates a "Concord Avenue Parkway Subdistrict" within the Parkway Overlay District. The subdistrict is that portion of the Parkway Overlay District along Concord Avenue that is bounded on the west by the dividing line between the Residence B district and the Office 2 district, and is bounded on the east by the dividing line between the Business C district and the Office 2 district. This subdistrict includes the following parcels as shown on The City of Cambridge GIS Maps: map 267D, parcel numbers 323, 282, 327, 328, 289, 259, 304, 284, 300, 316, 307, 285, 287, 286, 291, 310, and 311; Map 267E, parcel numbers 234, 277, 261, 283, 270, 269, 288, 289, 17, and 242; and Map 267F, parcels 293, 274, and 301, and includes, but is not necessarily limited to, the following street address on Concord Avenue: 795, 777, 775, 773, 769, 763, 745, 737, 729, 725, 711, 701, 689, 681, 675, 665, 655, 653, 651, 650, 647, 645, 641, 625, 617, 603, and 591.

20.69.1 Notwithstanding any other provisions in either the Parkway Overlay District and/or the base zoning district, the maximum height for any building or structure within Concord Avenue Parkway Subdistrict shall not exceed fifty (50) feet.

20.69.2 Notwithstanding any other provisions in either the Parkway Overlay District and/or the base zoning district, any building within the Concord Avenue Parkway Subdistrict greater than twenty-five thousand (25,000) square feet in floor area shall require a special permit under this paragraph. When determining whether to grant a special permit under this paragraph, the Planning Board shall require compliance with the following criteria, in addition to the general special permit criteria set forth in section 10.43:

1. New buildings shall be related sensitively to the existing built environment. The location, orientation and massing of structures in the development should avoid overwhelming the existing buildings in the vicinity of the development. Visual and functional disruptions should be avoided.
 2. New buildings should be in harmony with the purposes of the Parkway Overlay District as specified in Section 20.62, which are to create unified identifiable images of designated areas, to enhance public safety by reducing visual confusion and haphazard development, and to encourage development which will protect and enhance the use and enjoyment of public open space resources.
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20.70 FLOOD PLAIN OVERLAY DISTRICT

- 20.71** *Purpose.* It is the purpose of this Section 20.70 to protect the health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, to preserve and maintain the ground water recharge areas within the flood plain, and to provide a mechanism for a comprehensive review of development in the Flood Plain Overlay District and the design and location of flood water retention systems and their relationship to other surrounding development.
- 20.72** *Establishment and Scope.* There is hereby established a Flood Plain Overlay District which shall be governed by the regulations specified in this Section 20.70. The Flood Plain Overlay District includes all special flood hazard areas designated as Zone A and AE on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRMs that are wholly or partially within the City of Cambridge are panel numbers 25017C0418E, 25017C0419E, 25017C0438E, 25017C0557E, 25017C0576E, 25017C0577E dated June 4, 2010. The exact boundaries of the District are defined by the special flood hazard area, which is the area subject to flooding by the 1% annual chance flood, also known as the “100-year flood” or “base flood, (Special Flood Hazard area) shown on the FIRMs and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS reports are incorporated herein by reference and are on file with the City Clerk, Inspectional Services Department, Department of Public Works, Community Development Department and Conservation Commission.
- 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.
- 20.73.1** A special permit shall not be required for any activity detailed in 20.73 above on individual lots containing one, two, or three family dwellings in existence as of July 5, 1982 or for the demolition of an existing structure. Nevertheless all other requirements of this Section 20.70 (and especially those criterion detailed in Subsection 20.75) shall be met as applicable.
- 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;
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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.

20.74.2 *Special Notification Requirements.*

Where in the application it is proposed to alter or relocate a watercourse in a riverine situation, the Planning Board shall notify, in addition to those parties-in-interest required to be notified by Chapter 40A, all adjacent communities to the extent not required in Chapter 40A, the NFIP State Coordinator [Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite, 600-700, Boston, Massachusetts 02114-2104 (or any successor office)] and the NFIP Program Specialist [Federal Emergency Management Agency, Region 1, 99 High Street, 6th floor, Boston, Massachusetts 02110 (or any successor office)].

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.

20.705.1 Additional Special Permit Criteria for MMD-3: In granting a special permit for a Registered Marijuana Dispensary in the MMD-3 the Planning Board shall find that the criteria in 20.705 are met as well as the criteria in 20.705.1.

- (a) Use Limitations: the RMD facility shall be retail only with no cultivation activities on the site.
- (b) Siting: The RMD facility must be located either below grade or above the street level at the second story or above and be appropriately shielded from the public view.
- (c) Size: The RMD facility size shall be less than ten thousand (10,000) square feet and at least seventy percent (70%) of the square footage shall be used for patient services and the remainder shall be devoted to administrative support, storage and security.
- (d) Access to Public Transit: Areas with access to pedestrian and public transportation would be preferred.

20.76 *Development Regulations for mobile homes.* The following development regulations apply to the placement of mobile homes within Special Flood Hazard Areas designated as Zone AE on the FIRM, in addition to other requirements of this Section 20.70. All mobile homes shall provide that:

- 1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level; and
- 2. Adequate surface drainage and access for a hauler are provided.

20.76.1 The placement of mobile homes, except in an existing mobile home park or mobile home subdivision, are prohibited in the floodway.

- 20.77** *Setback Exemptions.* Any required flood water retention systems or related facilities may be permitted to extend into required yard setbacks if deemed appropriate by the Planning Board.
- 20.78** *Emergency Repairs.* The special permit required in this Section 20.70 shall not apply to emergency repairs or projects necessary for the protection of the health, safety or welfare of the general public which are to be performed or which are ordered to be performed by a city agency, or the commonwealth, or a political subdivision thereof. In no case shall any filling, dredging, excavating, or otherwise extend beyond the time necessary to abate the emergency.
- 20.79** Any development activity requiring a special permit from the Planning Board under other provisions of this Zoning Ordinance shall incorporate the requirements of this Section 20.70 within the scope of that special permit and shall not require separate application to the Planning Board.
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MEMORIAL DRIVE OVERLAY DISTRICT

- 20.81** *Establishment and Scope.* There is hereby established the Memorial Drive Overlay District which shall be governed by the regulations and procedures specified in this Section 20.80. It is the intent of this section that these regulations will apply to that area abutting Memorial Drive that lies between the Drive and the residential neighborhoods beyond and that has a non-residential or medium to high density residential base zoning designation.
- 20.82** *Purpose.* It is the purpose of this Section 20.80 to augment base zoning regulations in the District in order to create a more harmonious and consistent character for the development along Memorial Drive and where such development faces or abuts low density neighborhood residential districts; to encourage good building design and site development that enhances amenities available to pedestrians walking along Memorial Drive and the Charles River waterfront; and where commercial uses and higher density residential development abut residential neighborhoods, to ensure that physical changes within the Overlay District are compatible with the scale and character of the abutting neighborhoods; to encourage the retention of existing buildings of historic value; to encourage uses that will serve needs of residents of abutting neighborhoods or those persons enjoying the open space amenities along the Charles River; and to discourage new development inappropriate in both scale and design.
- 20.83** *Applicability.* The Memorial Drive Overlay District shall be an overlay district on the zoning map established by Section 3.20.
- 20.83.1** The building and land uses within the Memorial Drive Overlay District shall be regulated by the provisions of the applicable base zoning district except as modified by the requirements of this Section 20.80, which shall apply in addition to regulations imposed by the base zoning district designations. Where the base zoning regulations differ from the requirements of this Section 20.80 the stricter provisions shall apply, unless a Special Permit is issued by the Planning Board pursuant to Article 20.88.
- 20.84** *Dimensional Standards in the Memorial Drive Overlay District*
- 20.84.1** *Maximum Height.* The maximum height of any structure in the Overlay District shall be permitted in the applicable base zoning district, except as provided below. Lots abutting Memorial Drive may be subject to further height limitations imposed by Chapter 91 of the Massachusetts General Laws.
- 20.84.2** For that portion of the Overlay District located north of the centerline of River Street and within ninety (90) feet of Blackstone Street the maximum height shall be forty-five (45) feet where the base district permits heights greater than thirty-five (35) feet.
- 20.84.3** *Minimum Required Front Yard Abutting Memorial Drive.* The minimum required front yard for that portion of a lot abutting Memorial Drive shall be twenty-five (25) feet.
- 20.85** *Restrictions in Required and/or Provided Setbacks.*
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20.85.1 That area between the principal wall plane of a building and a public street or public park, whether required or provided, shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, a park, or other landscaped or paved area devoted exclusively to pedestrian and bicycle use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are prohibited from this area with the exception of access drives leading directly to parking facilities located elsewhere on the site, which drives shall be limited as follows:

1. A maximum of one two-way access drive (and curb cut) or two one-way access drives (and curb cuts) from Memorial Drive per lot shall be permitted. The access drive shall not exceed thirty (30) feet in width in non-residential districts for a two-way drive or fifteen (15) feet in width for a one-way drive, and twenty (20) feet in width in residential districts for two-way drives and fifteen (15) feet in width for a one-way drive.
2. For portions of lots abutting other streets, a maximum of one access drive (and curb cut) shall be permitted per street, or one access drive (and curb cut) for each four hundred (400) feet of lot frontage, whichever is greater. If only one access drive is provided on a lot, it shall be located on the most minor street according to the hierarchy set forth in Section 20.87.1 below. Each access drive shall not exceed thirty (30) feet in width in non-residential districts and twenty (20) feet in residential districts.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian and bicycle uses shall be located at mean grade of abutting public street or open space at the property line unless an exception is granted under the provisions of Section 20.88 below. Nothing in this Section 20.85.1 shall prohibit customary landscape features, elements and grading that may vary the grade of the required setback above that of the adjacent street or park provided the setback remains essentially at grade.

Where the lot abuts more than two streets, the provisions of this Section 20.85.1 shall apply to no more than two streets. The two streets to which this Section shall apply shall be determined by the street hierarchy set forth in Section 20.87.1 below.

20.85.12 Notwithstanding the provisions of Section 20.85.1 above or any provision of Article 6.000, any on grade open parking facility shall be set back from front lot line by at least ten (10) feet. Such setback shall be landscaped as required in Section 20.85.1 above.

20.86 *Use Provisions.*

20.86.1 Use Restrictions. The ground (first) floor of that portion of a building facing a public street or public park, and located within seventy-five (75) feet of that public street or park, shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), Retail Business (Section 4.35), Institutional (4.33), but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area, meeting the following conditions:

1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;
2. The use shall have a minimum depth of twenty (20) feet;
3. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.
4. The use is permitted in the applicable base zoning district or otherwise permitted in this Section 20.80.

20.86.11 The food service establishments permitted in the Office 2 district, pursuant to the provisions of Section 4.40, Footnote 12, shall be subject to the provisions of Section 20.86.2 below. Where the provisions of the two sections differ, the more restrictive shall apply.

20.86.2 Additional Permitted Uses. In any office the following retail uses shall be permitted by Special Permit from the Planning Board: Store for retail sale of merchandise, Section 4.35a, Lunchroom, restaurant, cafeteria, Section 4.35e; establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided, Section 4.35f. Such uses shall be intended to provide services to the abutting residential neighborhoods or to persons making use of the open space recreational amenities of the Charles River waterfront and its constituent parks. Such retail uses shall be subject to the following limitations and conditions.

- a. The retail use shall be located on a lot that abuts Memorial Drive.
- b. The principal entrance to the retail use shall be on Memorial Drive.
- c. The total Gross Floor Area on the lot devoted to retail uses permitted in this Section 20.86.2 shall not exceed five thousand (5,000) square feet.
- d. No additional accessory parking shall be provided for the retail use unless specifically authorized by the Planning Board. The accessory parking requirements for these uses otherwise specifically required in Article 6.000 in herein specifically waived.
- e. The use shall be located in a building principally containing uses otherwise permitted in the office or residential district.

20.87 *Design Standards*

20.87.1 Building Facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrians and compatible with the residential neighborhoods in close proximity to the District. The following standards shall apply:

1. A principal, publicly accessible building entrance shall be located on the building façade facing the principal street the lot abuts. Where a building abuts more than one street, a principal, publicly accessible building entrance on each street is encouraged but only one shall be required. That entrance shall face the most important street as determined by the following hierarchy (most important street to the least important street): Memorial Drive, River Street, Putnam Avenue, Pleasant Street, Magazine Street, Blackstone Street and Riverside Road. A principal, publicly accessible entrance serving a separate ground floor establishment shall be deemed to meet the requirements of this paragraph. Nothing in this Paragraph 1 requires generally public access to a building or facility that is customarily accessible to only the inhabitants of the building, its guests and customers.
2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts the street.
3. Facades facing a public street or a public park, designated city landmark building or a building in a local historic district or neighborhood conservation district that is located on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for each separate façade facing a street park or building. That clear-glass requirement shall be increased to fifty (50) percent on the ground floor where retail and office uses are established. However, where a retail establishment abuts more than one street, park or building, only the façade facing the principal street (as set forth in Paragraph 1 above) shall be required to meet the 50% requirement.

20.88 Waiver of Certain Provisions of the Overlay District or its Base Districts

20.88.1 Divergence from the standards specified in Sections 20.86 – 20.87 may be allowed by issuance of a Special Permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will still serve the objectives of this Section 20.80 and that proposed development is consistent with the Section 19.30 – Urban Design Objectives.

20.88.2 In recognition of the preservation, enhancement or creation of the Memorial Drive Overlay District Objectives, the Planning Board may, by Special Permit, allow a reduction in the required front yard setback, on any lot abutting Memorial Drive with an existing building (as of July 1, 2004) exceeding one hundred and twenty (120) feet, to a minimum of five (5) feet with the exception of Memorial Drive, where it may, by Special Permit, allow the reduction in required minimum setback to fifteen (15) feet.

The Planning Board may also, or instead, waive the base zone height limit for any lot abutting Memorial Drive with an existing building (as of July 1, 2004) exceeding one hundred and twenty (120) feet, by Special Permit, allowing height up to one hundred and twenty (120) feet.

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- 20.89** The required yards, permitted Gross Floor Area (GFA) and permitted height for structures in existences as of July 1, 2004 shall be those yards, GFA, or height existing at that time and shall be deemed conforming for the purpose of applying the nonconforming provisions of Article 8.000. Otherwise, for any other provision of the Zoning Ordinance and for any new construction, the dimensional requirements of this Section 20.80 and any applicable base zoning district shall apply.
- 20.810** *Special Gross Floor Area Provisions in the Office 2 District.* In order to facilitate the rehabilitation of the parkway character of Memorial Drive within the Overlay District, additional Gross Floor Area for residential uses (Section 4.31, Paragraphs a-h) shall be permitted. That additional Gross Floor Area shall be above the Floor Area Ratio limit otherwise set in the applicable base zoning district, subject to the issuance of a Special Permit from the Planning Board and subject to the following conditions and limitations. The additional floor area is intended as an incentive to encourage the construction of additional housing to replace existing automobile-oriented retail uses and site improvements abutting the Drive or the residential neighborhood edge, which have produced an unsightly environment of parking lots, parking garages, driveways, garish signs and featureless facades.
- a. These provisions shall only apply to a lot, abutting Memorial Drive, in existence as of July 1, 2004.
 - b. Up to a maximum of fifty thousand (50,000) square feet of additional GFA shall be permitted subject to the following limitations:
 - i. Where development on the lot is at, or exceeds, the maximum GFA permitted on the lot as determined by the existing mix of uses on the lots and the applicable base zoning district regulations (exclusive of any bonus GFA permitted in Section 11.200) as of July 1, 2004, a total of fifty thousand (50,000) square feet shall be permitted for additional residential development.
 - ii. Where additional GFA is available on the lot under the provisions of the applicable base zoning district (exclusive of any bonus GFA permitted in Section 11.200) as of July 1, 2004, only that portion of the fifty thousand (50,000) square feet that exceeds the GFA otherwise available on the lot (exclusive of any bonus GFA permitted in Section 11.200) shall be permitted.
 - c. The new residential construction shall conform to the Overlay District and any applicable base district regulations with the exception of the GFA limitations imposed in the applicable base zoning district. Notwithstanding the foregoing, for purposes of computing lot area per dwelling unit, the provisions of Article 5.14 shall not apply.
 - d. In granting the Special Permit the Planning Board shall find that the additional GFA proposed can be reasonably accommodated on the site without significant negative traffic, environmental or other similar impacts while at the same time
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significantly improving the impact of all development on the site, particularly along Memorial Drive and the residential neighborhood edge.

Among the visual and urban design improvements demonstrating such improvement are:

- i. The elimination of curb cuts on Memorial Drive;
- ii. The provisions of landscaping in lieu of parking, driveway and other vehicular paving between the buildings on the site an Memorial Drive or the abutting neighborhood edge;
- iii. The elimination of visually intrusive auto-oriented uses such as gas stations etc.
- iv. The introduction of building facades that relate positively to the Drive or the abutting neighborhood with ample amounts of glass, places of pedestrian entry etc.
- v. The screening of automobile-oriented areas, such as parking garages, with active uses.

20.811 The Memorial Drive Overlay District shall be considered an area of special planning concern subject to the provisions of section 19.40.

20.90 ALEWIFE OVERLAY DISTRICTS 1-6

20.91 *Establishment and Scope.* There are hereby established six Alewife Overlay Districts, which shall be governed by the regulations and procedures specified in this Section 20.90. It is the intent of this section that these regulations will apply to the area at Alewife that has historically developed as a retail and industrial area generally at rather low densities, but which can be expected to develop more extensively and in greater variety of uses in the future.

20.91.1 The Alewife Overlay Districts shall be a series of Overlay Districts established on the Zoning Map of the City of Cambridge by Section 3.20. Provisions of this Section 20.90 and all references to it in this Zoning Ordinance shall apply equally to each of the six Overlay districts except as set forth below.

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.

20.93 *General Provisions*

20.93.1 The Alewife Overlay Districts shall be considered areas of special planning concern. Development proposals listed in Subsection 19.42 and 19.43 - Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Article 19.40.

20.93.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances.

In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority shall be guided by the objectives, criteria, and guidelines contained in the publication Concord-Alewife Plan in addition to the requirements of Sections 10.30 (Variances) and 10.40 (Special Permits) and this Section 20.90. These guidelines are also intended to assist in shaping any contemplated physical change within the Alewife Overlay Districts. With respect to consistency with the Concord-Alewife Plan, special emphasis shall be placed on preservation of key rights-of-way for infrastructure projects as indicated in the Priority Infrastructure Plan.

20.93.3 Applicability. Buildings and uses within the Alewife Overlay Districts shall be controlled by the pertinent regulations within the applicable base districts, except as modified by

the requirements of this Section 20.90, which shall apply in addition to the regulations imposed by the base district map designations.

20.93.4 Districts. The Alewife Overlay Districts shall be identified in this Section 20.90 by the following names:

1. Alewife Overlay District 1 (Quadrangle Northwest)
2. Alewife Overlay District 2 (Quadrangle Northeast)
3. Alewife Overlay District 3 (Quadrangle Southwest)
4. Alewife Overlay District 4 (Quadrangle Southeast)
5. Alewife Overlay District 5 (Shopping Center)
6. Alewife Overlay District 6 (Triangle)

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:

1. No individual establishment may exceed 10,000 square feet in area.
2. The retail use shall be located on the first floor or basement of the building in which it is located.
3. 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.

20.94.11 Modification to Uses Permitted in the IB-2 District. A Distribution Center, Parcel Delivery Center, or Delivery Warehouse – Section 4.37 (d) shall be permitted in the Industry B-2 district only after the granting of a special permit from the Planning Board.

20.94.2 Environmental Limitations. Within the Alewife Overlay Districts 1-6 the following restrictions shall apply.

1. All dust, fumes, odors, smoke, or vapors are effectively confined to the premises or disposed of so as to avoid air pollution.
2. Any noise, vibration, or flashing is not normally perceptible without instruments at a distance of one hundred (100) feet from the premises.

20.95 *District Dimensional Regulations.*

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.

1. Quadrangle Northwest District: 1.5 for all uses.
 2. Quadrangle Northeast District: 1.5 for all uses.
 3. Quadrangle Southwest and Quadrangle Southeast Districts: 1.5 for non-residential uses; 2.0 for residential uses.
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4. Shopping Center District: 1.25 for non-residential uses; 2.0 for residential uses. However, Gross Floor Area shall be further limited as set forth below.

(a) No individual retail establishment (Section 4.35 and 4.36) shall have a Gross Floor Area exceeding 50,000 square feet, except in the case of a grocery store or supermarket, which may be as large as 60,000 square feet.

(b) Where the total amount of Gross Floor Area on a lot (which shall be any lot or combination of lots held in common ownership as of January 1, 2006) exceeds 100,000 square feet, the square footage devoted to non-residential uses shall be at a minimum 20% and shall not exceed 50%.

For a lot (which shall be any lot or combination of lots held in common ownership as of January 1, 2006) of ten acres or more, the required non-residential development shall consist of Retail Business and Consumer Service Establishments, Section 4.35, exclusively until at least 225,000 square feet of retail use is located on the lot, after which any non-residential use shall be permitted.

Where a project subject to the provisions of this Paragraph (b) has received a special permit from the Planning Board, the permit decision shall establish how the requirements of this Paragraph (b) are met if a project is constructed in phases over time.

5. Triangle District: 1.75 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.

1. Construction of a publicly accessible pedestrian bridge connection across the railroad right of way between the Quadrangle Northeast District or that portion of the Quadrangle Southeast District within 300 feet of the railroad right of way and the Triangle District or incorporation of structural elements into a building's design that includes or would permit future construction of such a pedestrian connection, as well as the conveyance (in a form acceptable to the City) of the necessary fee or easement property interests in land that would permit access to such a connection. In this instance the additional FAR, available for any use, shall be 0.25 applied to the entire lot that is the subject of the special permit.
 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,
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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:

1. Quadrangle Northwest District: 55 feet for non-residential uses; 65 feet for residential uses. However, buildings may be as high as 80 feet provided that only the additional residential GFA provided for in Section 20.95.11 above may be located in the part of the building between 65 feet and 80 feet. However, these heights are modified further as set forth below:

(a) For any portion of a building within 100 feet of a residential or Open Space zoning district the maximum height shall be 35 feet; for any portion of a building more than 100 feet from a residential or Open Space zoning district but within 200 feet of those districts, the maximum height shall be 45 feet.

2. Quadrangle Northeast District: 70 feet for all uses. However, these heights are modified further as set forth below:

(a) For residential uses the height may be increased to 85 feet provided the building floorplate above 70 feet is limited to 10,000 square feet or less and those portions of buildings above 70 feet are separated by at least 50 feet.

(b) GFA transferred into this District pursuant to the TDR provisions of Section 21.40 or the additional GFA provided for in Section 20.95.11 above, may be located in portions of buildings used for residential purposes up to 105 feet in height provided the floorplate above 85 feet does not exceed 6,000 square feet and portions of buildings greater than 85 feet in height are separated by at least 50 feet.

3. Quadrangle Southwest District: 55 feet for non-residential uses; 65 feet for residential uses. However, buildings may be as high as 80 feet provided that only the additional residential GFA provided for in Section 20.95.11 above may be located in the part of the building between 65 feet and 80 feet. These heights are modified further as set forth below:

(a) For any portion of a building within 100 feet of a residential or Open Space zoning district (but not including the Fresh Pond Reservation Open Space District) the maximum height shall be 35 feet; for any portion of a building more than 100 feet from a residential or Open Space zoning district (but not including the Fresh Pond Reservation Open Space District) but within 200 feet of those districts the maximum height shall be 45 feet.

4. Quadrangle Southeast District: 70 feet for non-residential uses; 85 feet for residential uses. However, these heights are modified further as set forth below:

(a) GFA transferred into this District pursuant to the TDR provisions of Section 21.40, may be located in portions of buildings used for residential purposes up to 105 feet in height provided the floorplate above 85 feet does not exceed 10,000 square feet and portions of buildings greater than 85 feet in height are separated by at least 50 feet.

5. Shopping Center District: 55 feet for all uses. However, these heights are modified further as set forth below:

(a) For non-residential uses the height may be increased to 70 feet provided the building floorplate above 55 feet is limited to 15,000 square feet or less and those portions of buildings above 55 feet are separated by at least 50 feet; for residential uses the height may be increased to 85 feet provided the building floorplate above 55 feet is limited to 10,000 square feet or less and those portions of buildings above 55 feet are separated by at least 50 feet.

(b) GFA transferred into this District pursuant to the TDR provisions of Section 21.40, may be located in portions of buildings used for residential purposes up to 105 feet in height provided the floorplate above 85 feet does not exceed 6,000 square feet and portions of buildings greater than 85 feet in height are separated by at least 50 feet.

6. Triangle District: 85 feet for all uses. However, these heights are modified further as set forth below:

(a) For residential uses the height may be increased to 105 feet provided the building floorplate above 85 feet is limited to 10,000 square feet or less and those portions of buildings above 85 feet are separated by at least 50 feet.

(b) Residential GFA transferred into this District pursuant to the TDR provisions of Section 21.40, may be located in portions of buildings up to 125 feet in height provided the floorplate above 105 feet does not exceed 6,000 square feet and portions of buildings greater than 105 feet in height are separated by at least 50 feet.

20.95.21 Permitted Height Within the Parkway Overlay District, Section 20.60.

The provision for heights in Section 20.95.2 above shall be subject to the further height limitations of Sections 20.64.2 and 20.69.1 of the Parkway Overlay District.

20.95.3 Yard Requirements. Except as herein provided in this Section 20.95.3, all development within the Alewife Overlay Districts shall meet the minimum yard requirements of the applicable base zoning district; and in Southwest Quadrangle, Southeast Quadrangle, Shopping Center and Triangle Districts the front yard provisions of the Parkway Overlay District, Section 20.64.1, shall continue to apply.

20.95.31 Minimum Yard Requirements. The yard requirements of the applicable base zoning district shall apply except as modified below.

1. Minimum Front Yard. The minimum front yard requirement in the Quadrangle Northwest, Northeast, Southwest and Southeast Districts shall be fifteen (15) feet (except for portions of lots subject to the Parkway Overlay District, which shall be subject to the minimum front yard provisions of Section 20.60).

2. Any Yard Abutting a Residential or Open Space District. For that portion of a yard in the Quadrangle Northwest and Southwest Districts that abuts a lot in a Residence or Open Space district, that yard shall be a minimum of twenty-five (25) feet and shall be subject to the use restrictions set forth in Section 20.95.32, Paragraph 2 below.

20.95.32 Restrictions in Required or Provided Yards.

1. Required or Provided Front Yards. That area between the principal front wall plane of a building and a street, whether required or provided, shall consist entirely of Green Area or Permeable Open Space extending along the entire length of the lot. Areas devoted to vehicular use are prohibited from this area with the exception of access drives leading directly to parking facilities located elsewhere on the site, in conformance with the requirements of Article 6.000.

The Open Space shall be located at mean grade of the abutting street but nothing in this Section 20.95.32 shall prohibit customary landscaping features, elements and grading that may vary the grade of the required setback above that of the adjacent street provided the setback area remains essentially at grade.

Where a lot abuts more than two streets the provision of this Section shall apply to no more than two streets.

2. Other Yards. Required Yards in the Quadrangle Northwest and Quadrangle Southwest Districts, as set forth in Paragraph 2 of Section 20.95.31 above, shall consist entirely of Green Area or Permeable Open Space. Areas devoted to vehicular use are prohibited from this area.

20.95.33 Setbacks Applied to at-grade Open Parking Facilities. Notwithstanding the provisions of Section 20.95.32 above or any provision of Article 6.000, any on grade open parking facility shall be set back from the front lot line by at least ten feet. Such setback shall be Open Space as required in Section 20.95.32, Paragraph 1 above.

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 (and in the Parkway Overlay District after making the findings required of the Planning Board in Section 20.63.7).

2. In the Shopping Center and Triangle Districts, the front yard requirements of the Parkway Overlay District, Section 20.64.1, and the front yard requirements of the applicable base district and this Section 20.95.3 may be waived entirely by

special permit from the Planning Board for any portion of a lot where the roadbed of the abutting Alewife Brook Parkway is at least six feet above the grade of the lot at the front property line.

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.

- 20.95.4** Dwelling Unit Density. In any instance where the required Minimum Lot Area Per Dwelling Unit in any base district is greater than 600 square feet the Planning Board may issue a special permit to reduce the required Minimum Lot Area Per Dwelling Unit to 600 square feet.

In any instance where additional Gross Floor Area is permitted on a lot as provided for in Section 20.95.11, or Transfer of Development Rights, Section 21.40, the Planning Board may allow additional dwelling units on the lot at the rate of one dwelling unit for each 1,000 square feet of additional Gross floor Area.

- 20.96** *At Grade Open Space and Permeable Area Requirements.* Each lot shall be required to provide open space located at grade in the quantities set forth below. That open space may be any combination of Green Area, Permeable, Public, Publicly Beneficial, or Private open space as defined in Article 2.000.

In addition, each lot shall provide Permeable Area in quantities set forth below. Permeable Area shall be defined as that at-grade surface of a lot that is fully permeable to the infiltration of water to the soil below and whose subsurface permits the percolation of such surface water to the groundwater without interruption or diversion by any building, pavement, structure, or other manmade element with the exception of incidental utilities.

Nothing in these requirements shall prohibit the same portion of a lot from meeting both the Open Space and the Permeable Area requirements of this Section 20.96

- 20.96.1** Quantity. The minimum ratio of Open Space and Permeable Area to the total area of the lot shall be fifteen (15) percent for Open Space and twenty-five (25) percent for Permeable Area. The Permeable Area requirement may be reduced as of right with the certification to the Superintendent by the City Engineer that the lot and the development upon it meet the Department of Public Works standards for water quality management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph as outlined in the publication Proposed Concord – Alewife Area Stormwater Management Guidelines, May 2006, Cambridge Department of Public Works, and upon a finding by the Planning Board pursuant to its review of an

application under the provisions of Section 20.93.2, that such reduction advances the relevant purposes of this Section.

20.96 .2 Pooled Open Space and Permeable Area Requirement.

In order to provide the flexibility to advance the policy objectives of the Concord-Alewife Plan to create a system of parks and pathways throughout the Area, facilitate the storage and management of stormwater runoff, encourage the development of land management practices that facilitate and encourage the recharging of the area's groundwater, and allow multiple owners to cooperate in advancing these objectives to their benefit as well as to the benefit of the general public, the Planning Board may permit by special permit the pooling of Open Space and Permeable Area requirements for one lot on other adjacent or non-contiguous lots, subject to the following requirements:

1. There is no reduction in the total area of required Open Space or Permeable Area unless such reduction is permitted by the Planning Board under the provisions of Section 20.96.3 below.
2. The relocated Open Space or Permeable Area continues to serve, or better serve, the policy objectives of the Concord-Alewife Plan.
3. More useful and better located open space and water management facilities are created, which may, in turn, permit better designed and coordinated development on the affected lots.

20.96 .3 Reduction in Required Open Space. The Planning Board may allow by Special Permit the reduction of required Open Space, or permit such Open Space to be located other than at grade if the applicant can demonstrate that the urban design and stormwater management objectives as set forth in the Concord-Alewife Plan continue to be met, as for example through the use of innovative stormwater management techniques like green roofs.

20.97 *Parking and Loading Requirements.* Development in the Alewife Overlay Districts shall conform to the off street Parking and Loading Requirements set forth in Article 6.000 for the applicable base zoning district, except as modified below.

20.97.1 Setbacks Applied to At-grade Open Parking Facilities. Notwithstanding the provisions of Section 20.95.32 above or any provision of Article 6.000, any on grade open parking facility shall be set back from the front lot line by at least ten feet. Such setback shall be landscaped as required in Section 20.95.32, Paragraph 1 above.

20.97.2 Pooled Parking. In order to provide the flexibility to advance the policy objectives of the Concord-Alewife Plan through the creation of more pedestrian friendly development throughout the area, to permit greater permeable land surface to be established, to facilitate environments with greater landscaping and green area including parks and recreation areas, to more efficiently use the supply of parking available in a district where greater use of non-auto forms of transportation are encouraged and less land area devoted to parking use is desired, the Planning Board may, by special permit, allow accessory parking serving one or more lots to be located in whole or in part in pooled parking facilities, or a public parking facility, located anywhere within the Alewife Overlay Districts, notwithstanding the limitations set forth in Section 6.22.1. In granting such a special permit the Planning Board shall consider the following:

1. The facility advances the objective of the Concord-Alewife Plan.
2. A shared facility is established that aids in implementation of effective Transportation Demand Management measures to reduce dependence on the single occupancy automobile.
3. The facility is appropriately located to serve the development it serves.
4. The facility is well designed, does not diminish the pedestrian–friendly quality the area around it, and is otherwise consistent with the urban design objective of the Concord-Alewife Plan.

20.97.3 Waiver of Gross Floor Area Provisions for Parking Facilities – Section 5.25. Because of the unique factors related to flooding and groundwater management in Alewife, the importance of maintaining a high level of permeability, and the difficulty of constructing large areas of building below grade, the Planning Board may by special permit exempt the Gross Floor Area contained in any above ground structured parking facility from the FAR limitations established in this Section 20.90 and any applicable base zoning (such special permit shall supercede the provisions of Section 5.25.42 for any lot within the Alewife Overlay Districts). In granting such a special permit the Planning Board shall consider the following:

1. The facility advances the objective of the Concord-Alewife Plan.
2. A shared facility is established that aids in implementation of effective Transportation Demand Management measures to reduce dependence on the single occupancy automobile.
3. The facility is well designed, does not diminish the pedestrian –friendly quality the area around it, and is otherwise consistent with the urban design objective of the Concord-Alewife Plan
4. The additional bulk of building above grade is well designed and does not have an unreasonably negative impact on its abutters or the public realm.
5. The extent to which the construction of an above grade parking structure facilitates the creation of at grade soil permeability.

20.97.4 Schedule of Parking and Loading Requirements.

Any development seeking one or more special permits allowed in this Section 20.90 shall be subject to the minimum and maximum parking requirements and loading requirements set forth in Column 3 of Section 6.36 – Schedule of Parking and Loading Requirements.

20.98 *Transfer of Development Rights.* The transfer of permitted GFA from a Donating Lot to a Receiving Lot shall be permitted in the Alewife Overlay Districts 1-6, subject to the provisions of Section 21.40 and the dimensional and use provisions of the applicable base zoning districts, as modified by the provisions of Alewife Overlay Districts as set forth in the Section 20.90.

20.99 *Subdivision of Lots.* Where it is proposed to subdivide a lot (after approval by special permit has been granted by the Planning Board for development on that lot) in order to convey to the City of Cambridge an easement or fee interest in property for the purpose of creation of a city or private street, a pedestrian pathway, a pedestrian bridge, bicycle path, open space or park, (or otherwise provided by others as a condition of the issuance of the special permit), such subdivision shall be permitted, notwithstanding any definition of lot or street in this Ordinance or any limitation in applicable base or overlay districts with regard to minimum lot size, required yards or other dimensional, open space or other regulatory requirement or limitation. All dimensional requirements of the Zoning Ordinance and this Section 20.90 shall be

satisfied by the lot as a whole as defined in the application for a special permit and shall be waived with regard to any subsequent subdivided lots.

No development approved by special permit in this Section 20.90 shall be subsequently rendered non-conforming with regard to the dimensional requirements applicable to it as a result of a subdivision of land to create an approved public or private street, park or pedestrian, bicycle or other pathway.

- 20.910** *Special Provisions Related to Local Government Uses – Section 4.33 (f).* Notwithstanding any provisions of the applicable base district regulations or any provision of this Section 20.90, all uses set forth in Section 4.33 (f) shall be permitted as of right in Overlay Districts 1-4, subject to the following as-of-right dimensional and other requirements.
- 20.910.1** Maximum Floor Area Ratio. The maximum FAR shall be as permitted in Section 20.95.1 for residential uses.
- 20.910.2** Maximum Height. The maximum height shall be as permitted in Section 20.95.2 for residential uses, subject to the limitations imposed in the Parkway Overlay District (Section 20.60).
- 20.910.3** Yard Requirements. The following yard requirements only shall apply.
1. Front Yard. A fifteen foot front yard shall be required.
 2. Side and Rear Yards. A ten foot side and rear yard shall be required.
 3. Any Yards Abutting a Residential or Open Space District. Any yard abutting a residential or open space district shall be twenty-five feet and shall consist entirely of Green Area or Permeable Open Space.
- 20.910.4** Required Open Space. The minimum ratio of Open Space to the total area of the lot shall be fifteen (15) percent and shall consist of any combination of Green Area, Permeable, Public, Publicly beneficial or Private open space. The Open Space shall be located at grade.
- 20.910.5** Permeable Area Requirement. There shall be no Permeable Area requirement provided the City Engineer certifies to the Superintendent of Buildings that the development meets the Department of Public Works standards for water quality management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph.
- 20.910.6** The provisions of Section 19.20 and 19.50 shall not apply to these uses.
- 20.910.6** Other Requirements. All other requirements and procedures of this Section 20.90 and the applicable base zoning district shall continue to apply.
- 20.920** *Special Provisions Related to Lots of 5,000 Square Feet or Less.* Notwithstanding any provision of the applicable base district regulations or any provision of this Section 20.90, for lots of 5,000 square feet or less in existence as of January 1, 2005 and held in separate ownership from any abutting lot, the following dimensional standards shall apply as of right.
- 20.920.1** Maximum Floor Area Ratio. The maximum FAR shall be as permitted in Section 20.95.1.
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- 20.920.2** Maximum Height. The maximum height shall be as permitted in Section 20.95.2, subject to the limitations imposed in the Parkway Overlay District (Section 20.60).
- 20.920.3** Yard Requirements. The following yard requirements only shall apply.
1. Front Yard. A fifteen foot front yard shall be required.
 2. Side and Rear Yards. A ten foot side and rear yard shall be required.
 3. Any Yards Abutting a Residential or Open Space District. Any yard abutting a residential or open space district shall be twenty-five feet and shall consist entirely of Green Area or Permeable Open Space.
- 20.920.4** Required Open Space. The minimum ratio of Open Space to the total area of the lot shall be fifteen (15) percent and shall consist of any combination of Green Area, Permeable, Public, Publicly beneficial or Private open space. The Open Space shall be located at grade.
- 20.920.5** Permeable Area Requirement. There shall be no Permeable Area requirement provided the City Engineer certifies to the Superintendent of Buildings that the development meets the Department of Public Works standards for water quality management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph to the maximum extent possible.
- 20.920.6** Other Requirements. All other requirements and procedures of this Section 20.90 and the applicable base zoning district shall continue to apply.
- 20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT**
- 20.101** *Establishment and Scope.* There is hereby established the Massachusetts Avenue Overlay District which shall be governed by the regulations and procedures specified in this Section 20.100. It is the intent of this section that these regulations will apply to the area described generally as Northern Massachusetts Avenue and certain abutting portions of the neighborhood abutting it.
- 20.102** *Purpose.* It is the purpose of this Section 20.100 to augment base zoning regulations in the District in order (a) to protect and promote the retail and service ecosystem along the Avenue, (b) to create a more harmonious and consistent image for the development along the Avenue and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the Avenue, (c) to ensure that changes along the Avenue are compatible with the scale and character of the abutting neighborhoods, (d) to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods, and to (e) discourage new development inappropriate in both scale and design.
- 20.103** *Applicability.* The Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established by Section 3.20.
- 20.103.1** The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of this Section 20.100 which shall apply in addition to regulations imposed by the base
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zoning map designations. Where the base zoning regulations differ from the requirements of this Section 20.100 the stricter provisions shall apply except where a waiver from those requirements is granted by special permit from the Planning Board under any of the provisions of this Section 20.100.

20.103.2 *deleted #1385*

20.104 *Dimensional Standards in the Massachusetts Avenue Overlay District.*

20.104.1 Maximum Height. The maximum height of any structure in the Overlay District shall be sixty (60) feet or the height applicable in the base district, whichever is less.

20.104.2 Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:

1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are three (3) feet or less in depth and further provided that the following conditions are met:

- a. The maximum width of the projection does not exceed six (6) feet in length;
- b. No more than fifty (50) percent of the area of each principal wall plane is covered with such projections.

20.104.3 Additional Dimensional Standards for Lots Located in both a Business C zoning district and an abutting Residence C-1 or Residence B Zoning District
The provisions of this Section 20.104.3 shall apply to lots held in single ownership as of June 1, 2008 that are located entirely within the Overlay District and shall be granted after the issuance of a special permit from the Planning Board

1 . Modification of the Transitional Requirements of Section 5.40. The Planning Board may waive the Front and Side Yard and Height requirements of Section 5.40 for Hotel or Motel Use provided the Board finds that the intended buffering provided by the provisions of Section 5.40 is reasonably provided through other means. The Board shall specifically find the following:

- a. The lot contains a contiguous area that is within the adjoining residential district.
- b. The portion of the lot in the residential district is substantially dedicated to at grade Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000.
- c. The portion of the lot dedicated to Open Space provides an adequate transition buffer between any structure constructed in the commercially zoned portion of the lot and adjacent residential uses in the residential district. Such Open Space shall have a minimum depth of twenty (20) feet.

2. Modification of the FAR limitations for a Hotel or Motel Use (Sections 5.30 and 5.33), for a lot located in both a Business C and a Residence B Zoning District. The Planning Board may allow a FAR of 1.60, calculated on the area of the entire lot, in both the Business C and Residence B districts, subject to the following conditions and limitations:

- a. All of the resulting Gross Floor Area will be located on the Business C
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portion of the lot.

b. All parking required by this ordinance will be located in a below-grade parking facility.

c. The at-grade portion of the lot within the Residence B District is substantially dedicated to Green Area, Permeable, or Publicly Beneficial Open Space as defined in Article 2.000.

d. The additional FAR of 1.60 shall only apply to the first 15,000 square feet of a lot. For portions of the lot greater than 15,000 square feet the FAR permitted in the applicable base Business C and residential districts shall continue to apply.

e. No preferably preserved significant building, as determined by the Cambridge Historical Commission, is demolished, as set forth in the City of Cambridge Demolition Ordinance #965.

20.105 *Restrictions in Required and/or Provided Setbacks.* That area between the principal wall plane of a building and a public street or public park whether required or provided shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, park, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are prohibited from this area with the exception of access drives to parking facilities located elsewhere on the site and which shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian uses shall be located at the mean grade of the relevant public street or open space at the property line unless an exception is granted under the provisions of Section 20.108 of this Section 20.100.

20.106 *Use Restrictions.* The ground (first) floor of that portion of a building facing a public street or public park shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33) meeting the following conditions:

1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;
2. The use shall have a depth of at least twenty (20) feet;
3. Where a lot fronts on two streets the provisions of this Section 11.106 shall apply only to the principal arterial street frontage provided the remainder of the ground floor of the building facing the public street shall be screened with a permanent wall in materials equal in quality to those of the rest of the building and having a minimum opacity of fifty (50) percent.

4. The ground (first floor use of any building, to a minimum depth of forty (40) feet from the ground floor building facade fronting the principal arterial street, shall not include areas of parking facilities in a structure that is not underground according to the standards and definitions set forth in Section 5.25 of this Zoning Ordinance. Without limitation, in accordance with Section 5.25, this exclusion shall apply to parking spaces and vehicular access drives that are either fully enclosed within the building, or covered by a structure above while remaining open on the sides. Access drives that are open to the sky are permitted in accordance with the requirements of Section 20.105 above. North of Porter Square, one parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.

20.106.1 Accessory Parking and Vehicular Access for Hotel Use. Notwithstanding the provisions of Table 4.30 and Section 6.22., for a lot located in both a Business C and a Residence B zoning district, the Planning Board may grant a Special Permit to allow accessory Hotel or Motel Use parking within the Residence B District, including vehicular access to the parking facility and loading facility, with the following limitations and conditions:

1. The portion of the lot in the Residence B district is contiguous to the portion of the lot in the BC District.
2. The parking is located in a below-grade parking structure.
3. The at-grade portion of the lot within the Residence B district is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in this Ordinance.

20.107 *Design Standards*

20.107.1 Building Facades. Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrian and compatible with the residential neighborhoods in close proximity to the district. The following standards shall apply:

1. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue;
 2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts towards the street;
 3. Facades facing a public street, a public park, or designated city landmark building, or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.
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20.108 Divergence from the standards specified in Sections 20.105 - 20.107 may be allowed by issuance of a special permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.100 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

The Board shall be guided in its determination by *Northern Massachusetts Avenue Urban Design Guidelines* and other such guidelines as may be established for this portion of Massachusetts Avenue. This Section 20.108 is intended for variations from the standards which may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor.

20.109 *Nonconforming structures.* Notwithstanding the provisions of Section 8.23, that portion of a legal, nonconforming structure lying within the Massachusetts Avenue Overlay District which is destroyed or damaged by fire, explosion, or other catastrophe may be rebuilt or restored and used again, in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

1. Any restoration or rebuilding shall commence within twelve (12) months after the catastrophe;
2. The structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the original design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;
3. The Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

With respect to the comparability of newly designed buildings, the Community Development Department shall consult the Cambridge Historical Commission for structures greater than fifty (50) years old. Should the Community Development Department find that said conditions have not been met the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no aspect increase the nonconforming nature of the original structure; nothing in this Section 20.110, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

20.110 *Additional Standards Applicable in the Business A-2 Districts.* Within the portions of the Overlay District having a base Business A-2 zoning district designation (the BA-2 Districts) the regulations set forth above in Subsections 20.103 to 20.109 shall apply except as modified by this Section 20.110. However, the provisions of this Section 20.110 shall not apply in the portion of the BA-2 District north of the centerline of Richard Avenue.

20.110.1 *Purpose and Intent.* The purpose of the Massachusetts Avenue Overlay District shall apply equally within the included BA-2 Districts. The intent of the additional standards applicable in the BA-2 Districts is to encourage the retention and expansion of pedestrian-friendly ground floor retail and other active non-residential uses on the ground floors of buildings along the Avenue. Additionally, as sites are redeveloped in the future, new buildings and streetscapes should have a scale, urban design, and mix of uses that strengthens the urban character of the Avenue as the principal commercial corridor serving the North Cambridge, Agassiz and Neighborhood Nine neighborhoods while also respecting the historic characteristics of the Avenue.

20.110.2 *Use Regulations.* In addition to the requirements set forth in Section 20.106, the following regulations shall apply.

20.110.21 *Required Ground Floor Non-Residential Uses.* The ground floor of any building that fronts directly onto Massachusetts Avenue shall consist of at least one (1) active non-residential use meeting the following requirements:

1. *Range of Qualifying Uses.* The required ground floor active non-residential uses shall be limited to one or a combination of the following uses, to the extent permitted in the base zoning district:
 - a. Section 4.34 a (office of a physician, dentist or other medical practitioner not located in a clinic listed under subsection 4.33(d)), b (office of an accountant, attorney, or other non-medical professional person (includes properly licensed massage therapists), c (real estate, insurance or other agency office), d (general office use), e (bank, trust company or similar financial institution (retail banking only));
 - b. Section 4.35 a (retail sales), c (barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self service laundry or other similar establishment), d (hand laundry, dry cleaning or tailoring shop), e (lunchroom, restaurant, cafeteria), f (restaurant or bar), g (entertainment), h (theater or hall for public gatherings), i (commercial recreation), k (printing shop, photographer's studio), l (veterinary establishment, kennel, pet shop or similar establishment), o (fast order food establishment), q (art/craft studio), r (bakery, retail);
 - c. Section 4.36 a (sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden);
 - d. Section 4.56 a(4) (religious or social recreation center), c(4) (college theater), e(4,5,6) (medical clinics), f (social service or community center), g(3) (museum), g(5) (public park, playground, or public recreation building), i(2) (museum or non commercial gallery).
 2. *Minimum Depth.* The required ground floor uses shall have a minimum depth of forty (40) feet measured from the Massachusetts Avenue frontage of the building (or the full depth of the building if less than forty (40) feet).
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3. *Floor Elevation.* The floor elevation of the required ground floor uses shall be at the mean grade of the adjacent public sidewalk.
4. *Minimum Linear Frontage.* The required ground floor non-residential use shall occupy a minimum of 75% of the linear frontage of the building facing Massachusetts Avenue.
5. *Individual Store Size.*
 - a. In portions of the included BA-2 Districts north of Porter Square, any separately leased required ground floor non-residential use shall contain no more than 5,000 square feet of Gross Floor Area, which calculation of square footage shall include any floor area located below grade.
 - b. In portions of the included BA-2 Districts south of Porter Square, any separately leased required ground floor non-residential use shall contain no more than 2,500 square feet of Gross Floor Area, which calculation of square footage shall exclude any floor area located below grade. However, the Planning Board may grant modifications to such Gross Floor Area limitation, pursuant to Section 20.110.22 below, to accommodate a pre-existing non-residential use of building or for other reasons that are in support of the non-residential use purposes of the Massachusetts Avenue Overlay District.
6. *Minimum Ground Floor Height.* For any ground floor portion of a building containing a required non-residential use the minimum ground floor height shall be fifteen (15) feet measured in the manner described in Paragraph 20.110.42. If the ground floor height is reduced below fifteen (15) feet by special permit or variance, there shall be a commensurate reduction in the total height of the building.
7. *Maximum Bank Frontage.* No bank, trust company or similar financial institution may occupy a building frontage of more than twenty-five (25) feet.

20.110.22 *Modifications to Standards.* As set forth below, the Planning Board may grant a special permit to waive certain requirements of Subsection 20.110.21 above. A project receiving a special permit pursuant to this Subsection 20.110.22 shall be considered to meet the requirements of Subsection 20.110.21 for the purpose of applying the other provisions of this Section 20.110.

1. *Modifications to the Dimensional Provisions of Subsection 20.110.21*

The Planning Board may approve modifications to the dimensional requirements set forth in Subsection 20.110.21 Paragraphs (2-7) upon making a determination that (a) the proposed modified dimensions do not substantially derogate from the intent of the requirement to provide for a reasonably continuous active ground floor frontage along the public street and (b) the overall floor area of required active non-residential ground floor uses is not substantially reduced and (c) the modifications are the minimum necessary to reasonably accommodate the new construction or use on the lot.

2. Additional Non-Residential Uses Not Otherwise Permitted in Subsection 20.110.21

The Planning Board may approve active non-residential ground floor uses not specifically listed in Subsection 20.110.21 Paragraph (1), to the extent permitted in the base zoning district, upon making a determination that an alternate ground floor use will provide services or amenities to the general public and will promote an active, pedestrian-friendly street front consistent with the objectives of this Overlay District and the purpose of the standards applicable in the BA-2 Districts.

20.110.23 In general, it shall not be allowed to construct a new building directly fronting Massachusetts Avenue that cannot meet either the requirements of Section 20.110.21 or the standards by which modifications to that section are permitted by special permit as set forth in Section 20.110.22.

However, the Planning Board may grant a special permit to waive the requirements of Section 20.110.21 to allow the construction of a building substantially or completely devoted to residential or dormitory uses provided the Board determines that all of the following conditions and requirements are met:

- (a) the existing site does not currently contain active non-residential uses as listed in Subsection 20.110.21 Paragraph (1), and has not contained such uses within the past five (5) years prior to applying for a special permit;
- (b) the provision of active non-residential ground floor uses would be detrimental to abutting properties or to the neighborhood character; and
- (c) active non-residential ground floor uses would not be commercially viable at that specific location.

A project that has been exempted from the requirements of Subsection 20.110.21 by special permit as set forth in this Subsection 20.110.23 or by variance shall not be considered to meet the requirements of Subsection 20.110.21 for the purpose of applying the other provisions of this Section 20.110.

20.110.3 *Dimensional Regulations*

20.110.31 *FAR*. Notwithstanding the general applicability standards set forth in Subsection 20.103.1, the following Floor Area Ratio (FAR) limitations shall apply in place of those set forth in the base zoning district or elsewhere in the Overlay District to the portions of a lot contained within the BA-2 Districts, provided that such lot has direct frontage onto Massachusetts Avenue. For a lot with no direct frontage onto Massachusetts Avenue, and for portions of a lot that are not contained within the BA-2 Districts, the FAR requirements generally applicable in the base district or elsewhere in the Overlay District shall apply.

1. *Mixed Use Lots*. The maximum allowed FAR shall be 1.75 for any lot that consists entirely of residential or dormitory uses, as listed in Subsections 4.31 (a-h) and

paragraph 4.33(b)(7), above the ground floor and includes ground floor active non-residential uses meeting the requirements of Subsection 20.110.21.

2. *Other Lots.* The maximum allowed FAR shall be 1.0 for any lot that does not meet the definition of a Mixed Use Lot as set forth in Paragraph (1) above. This shall include any lot that is predominantly non-residential in use or any lot that is predominantly residential or dormitory in use but does not meet the requirements of Subsection 20.110.21, and shall specifically include any lot for which a waiver has been granted as set forth in Subsection 20.110.23.

20.110.32 *Basement Gross Floor Area Exemption.* Notwithstanding any provision of the applicable base zoning district, in the BA-2 Districts the Gross Floor Area of any basement space directly accessed through and serving a ground floor establishment of any mixed use building facing Massachusetts Avenue shall be exempt from the calculation of FAR on a Mixed Use Lot as set forth in Section 20.110.31 above.

20.110.33 *Floor Area Waiver for Enclosed Bays and Projections.* The following provisions shall apply in place of the provisions set forth in Subsection 20.104.2. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 – Definitions, the floor area contained within enclosed bays and other small projections from the principal wall plane of a building, including projections and bays carried to the ground, normally defined as Gross Floor Area, shall be exempted from the calculation of GFA and FAR on a lot, provided all of the following standards are met:

1. The exempted bays and projections must not extend more than three and a half (3.5) feet from the principal exterior wall plane of the building, and no individual bay or projection may exceed twelve (12) feet in width.
2. No more than fifty (50) percent of the area of each principal wall plane may be covered with such projections.

20.110.34 *Maximum Height.* Generally, the maximum height of any structure shall be the height applicable in the base district. However, notwithstanding the base district regulations and notwithstanding the general applicability standards set forth in 20.103.1, to the extent that the height of the ground floor non-residential space exceed ten (10) feet as measured in the manner described in Paragraph 20.110.42 below, the maximum height may be increased to fifty (50) feet in the included BA-2 Districts for any mixed use building with direct frontage onto Massachusetts Avenue and located on a Mixed Use Lot as set forth in Section 20.110.31 above. Additionally, the portion of such a mixed use building that faces Massachusetts Avenue shall be exempt from the bulk control plane requirements of Footnote 5.33(k) in the Table of Dimensional Requirements; however, the provisions of Footnote 5.33(k) shall nonetheless apply to rear portions of a building within 50 feet of a residential zoning district line.

20.110.35 *Restrictions in Required and/or Provided Setbacks.* The requirements set forth in Section 20.105 shall apply. However, where a building fronts on more than two streets, the provisions of Section 20.105 shall apply on only two streets. In any case,

where a building fronts Massachusetts Avenue, the provisions of Section 20.105 shall apply to the Massachusetts Avenue frontage.

- 20.110.36** *Required Front Yards.* In the BA-2 District south of Arlington Street, notwithstanding the provisions of footnote (m) in Section 5.33, Paragraph 2 of this Zoning Ordinance, a five-foot front yard setback shall be required in all instances unless the Planning Board reduces or waives the requirement upon granting a special permit. Such special permit may be granted if the Planning Board finds, that considering the size of the sidewalk and the setbacks of the abutting buildings, a reduction or waiver of the requirement would support the purpose and objectives of the Massachusetts Avenue Overlay District.
- 20.110.4** *Design Standards.* Buildings shall conform to the requirements set forth in Section 20.107, except as modified below.
- 20.110.41** *Building Facades.* The requirements for public entrances and clear glass set forth in Subsection 20.107.1 Paragraphs 2 and 3 shall apply to any ground-floor non-residential use, including those uses required by Subsection 20.110.21. Required clear glass on the ground floor façade shall be distributed on the façade such that at least seventy-five (75) percent of the required glass is located below the midpoint between the finished floor and the underside of the joists above.
- 20.110.42** *Measurement of Building Facades.* For purposes of this Section 20.110, where reference is made to the area of the façade of any given floor, the vertical dimension of that floor shall be measured from the finished interior floor to the underside of the structural joists of the floor above. The horizontal dimension shall be measured to the centerline of the demising wall of a separately leased space, or to the exterior wall of the building, as applicable. Where reference is made to the entire façade, the vertical dimension shall be measured from the mean grade of the façade facing the street (or other feature) to the underside of the structural rafters supporting the roof.
- 20.110.5** *Parking Exemption for Seasonal Outdoor Seating.* Notwithstanding any provision of the applicable base zoning district, seasonal, temporary outdoor seating available for any length of time between April 15 and October 31 shall be exempt from the parking requirements of Section 6.36.5 (e) and (f) for any retail use listed in Section 6.36.5 (e) or (f), provided that the total number of seasonal seats does not exceed fifty (50) or fifty percent of the total number of permanent seats provided at the establishment, whichever is less.
- 20.110.6** *Existing and Historic Structures*
- 20.111.61** The building design standards and conditions set forth in Section 20.106 Paragraphs (1) and (2), Section 20.107, and Subsection 20.110.21 Paragraphs (2), (3) and (6) shall not apply to any building constructed before April 5, 2012. However, a building constructed before April 5, 2012, which in whole or in part meets the requirements of this Section 20.100, shall not be altered so as to increase the degree to which it does not comply with this Section 20.100.
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20.110.62 Any lot containing a historic structure as listed below, or as may be designated a Preferably Preserved Significant building by the Cambridge Historical Commission, shall be exempt from the requirements of 20.110.21. If the applicable requirements of Section 20.110.21 are not met, the lot shall not be considered a Mixed Use Lot under the provisions of Subsection 20.110.31 above. However, notwithstanding any other provisions of Subsection 20.110.31, the Planning Board may grant a special permit to increase the allowed FAR in the BA-2 Districts, but not to exceed 1.75, for any combination of permitted uses upon finding that the increased FAR would (a) facilitate the preservation of the historic structure through economic reuse, (b) preserve the essential historically significant elements of the structure's architecture and setting, (c) introduce uses that are respectful of the structure's historic character, and (d) advance the stated purpose of the Massachusetts Avenue Overlay District and the purpose of the standards applicable in the BA-2 Districts.

Lots Containing Identified Historic Structures. The following street address numbers on Massachusetts Avenue shall designate lots containing historic structures for the purpose of this Subsection 20.110.62: 1675, 1676, 1679, 1684, 1686, 1696, 1705, 1720, 1734, 1735, 1741, 1749, 1751, 1753, 1759, 1771, 1800, 1991, 1996-2006, 2014-2018, 2020-2024, 2026-2080, 2029, 2067, 2088-2098, 2103, 2161, 2179, 2200, 2203, 2210, 2211, 2218, 2222-2224, 2240, 2254, 2270, 2301, 2307, 2343, 2508-2596, 2535, 2557-2585; and in addition, 3 Linnaean Street.

20.110.63 *Nonconforming Structures.* The provisions of Section 20.109 shall not apply in the BA-2 District north of Porter Square. Except as otherwise set forth in this Section 20.110, nonconforming structures shall be governed by the regulations set forth in Article 8.000 of the Zoning Ordinance.

20.111 *The Massachusetts Avenue Overlay District shall be considered an area of special planning concern.* Notwithstanding the provisions in Section 19.43.1 – Applicability of Large Project Review Procedure, in the Massachusetts Avenue Overlay District the Large Project Review Procedure shall apply to any development proposal containing more than two thousand (2,000) square feet of Gross Floor Area but less than fifty thousand (50,000) square feet, unless such development is exempt by virtue of the provisions of Section 19.45.

20.200 PROSPECT STREET OVERLAY DISTRICT

20.201 *Establishment and Scope.* There is hereby established the Prospect Street Overlay District which shall be governed by the regulations and procedures specified in this Section 20.200. It is the intent of this section that these regulations will apply to a single area described generally as Prospect Street and certain abutting portions of the neighborhood around it.

20.202 *Purpose.* It is the purpose of this Section 20.200 to augment base zoning regulations in the District in order to create a more harmonious and consistent image for the area along Prospect Street and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the street, to ensure that

future development and redevelopment is compatible with the character of the abutting neighborhoods, to encourage the retention of existing buildings of historic value and of uses which serve the abutting neighborhoods.

- 20.203** *Applicability.* The Prospect Street Overlay District shall be an overlay district on the zoning map established by Section 3.20.
- 20.203.1** The buildings and land uses within said district shall be controlled by the pertinent regulations of the base zoning district, except as they may be modified by the requirements of this Section 20.200 which shall apply in addition to regulations imposed by the base zoning districts.
- 20.204** *Dimensional Standards in the Prospect Street Overlay District.*
- 20.204.1** Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:
1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are forty-two (42) inches or less in depth and further provided that the following conditions are met:
 - a. The maximum width of the projection does not exceed six (6) feet in length;
 - b. No more than fifty (50) percent of the area of each principal wall plane is covered with such projections.
 2. Temporary awnings over entrances, porches, or outdoor eating areas, permanent canopies over building entrances.
- 20.204.2** Minimum Green Area Open Space in the Prospect Street Overlay District. If such Open Space is not required under the applicable base zoning district for some or all permitted uses, a minimum of 15% Green Area Open Space shall be required. This Green Area Open Space may serve to help meet the requirement for Private Open Space in any applicable base zoning district provided all dimensional standards for Private Open Space are met. Notwithstanding the definition of Green Area Open Space in Article 2.000, Definitions, a paved expansion of three (3) feet wide or less of the adjacent public sidewalk devoted exclusively to pedestrian use, as permitted in Section 20.204.32, may serve to help meet this Green Area Open Space requirement.
- 20.204.3** Yard Requirements
- 20.204.31** Minimum Yard Requirements in the Prospect Street Overlay District. If no front yard is required under the applicable base zoning district, the minimum required front yard for that portion of a lot fronting Prospect Street or another street in a business district shall be three (3) feet.
- 20.204.32** Restrictions in Required and/or Provided Yards. The area between the principal wall plane of a building and a public street, whether required or provided, shall be devoted to any combination of the following: Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, or a landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of the lot facing the street.
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Areas devoted to vehicular use, including canopies over fuel pumps at Automobile Service Stations, are prohibited from this area with the exception of access drives leading directly to parking facilities located elsewhere on the site. Such drives shall be limited per lot to a maximum of one two-way access drive (and associated curb cut) or two one-way access drives (and associated curb cuts) per lot shall be permitted. Any access drive shall not exceed thirty (30) feet in width in non-residential districts for a two-way drive or fifteen (15) feet in width for a one-way drive, and twenty (20) feet in width in residential districts for two-way drives and ten (10) feet in width for a one-way drive.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian uses shall be located at the mean grade of abutting public streets at the property line, unless an exception is granted under the provisions of Section 20.208 below. Nothing in this Section 20.200 shall prohibit customary landscape features, elements and grading that may vary the grade of the required setback above that of the adjacent street or park, provided the setback remains essentially at grade.

20.204.33 Notwithstanding the provisions of Sections 20.204.31 and 20.204.32 above or any provision of Article 6.000, any on grade open parking facility shall be set back from front lot line by at least seven (7) feet. Such setback shall be landscaped as required in Section 20.204.32 above.

20.205 *Use Restrictions*

20.205.1 The ground (first) floor of that portion of a building facing a public street or public park shall consist of Gross Floor Area devoted to any one or combination of the following active uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33), but specifically excluding as a permitted use or activity mechanical rooms, Gross Floor Area in structured parking, and canopies over fuel pumps at Automobile Service Stations. Additionally, such active uses on the ground floor shall meet the following conditions:

- a. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade; and
- b. The use shall have a depth of at least twenty (20) feet.

20.205.2 Where service and repair of cars is permitted in the base district, repair work shall be conducted within a building and parking of vehicles awaiting repair shall be screened from the sidewalk and from neighboring residential development by a fence or vegetation.

20.206 Design Standards

20.206.1 Building Facades. Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrian and compatible with the residential neighborhoods in close proximity to the district. The following standards shall apply to any building constructed after December 1, 2006; a building constructed before December 1, 2006, which in whole or in part

meets the requirements of this Section 20.206.1, shall not be altered so as to increase the degree of non-conformity with this Section.

- a. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts towards the street; and
- b. Facades facing a public right of way, a public park, or designated city landmark building, or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.
- c. Where the façade of the ground floor is required to have a minimum of 50% clear glass, that glass shall be distributed on the façade such that at least seventy-five percent of the requirement is located below the midpoint between the finished floor and the underside of the joists above.
- d. For the purposes of this Section 20.206.1, the area of the façade of any given floor shall be measured vertically from the finished interior floor to the underside of the structural joist of the floor above.

20.206.2 Landscape. Front yards of buildings shall be landscaped to enhance the pedestrian experience along Prospect Street. To the extent practicable, shade trees should be incorporated along the sidewalk. The following standard shall apply:

For any new development or redevelopment on a lot, an existing or new tree shall be required, on the lot within ten (10) feet of the public sidewalk or in the public sidewalk, for each twenty-five (25) feet of lot frontage along Prospect Street.

20.207 Divergence from Standards

Divergence from the standards specified in Sections 20.204 - 20.206 may be allowed by issuance of a special permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.200 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

The Board shall be guided in its determination by Prospect Street Design Guidelines and other such guidelines as may be established for the Prospect Street Overlay District. This Section 20.207 is intended for variations from the standards, which may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor.

20.208 Area of Special Planning Concern

The Prospect Street Overlay District shall be considered an area of special planning concern. Notwithstanding the provisions in Section 19.43.1 – Applicability of Large Project Review Procedure, in the Prospect Street Overlay District the Large Project Review Procedure shall apply to any development proposal containing Gross Floor

Area of two thousand (2,000) square feet or more but less than fifty thousand (50,000) square feet, unless such development is exempt by virtue of the provisions of Section 19.45.

For parcels that fall within both the Prospect Street Overlay District and the Central Square Overlay District, this Large Project Review Consultation shall be conducted by the Central Square Advisory Committee.

Before issuance of any special permit for development proposed within the Prospect Street Overlay District that is subject to the Large Project Review Procedure or any special permit required in this Section 20.200, Section 11.10 - Townhouse Development, Section 4.26 – Multifamily Special Permit, and Section 19.20 - Project Review, the Planning Board shall determine that the proposal is consistent with the Prospect Street Design Guidelines.

20.209 *Prospect Street Design Guidelines*

New buildings and redevelopment of old buildings should contribute to improving the character of Prospect Street. While it is recognized that not every project will meet every guideline, it is expected that new development in the Prospect Street Overlay District should be broadly consistent with the following principles:

1. Street-level facades should include active uses such as residential units and entrances, shops, restaurants, cafes, exhibition space or display windows, or commercial lobbies and front doors.
 2. Blank walls should be avoided along the street. Transparent materials and interior lighting should be used to maximize visibility of street level uses.
 3. Principal building entrances should be located facing Prospect Street, where appropriate.
 4. Buildings should create a consistent street edge, with setbacks used generally for stoops, porches, and front gardens in residential development or for café seating, benches, or small open spaces in commercial development.
 5. Awnings and canopies are encouraged to provide shelter and to enliven the ground floor facade.
 6. Where appropriate, buildings should be designed with individual units and front doors facing the street, including units on the lower levels of multi-family buildings.
 7. Buildings should reflect a rhythm and variation appropriate to the urban context. Facades should be articulated as several smaller masses using different materials or colors, vertical breaks, bays, porches, stoops, and other architectural elements.
 8. Variations in height and architectural elements such as parapets, cornices and other details are encouraged to create interesting and varied rooflines and to clearly express the tops of buildings.
 9. Where possible, windows should be located facing the street to increase safety.
 10. Loading activities should be located on side streets or service alleys, where possible.
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11. Buildings should be designed to use natural resources and energy resources efficiently in construction, maintenance, and long-term operation of the building.
12. Rooftop mechanical equipment should be sited and shielded to limit visual and noise impacts.
13. Storage of trash should be sited and shielded to contain noise and visual clutter.
14. Lighting fixtures in surface parking lots should be designed to minimizing light spillover onto adjacent properties.

20.300 CENTRAL SQUARE OVERLAY DISTRICT

20.301 *Establishment and Scope.* There is hereby established the Central Square Overlay District which shall be governed by the regulations and procedures specified in this Section 20.300. It is the intent of this section that these regulations will apply to a single area described generally as the Central Square business district and certain abutting portions of the neighborhoods around it.

20.302 *General Purpose.* It is the purpose of this Section 20.300 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to Central Square. The regulations in said section provide for more careful public scrutiny of development proposals that may alter the established urban form of the Central Square area. These regulations are intended to channel the extreme development pressures in ways which will preserve and enhance the unique functional environment and visual character of Central Square; to mitigate the functional impacts of new development on adjacent residential neighborhoods; to maintain the present diversity of development and open space patterns and building scales and ages; and to provide sufficient regulatory flexibility to advance the general purposes of this Section 11.300.

20.303 *General Provisions.*

20.303.1 The Central Square Overlay District shall be considered an area of special planning concern.

Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedures specified in Article 19.000 except that any Large Project Review (new buildings of two thousand (2,000) square feet or more shall be conducted by the Central Square Advisory Committee using procedures as specified in Subsection 20.304.1 of this Section 20.300.

20.303.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances.

In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority or the Central Square Advisory Committee shall be guided by the objectives and criteria contained in the publication “*Central Square Action Plan*”, City of Cambridge, November 1987, and “*Central Square Development Guidelines*”, July 1989, in addition to the requirements of

Section 10.30 - Variances, 10.40 - Special Permits, and Subsection 20.305 of this Section 20.300. These guidelines are also intended to assist in shaping any contemplated physical change within the Central Square Overlay District.

20.303.3 National Register and Contributing Buildings.

For the purpose of this Section 20.300 the following definitions shall apply:

1. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.
2. A contributing building shall be
 - a. Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or
 - b. A building located outside a National Register District but identified as a contributing building in the *Central Square Development Guidelines*.

However, a building shall no longer be considered a contributing building as defined in this Subsection 20.303 (2) for the purpose of this Section 20.300 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

20.304 *Detailed Provisions.*

20.304.1 Central Square Advisory Committee. There shall be established a Central Square Advisory Committee, with members appointed by the City Manager, which shall have the following duties, responsibilities, and membership.

1. Purpose. It is the intent of this Subsection 20.304.1 that the Committee in its official actions fulfils the following purposes.
 - a. To establish a formal, ongoing body that will review all major development actions in the Central Square Overlay District.
 - b. To provide a forum within which a wide range of perspectives on development actions can be heard.
 - c. To establish a citizen/professional body which can advise both public agencies and private interests as to the development and urban design issues raised by a development or planning proposal and suggest avenues of research which might be pursued to resolve identified conflicts or make the project better fulfill both public and private objectives for the Central Square Overlay District.
 2. *Responsibilities.* The Committee shall undertake all Large Project Reviews and shall receive all applications for variances and special permits for activities within the Central Square Overlay District for review and comment. In addition, the Committee may comment on any preliminary proposal, for which any public agency or private interest may wish to receive advice and recommendations.
 3. *Procedures.*
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- a. Within the six (6) months preceding any application for (1) a building permit for any project subject to a Large Project Development Consultation Review or (2) a special permit or variance for any project within the Central Square Overlay District, the graphic and other material required in Section 19.43 - Large Project Review Procedure shall be submitted to the Central Square Advisory Committee for their review and comment.
 - b. Within thirty (30) days of that submittal, (or within up to sixty (60) days with the written consent of the applicant) the Committee shall prepare a written report of findings and recommendations with respect to the applicant's proposed project.
 - c. The Committee's written report shall outline the urban design and development issues raised by the proposal. It shall suggest those areas within which additional exploration of alternatives might be sought or factual information gathered which might help to resolve potential conflicts between public and private objectives or which might help to shape the project to better serve these objectives.
 - d. The report shall be forwarded to the applicant and shall be included in any application for a building permit, special permit or variance.
 - e. It is expected that, in making decisions regarding special permits and variances within the Overlay District, the Planning Board and/or Board of Zoning Appeal will give due consideration to the report and recommendations of the advisory committee.

Where the Committee makes recommendations with respect to the granting of special permits and/or variances, the Planning Board and/or Zoning Board of Appeal does not follow said recommendations, then the Board(s) shall make written reply to the Committee, detailing why the Board(s)' decisions were different from the Committee recommendations.

- f. The Community Development staff shall serve as staff to the Committee.

4. *Membership and Terms*

- a. *Membership.* Members in all categories shall be Cambridge residents or business persons or landowners within the Overlay District.
 - (1). One member having recognized qualifications as architect or landscape architect who shall also serve as chair of the Committee.
 - (2). Four (4) members representing the business community in Central Square with diverse representation from property owners, small and large scale merchants and office tenants.
 - (3). Four (4) members representing residents of the four (4) abutting Cambridge neighborhoods.
 - b. *Terms.* Committee members shall be appointed for terms of three (3) years each. Initial appointments shall, however, be staggered such that three (3) members shall have terms of two (2) years, and three (3) members shall have terms of three (3) years each.
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20.304.2 Building Height Limitations. The maximum height of buildings in the Central Square Overlay District shall be governed by the requirements of this Section 20.304.2; however, at locations where the base zoning district establishes a more restrictive height limitation, the more restrictive shall apply.

1. *As of Right Height Limitations.* The maximum height of any building shall be fifty-five (55) feet except as further limited below:
 - (a) Where the lot abuts Bishop Allen Drive or Prospect Street between Bishop Allen Drive and Harvard Street, any portion of the building above forty-five (45) feet shall be set back behind a forty-five degree (45°) bulk control plane beginning at an elevation of forty-five (45) feet above the front lot lines on Bishop Allen Drive and/or Prospect Street and rising over one or more lots at a forty-five degree (45°) angle.
 - (b) Where the Residence C-2A district serves as the base district, the maximum height shall be forty-five feet. No additional height shall be permitted in this district notwithstanding any provision in Paragraph 2 below.
2. *Special Permit for Additional Height.* Additional height may be permitted as follows:
 - (a) The maximum allowable height in the Central Square Overlay District may be increased up to eighty (80) feet upon issuance of a Special Permit by the Planning Board provided that those portions in excess of sixty (60) feet are set back from the street line at least ten (10) feet and that those portions are also set back from one or more forty-five degree (45°) bulk control planes beginning sixty (60) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.
 - (b) Where the lot abuts Bishop Allen Drive, or Prospect Street where the lot lies in a Business A District, and where the lot lies within a Business A District, any portion of the building above forty-five (45) feet shall be set back behind a forty- five degree (45°) bulk control plane beginning at an elevation of forty-five (45) feet above (1) the front lot lines on Bishop Allen Drive and/or Prospect Street and (2) any residential zoning district line abutting the Business A District, and rising over one or more lots at a forty-five degree (45°) angle.
3. The bulk control plane restrictions of Paragraphs 1 and 2 above may be waived by the Planning Board upon issuance of a Special Permit.

20.304.3 Floor Area Ratio Limitation. The maximum Floor Area Ratio (FAR) limitations established in the applicable base zoning district shall continue to apply to any lot in the Central Square Overlay District unless specifically modified by the following provisions:

1. *As Of Right Limitation.*

The maximum as of right FAR shall be 3.0 in the Office 3 base zoning district for Residential Uses, Section 4.31 a-h, and 2.0 for all other uses; 4.0 for all Residential uses in the Business B base zoning district; and 2.0 in the Residence C-3 and Residence C-2A base zoning districts.

2. *Special Permit for additional FAR.*

The maximum FAR on any lot in a Residence C-3 or Residence C-2A district may be increased to 3.0 and 2.5 respectively upon issuance of a special permit from the Planning Board.

3. *Special Permit for Additional FAR for Affordable Housing.*

The maximum FAR on any lot in an Office 3 District may be increased to 3.75 upon issuance of a special permit from the Planning Board provided a minimum of twenty (20) percent of the total gross floor area authorized is devoted to affordable housing as defined in Section 11.201. The affordable housing shall conform to the standards of Section 11.204 except that lodging housing or single room occupancy facilities shall be specifically permitted. The additional FAR bonus permitted in Section 11.203.2, however, shall not apply to developments employing this Section 20.304.3c

4. *Additional FAR for Residential Uses*

Upon issuance of a special permit, the Planning Board may increase the allowed FAR on any lot or portion of a lot located within the Business B (BB) portion of the Central Square Overlay District to a total FAR of 4.00 for all non-residential and residential uses combined, notwithstanding the Rules for Calculation of Permitted Gross Floor Area on a Lot as set forth in Section 5.30.12, provided that the maximum FAR permitted for non-residential uses on a lot shall not exceed the limitation on non-residential FAR applicable in the base zoning district and that the proposed FAR of all non-residential uses on the lot shall not exceed the proposed FAR of all residential uses on the lot.

5. *FAR exemption for Residential Balconies*

In the Business B district only, notwithstanding any other provision of this Zoning Ordinance, the Gross Floor Area of balconies, porches, stoops, or mezzanines on any floor of a structure that are accessory to residential uses and not exceeding six (6) feet in depth measured back from the adjacent wall plane of a building shall be exempted from the calculation of Gross Floor Area permitted on the applicable lot. Also, terraces that are created by stepping back the upper floors of a building, provided that they are open to the sky and a minimum of eight (8) feet in depth measured from the façade of the story beneath, shall be exempted from the calculation of Gross Floor Area permitted on the lot.

6. *FAR Exemption for Rooftop Spaces*

In the Business B district only, notwithstanding any other provisions of this Zoning Ordinance, the Gross Floor Area of open-air spaces on the roofs of buildings, such as roof gardens, terraces, walk ways, including open or enclosed egresses, covered staircases, mechanical head-houses, or observation spaces shall be

exempted from Gross Floor Area and FAR limitations upon the granting of a special permit by the Planning Board. In granting any special permit, the Planning Board must be able to find that the proposed rooftop spaces have been located and designed to minimize impacts on neighboring uses, including but not limited to light trespass, noise or other nuisance, and may place further requirements or conditions on the design or operational aspects of spaces exempted pursuant to this Paragraph, including but not limited to hours of operation, range of activities permitted, signage and lighting fixtures, visual screening devices, sound mitigation, and other measures to ensure ongoing compliance with the Board's findings.

7. *FAR Exemption for Ground Floor Retail*

In the Business B district only, retail spaces of 1,500 square feet or less shall be excluded from the calculation of floor area ratio.

20.304.4 *Waiver of Setback and Open Space Requirements.*

1. **Yard Setbacks.** Upon issuance of a special permit from the Planning Board the yard requirements of a base zoning district may be waived except where such yard abuts a lot, but not a public way, outside the Overlay District. However, in waiving or reducing a front yard setback, the Planning Board shall take into account the width of the adjacent public sidewalk and may limit the reduction of the setback in order to provide additional sidewalk width within the front yard setback where appropriate, taking into account applicable City standards and expected pedestrian traffic on the street.
2. **Private Open Space.** Open Space shall be provided as required in the Base Zoning District, however the Planning Board may allow, by Special Permit, the reduction of required Open Space, and permit such Open Space to be located at levels other than at grade if the applicant can demonstrate that the urban design objectives as set forth in the Central Square Overlay District can be met.

20.304.5 *Use Limitations and Restrictions.* In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Central Square Overlay District:

1. *Ground Floor Restrictions.*

The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and/or Main Street and which is on a lot which shares a common lot line with Massachusetts Avenue or Main Street shall consist of Gross Floor Area devoted to any one or combination of uses permitted in the applicable base zoning district [except that such gross floor area in buildings abutting Massachusetts Avenue and/or Main Street between Inman and Pleasant Streets on the west and Columbia and Sidney Streets on the east shall be devoted to one or a combination of the following uses: Residential Uses (Section 4.31); Office and Laboratory Uses (Section 4.34 c and e); Retail, Business and Consumer Service Establishments (Section 4.35)], but specifically excluding

Gross Floor Area in structured parking counted as Gross Floor Area, and shall in addition meet the following conditions:

- a. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the abutting Massachusetts Avenue and/or Main Street at the property line except that residential uses may be located no higher than four (4) feet above the mean grade of the abutting street at the property line.
- b. The use shall have a minimum depth of twenty (20) feet.
- c. Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of fifty (50) percent clear glass.

2. *Prohibited Uses.*

The following uses shall be prohibited in the Central Square Overlay District: (1) Open Air or Drive-In Retail Services, Sections 4.36 b, f, g, h, i,.

3. *Restricted Uses.*

- a. In the Central Square Overlay District, an establishment where alcoholic beverages are consumed and where dancing and entertainment is provided, dance hall or similar place of entertainment (Section 4.35g) shall be permitted by right if the principal public entrance or entrances are directly from Massachusetts Avenue, Prospect Street between Massachusetts Avenue and Bishop Allen Drive, or Main Street, or by Special Permit from the Planning Board in the Business B (BB) district where the principal public entrance or entrances are on another side street that intersects with Massachusetts Avenue if the Board finds that such location will not adversely impact adjacent residential uses, with consideration to hours of operation, proximity to a residential neighborhood, signage, lighting, and sound mitigation.
- b. Unless specifically waived upon the granting of a special permit by the Planning Board, no individual bank or financial institution (Section 4.34e) shall occupy more than twenty-five (25) feet of building frontage facing Massachusetts Avenue or Main Street, and no more than thirty percent (30%) of a lot's aggregate building frontage facing one or more public streets may be occupied by such uses.

4. *Formula Business District.* A Formula Business as defined in this Ordinance may be established in the Central Square Overlay District only after the issuance of a special permit from the Planning Board. In reviewing an application the Planning Board shall take the following into consideration:

- a. The extent to which the design of the proposal reflects, amplifies, and strengthens the established historical character of existing buildings and store fronts in Central Square.
 - b. The extent to which the particulars of the building or storefront design is varied from the formula or standard design of the chain in order to reflect the unique character and conditions of Central Square generally or the specific location in particular.
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c. The extent to which the standard elements of the enterprise as they define it as a Formula Business are modified to respect and provide unique expressions of Central Square history and traditions as well as innovation in physical design and marketing that will distinguish the Central Square location from other locations of the Formula Business.

20.304.6 Parking and Loading Requirements. The provisions set forth in Article 6.000 shall apply except as modified by the provisions set below.

1. Maximum Parking. Where any of the following listed uses are established in the Central Square Overlay District as of August 1, 2016, the accessory off-street parking for such uses shall be limited by the maximum rates set forth below. For uses not listed below, any maximum rate set forth in Article 6.000 shall apply. Exceeding the maximum allowed parking shall require a waiver of maximum parking under the general provisions of Article 6.000.
 - (a) Residential Uses (6.36.1), excluding Hotel and Motel (i-2 and i-3): 0.75 space per dwelling unit
 - (b) Hotel or Motel Uses (6.36.1 i-2 or i-3): 0.25 space per sleeping room
 - (c) Office Uses (6.36.4), excluding Technical Office (f): 0.90 space per 1,000 square feet
 - (d) Technical Office Uses (6.36.4 f): 0.80 space per 1,000 square feet
 - (e) Retail and Consumer Service Establishments (6.36.5): 0.50 space per 1,000 square feet
 2. Minimum Parking and Loading. The minimum parking and loading requirements as specified in Section 6.36 Schedule of Parking and Loading Requirements shall apply except as set forth below:
 - (a) For Residential Uses (6.36.1), excluding Hotel and Motel (i-2 and i-3), the minimum required parking ratio shall be 0.50 space per dwelling unit.
 - (b) Where the minimum number of parking spaces derived from the requirements of Article 6.000 is greater than the maximum number of parking spaces derived from Paragraph 1 above, the minimum required number of parking spaces shall be reduced to the greatest number that conforms to the maximum requirements derived from Paragraph 1 above.
 3. Waiver of Parking and Loading Requirements. Uses in the Central Square Overlay District which meet the following requirements shall be exempt from the parking and loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements and the minimum requirements set forth in Paragraph 2 above.
 - (a) The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or
 - (b) The use is contained in a new structure or new addition to a structure identified in (1.) above, after the issuance of a special permit by the Planning Board provided:
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- (i) The total development authorized on the site is reduced to ninety (90) percent of the maximum permitted on the lot; or a cash contribution is made to the Central Square Improvement Fund to be established by the City of Cambridge in an amount equal to fifty (50) percent of the cost of construction of the parking spaces not provided, said contribution to be used by the City of Cambridge for one or more of the following improvements in the Central Square Overlay District:
- (1) Provision of public parking, preferably for short term users;
 - (2) Programming, events, and infrastructure that contribute to the Cultural District established in Central Square;
 - (3) Improvements to public parks, or restoration of historic structures, monuments and other features owned by the City of Cambridge or other public agency or a nonprofit organization;
 - (4) Improvements to public pedestrian and bicycle facilities such as sidewalks, crosswalks, dedicated cycling paths and bicycle parking.

The Central Square Advisory Committee shall receive and make comments on any proposal for the expenditure of such cash contributions. The funds shall not be used for ordinary maintenance activities normally undertaken by the City of Cambridge. The value of the cash contribution shall be determined by the Community Development Department assuming equivalent structured parking spaces and using generally accepted cost estimation methods customarily used by architects and engineers or using actual construction costs for comparable contemporary parking construction in Cambridge.

- (ii) The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met).
 - (iii) The Planning Board shall specifically find that an exemption from parking and loading requirements will result in a building design that is more appropriate to its location and the fabric of its neighborhood and that it is in conformance with the objectives and criteria contained in Central Square Development Guidelines.
 - (iv) No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and
 - (v) No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.
4. Location of Parking. For any new development in the Central Square Overlay District that requires a special permit from the Planning Board, notwithstanding anything to
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the contrary in Article 6.000, the accessory parking may be provided on-site or within existing parking facilities elsewhere in the Central Square Overlay District, subject to Planning Board Approval. In general, new development shall use below-grade structured parking instead of existing surface parking lots; however, the Planning Board may approve the use of existing surface parking in special circumstances, such as temporary parking for a phased development or special permits for small-scale retail uses in existing buildings.

20.305 *Standards for Issuance of Special Permits.* In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

1. The proposed development is consistent with the goals and objectives of the Central Square Action Plan:
 - encourage responsible and orderly development;
 - strengthen the retail base to more completely serve the needs of the neighborhoods;
 - preserve the Square's cultural diversity;
 - create active people oriented spaces;
 - improve the physical, and visual environment;
 - provide retail establishments that serve people of diverse economic and social groups who live in the surrounding neighborhoods;
 - encourage the development of new mixed income housing; and
 - promote compatible retail adjacent to residential uses.
2. The building and site designs are consistent with "Urban Design Plan for Central Square" as outlined in the "*Central Square Action Plan*" and the "*Central Square Development Guidelines*";
3. The building and site designs adequately screen the parking provided and are sensitive to the contributing buildings in the vicinity;
4. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and
5. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

20.306 *Signs*

20.306.1 Signs shall be permitted as they are allowed in the base zoning districts.

20.306.2 Nonconforming Signs. Notwithstanding the provisions in Article 7.000, Section 7.15 relating to nonconforming signs, any sign nonconforming as to size and having been erected for at least ten (10) years shall be removed where the space to which the sign is accessory is vacant.

20.307 Mass and Main Residential Mixed Income Subdistrict**20.307.1 Establishment and Scope.**

There is hereby established within the Central Square Overlay District (and including the rear portions of certain split lots that are partially located with the Central Square Overlay District), the Mass and Main Residential Mixed Income Subdistrict which shall be governed by the regulations and procedures specified in this Section 20.307.

These regulations are intended to provide incentives for residential development and provide a transition between the character, uses and scale of Kendall Square, as well as the adjacent Cambridgeport Revitalization Development District, and provide a transition to the abutting residential districts behind Bishop Allen Drive. The subdistrict is within the City's Central Square (C2) Study area and adoption of this Section 20.307 follows extensive planning efforts to encourage residential and ground-floor retail uses and transit-oriented development. The Central Square Study expands on past zoning changes in industrial and commercial zones to encourage housing by offering greater density to incentivize the creation of buffer zones for existing residential neighborhoods adjacent to Central Square. The Mass and Main Residential Mixed Income Subdistrict will also enable the City to respond to the 2014 Central Square Customer Survey by supporting vibrant ground-floor retail and active retail uses at this key intersection in Central Square, adjacent to mass transit. It is the intent of this Section that these regulations will apply to a single area located at the intersection of Main Street and Massachusetts Avenue and bounded and described in Section 20.307.2 below. The Mass and Main Residential Mixed Income Subdistrict will further the objectives of the Central Square Study findings and other planning studies completed by the City for the Central Square area by encouraging housing and requiring both low- and moderate-income affordable housing in amounts above those required by the City's inclusionary housing requirements in Section 11.200.

20.307.2 Boundaries of the District.

The Mass and Main Residential Mixed Income Subdistrict shall be bounded as shown on Map 20.307 and shall include two zones: the Mass Ave Residential Zone and the Bishop Allen Drive Residential Support Zone. The Mass and Main Residential Mixed Income Subdistrict includes lots located within the Business B and Business A base zoning districts, with portions of some lots located within the Residence C-1 district (and not included in the Central Square Overlay District) included in this subdistrict for purposes of clarity with respect to the treatment of these split lots.

The Mass Ave Residential Zone consists of the Mass Ave Height Area and the Columbia/Douglass Street Height Area and affects lots or portions of lots as shown on:

Mass Ave Height Area

Assessors Plat #4772 and Map 91, Lot 190,

Assessors Plat #4776 and Map 91, Lot 195 (the portion of such lot containing Coolidge Place),

Assessors Plat #4759 and Map 91, Lot 111,

Assessors Plat #4752 and Map 91, Lot 102 (portion),

Assessors Plat #4777 and Map 91, Lot 199 (portion), and
Assessors Plat #4715 and Map 91, Lot 53.

Columbia/Douglass Street Height Area

Assessors Plat #4773 and Map 91, Lot 191,
Assessors Plat #4714 and Map 91, Lot 52,
Assessors Plat #4777 and Map 91, Lot 199 (portion),
Assessors Plat #4758 and Map 91, Lot 108,
Assessors Plat #4767 and Map 91, Lot 180,
Assessors Plat #4768 and Map 91, Lot 181,
Assessors Plat #4775 and Map 91, Lot 194,
Assessors Plat #4752 and Map 91, Lot 102 (portion), and
Assessors Plat #4774 and Map 91, Lot 192.

The Bishop Allen Drive Residential Support Zone affects lots or portions of lots as shown on:

Assessors Plat #4750 and Map, 91, Lot 98,
Assessors Plat #4751 and Map 91, Lot 99,
Assessors Plat #4732 and Map 91, Lot 81,
Assessors Plat #4763 and Map 91, Lot 119, and
Assessors Plat #4710 and Map 91, Lot 23.

20.307.3 Applicability.

Except as otherwise noted herein, the provisions of this Section 20.307 shall apply to both zones within the subdistrict.

For developers electing to conform to the provisions of this Section 20.307, any such project shall be referred to herein as a “Residential Mixed Income Project” and, notwithstanding any other provisions of the Ordinance, the use, dimensional, open space, parking, loading and inclusionary housing requirements applicable to a Residential Mixed Income Project shall be as set forth in this Section 20.307. Divergence from the standards established in this Section may be allowed only by issuance of a Special Permit by the Planning Board as specifically allowed pursuant to applicable special permit provisions set forth elsewhere in the Ordinance, including the provisions of Section 10.40. Further, the Planning Board may grant any applicable special permit for a Residential Mixed Income Project that would ordinarily be granted by the Board of Zoning Appeal. The Board may grant such a special permit upon its determination that the development proposed will better serve the objectives of this Section 20.307 and that the criteria specified in Section 10.43 specific and all other criteria applicable to the special permit will be satisfied. A Residential Mixed Income Project may contain more than one building constructed as part of a common scheme of development or phased development program.

20.307.4 Review Process.

Projects in the Mass and Main Residential Mixed Income Subdistrict shall be subject to the development review procedures set forth in Article 19.000 and Section 20.304.1.

20.307.5 Use Regulations.

Use regulations of the applicable base zoning designation shall apply to each lot within the Mass and Main Residential Mixed Income Subdistrict, except that Carsharing Spaces provided pursuant to Section 20.307.7 below shall be deemed to be a permitted use. Notwithstanding anything to the contrary contained in the Ordinance, in addition to the uses permitted in the applicable base district, lots within the Mass and Main Residential Mixed Income Subdistrict may be used as accessory parking for any other lot within the subdistrict, subject to the requirements set forth in Section 20.307.7 below.

20.307.6 Dimensional Standards.

20.307.6.1 Floor Area Ratio. The maximum floor area ratio permitted in the Mass and Main Residential Mixed Income Subdistrict shall be the same as permitted in the applicable base zoning district, except that the maximum floor area ratio applicable to Residential Mixed Income Projects within the Mass Ave Residential Zone shall be 6.5, provided that no increases in development otherwise permitted under this Zoning Ordinance shall cause the FAR on a lot to exceed 6.5, and further subject to compliance with the affordability and unit mix requirements set forth in Section 20.307.8 below. Additionally, notwithstanding anything to the contrary contained in this Zoning Ordinance, the floor area ratio applicable to residential uses shall apply to and include any retail space included within a Residential Mixed Income Project, subject to the exemption for retail spaces less than 1,500 square feet set forth in Section 20.307.9.6 below, such that the provisions of Section 5.30.12 shall not be applicable to Residential Mixed Income Projects within the Mass and Main Residential Mixed Income Subdistrict (i.e. the same floor area ratio will apply to both residential and retail space within a Residential Mixed Income Project).

20.307.6.2 Maximum Height. The maximum height permitted in the Mass and Main Residential Mixed Income Subdistrict shall be the same as permitted in the applicable base zoning district, except as follows:

- a. Within the area shown as the “Mass Ave Height Area” on Map 20.307, building heights up to 195 feet shall be permitted for a Residential Mixed Income Project, provided that only one building within such zone may exceed 80 feet and provided further that buildings in a Residential Mixed Income Project will be restricted to a floor plate size of 10,000 square feet above 80 feet in height.
- b. Within the area shown as the “Columbia/Douglass Street Height Area” on Map 20.307, building heights up to 70 feet shall be permitted for a Residential Mixed Income Project.

20.307.6.3 Minimum Yards. Minimum yard requirements in the Mass and Main Residential Mixed Income Subdistrict shall be the same as required in the applicable base zoning district; however, notwithstanding any other provisions in the Ordinance, including without limitation the provisions of Section 5.28.1(c) (which applies the dimensional standards of a Residence C-3 district to dwellings in a Business B district), the minimum yard

requirements for non-residential uses in the Business B zoning district shall apply to all Residential Mixed Income Projects within the Business B district.

20.307.6.4 Private Open Space. Open space requirements in the Mass and Main Residential Mixed Income Subdistrict shall be the same as required in the applicable base zoning district, including without limitation the provisions of Section 5.28.1(c) (which applies the dimensional standards of a Residence C-3 district to dwellings in a Business B district), except that the applicable Private Open Space requirement under Article 5.000 may be satisfied with any combination of Private Open Space and pedestrian amenities open to the public such as a pedestrian plaza or arcade.

20.307.7 Required Parking.

Required parking and loading in the Mass and Main Residential Mixed Income Subdistrict shall be as required in the applicable base zoning district, except as follows:

- a. The minimum required parking for Residential Mixed Income Projects shall be 0.5 parking spaces per residential unit and shall be further subject to waiver/reduction in accordance with the provisions of Section 20.304.6 and Article 6.000. The maximum permitted parking for Residential Mixed Income Projects shall be 0.75 parking spaces per residential unit.
 - b. No separate off-street parking shall be required for ground-floor retail uses in a Residential Mixed Income Project.
 - c. Accessory off-street parking facilities for a Residential Mixed Income Project may be located on the same lot as the use being served or on another lot within the Central Square Overlay District, in accordance with the following conditions:
 1. said other lot is contiguous to the lot on which the use being served is located; or
 2. said other lot is within four hundred (400) feet of the lot on which the use being served is located.
 - d. A Residential Mixed Income Project shall provide, at a minimum, one (1) parking space for every 100 residential units that shall be dedicated for use by a carsharing organization (such as ZipCar or other similar program) (each such parking space will be referred to herein as a "Carsharing Space"). Each Carsharing Space within a Residential Mixed Income Project shall allow the required number of residential parking spaces to be reduced by five (5) spaces, but in no event may there be a total reduction of more than 0.17 spaces per dwelling unit resulting from the application of this Paragraph (d).
 - e. Loading bays, drives, and a maneuvering space for a Residential Mixed Income Project may be located entirely on the lot or adjacent easement areas with immediate and direct ingress to the building intended to be served.
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- f. Any tandem parking spaces for two vehicles shall count as two parking spaces within the Mass and Main Residential Mixed Income Subdistrict if such spaces are accessory to a Residential Mixed Income Project, provided that such tandem parking spaces may not account for more than twenty-five percent (25%) of the required parking.
 - g. For purposes of Section 6.104.1, the applicable distance for Long-Term Bicycle Parking shall be measured from the lot line of the lot on which the Long-Term Bicycle Parking is located to the lot line of the lot on which the building or project intended to be served is located.

20.307.8 Affordable Housing and Unit Mix Requirements for Residential Mixed Income Projects

20.307.8.1 Additional Inclusionary Housing Requirements. The provisions of Section 11.200 in effect as of the date of adoption of this Section 20.307 shall apply to a Residential Mixed Income Project. However, notwithstanding anything in Section 11.200, the FAR of a Residential Mixed Income Project shall not exceed 6.5. Additionally, a Residential Mixed Income Project shall be subject to the following requirements that may exceed the requirements of Section 11.200:

- a. A minimum of seventeen percent (17%) of the total number of units in a Residential Mixed Income Project shall be Affordable Units for low and moderate income households meeting the requirements of Section 11.200 for such Affordable Units.
- b. A minimum of three percent (3%) of the total number of units in a Residential Mixed Income Project shall be Middle Income Units as defined in Section 20.307.8.2 below.
- c. A minimum of ten percent (10%) of the total number of units in a Residential Mixed Income Project shall be 3-bedroom units.

20.307.8.2 Definitions. For purposes of this Section 20.307.8, the following definitions shall apply:

“Middle Income Unit” shall mean a unit for which the rent (including utilities) does not exceed thirty (30) percent of the income of the renting household or for which the mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty (30) percent of the income of the purchasing household or other standards as may be established pursuant to any city, state or federal housing program designed to assist middle income households, for which the applicable eligible household shall be an Eligible Middle Income Household.

“Eligible Middle Income Household” shall mean any household whose total income does not exceed one hundred twenty percent (120%) of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable housing Trust as defined in Section 11.201.

In no event shall the combined total number of Affordable Units for low and moderate income households together with the Middle Income Units required in Section 20.307.8.1 above be fewer than twenty percent (20%) of the total number of units in a Residential Mixed Income Project.

20.307.9 Local Retail and Street Activation.

In order to effectuate the goals of promoting a vibrant retail environment and street-level activation, any proposed development within the Mass Ave Residential Zone with building frontage along Massachusetts Avenue or Main Street shall include a plan (the "Retail Plan") for encouraging local, independent retail and active street-level uses meeting the requirements of this Section 20.307.9, which Retail Plan shall be submitted for review and approval by the Community Development Department prior to the issuance of a Certificate of Occupancy for a Residential Mixed Income Project. The owner shall use commercially reasonable efforts to ensure that the Retail Plan for any Residential Mixed Income Project meets the goals of this Section 20.307.9 and, taken in its entirety, is reflective of the economic and cultural diversity of the Central Square neighborhood.

20.307.9.1 No banks or financial institutions shall be permitted on the ground floor level within the Mass Ave Residential Zone.

20.307.9.2 The ground floor space in any such building frontage along Massachusetts Avenue or Main Street and extending 30 feet into such building (the "Building Frontage") shall be devoted to retail uses, except for spaces required for accessory uses and other building functions serving the other floors of such building which are typically located at the ground level, including without limitation lobby space, building security, access/egress, mailrooms, mechanical spaces and bicycle parking, which spaces shall be limited to thirty percent (30%) of the total Building Frontage.

20.307.9.3 A minimum of 25% of the retail space required pursuant to Section 20.307.9.2 above shall consist of Independent and Local Retailers. "Independent and Local Retailers" shall include any retail operator which does not own or operate more than 10 retail locations in the Commonwealth of Massachusetts with the same name and retail concept, such determination to be made as of the date of execution of a lease or commencement of ownership of or other right to occupy such retail space.

20.307.9.4 The Retail Plan shall include a proposal for a seasonal public market concept/space (the "Public Market").

20.307.9.5 Retail spaces of 1,500 square feet or less in a Residential Mixed Income Project shall be excluded from the calculation of floor area ratio.

20.307.10 Grandfathered Parking Structures Within the Bishop Allen Drive Residential Support Zone.

Notwithstanding the provisions of Article 8.000, any nonconforming parking structure located in whole or in part within the Bishop Allen Drive Residential Support Zone and which existed at the time of adoption of this Section 20.307 may be continued, provided that it primarily serves a use permitted in the Mass and Main Residential Mixed Income Subdistrict.

20.307.11 Sustainable Design Requirements for Residential Mixed Income Projects.

Residential Mixed Income Projects in the Mass and Main Residential Mixed Income Subdistrict shall comply with the provisions of Section 22.20 of the Ordinance, provided, however, that any new construction that is part of a Residential Mixed Income Project shall be designed to a minimum standard of LEED Gold. In connection with the submission requirements of Section 22.24.2.a., the developer of such buildings shall submit a Statement of Energy Design Intent produced through the EnergyStar Target Finder tool, or comparable method.

20.307.12 Design Guidelines Applicable to Residential Mixed Income Projects.

In reviewing any Residential Mixed Income Project subject to a Project Review Special Permit under Article 19.000, the Planning Board shall look to the Central Square Design Guidelines dated February 2013 (updated May 2013) for guidance and direction in assessing the project's conformance with the applicable project review criteria set forth in this Ordinance, provided that in the event of any conflict between such Design Guidelines and this Ordinance, the provisions of this Ordinance shall govern. For a Residential Mixed Income Project proposing a building height exceeding those contemplated in the Central Square Design Guidelines, the Planning Board shall give consideration to the following supplemental guidelines:

- a. Consider the variety of vantage points from which tall buildings will be seen, especially from significant public spaces and nearby low-scale residential neighborhoods, as well as city skyline views.
 - b. Tall buildings should be articulated to avoid a monolithic appearance, and should emphasize slender, vertically-oriented proportions.
 - c. Avoid broad "slab" volumes that make the building appear bulky and visually dominant. Point towers expressing vertical volumes are preferred.
 - d. Locate and shape tower elements to minimize shadows on existing or proposed public open space and streets.
 - e. Configure towers to maximize sky views from public open space and enhance visual connections through sites.
 - f. Consider variation in forms that present different profiles to different vantage points.
 - g. If appropriate, step down tall buildings where they interface with adjoining historic buildings.
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- h. Minimize impacts on the environmental performance and amenity of adjoining residential buildings.
 - i. Consider the appearance of the building top both by day and night, while demonstrating responsible use of lighting and energy consistent with sustainability requirements.
 - j. Design buildings to minimize negative wind impacts on streets and public spaces.

20.307.13 Letter of Commitment

The Letter of Commitment dated May 18, 2015, signed by Stephen J. Cusma on behalf of the proponent of the “Mass and Main” Zoning Petition referred to therein as “Normandy/Twining,” (“Letter”) shall be binding upon any developer and/or owner of a Residential Mixed Income Project as defined herein. The issuance of any building permit or certificate of occupancy for a Residential Mixed Income Project shall be conditioned upon certification by the Community Development Department and all other relevant City departments to the Superintendent of Buildings evidencing that such Residential Mixed Income Project is proceeding in accordance and in compliance with all provisions of the aforementioned Letter.

20.400 PATHWAY OVERLAY DISTRICT

20.401 *Establishment and Scope.* There is hereby established the Pathway Overlay District, which shall be governed by the regulations and procedures specified in this Section 20.400. It is the intent of this section that these regulations will apply to those areas of the city now or formerly railroad rights of way and which are anticipated to be used now or in the future as bicycle and pedestrian commuting and recreational corridors.

20.401.1 The Pathway Overlay District shall be established on the Zoning Map of the City of Cambridge under the provisions of Section 3.20.

20.402 *General Purpose.* It is the purpose of this Section 20.400 to modify existing base district zoning regulations to ensure that (1) the unique opportunities presented by railroad corridors to accommodate recreational bicycle and pedestrian paths are not lost should their railroad function be abandoned, and that (2) the development potential provided by virtue of the provisions of the base zoning district regulations remains available for use beyond the limits of the Overlay District as the ownership of the rights of way may change in the future.

20.403 *General Provisions.* Any portion of a lot encompassed by the Pathway Overlay District shall consist entirely of any combination of Green Area, Permeable, or Public Open Space or any railroad use in existence within the District on or before January 1, 2005 or any other railroad use permitted by the applicable base zoning district. The use, dimensional and other provisions of the applicable base zoning district shall continue to apply, but their application to a lot or portion of a lot in the Pathway Overlay District are required to be consistent with this Section 20.403.

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- 20.403.1** *Reduction in the Required Open Space.* The required area of Open Space may be reduced after the issuance of a special permit from the Planning Board to allow activities and uses, including vehicular access drives and accessory parking spaces, permitted in the base district but in no case shall the construction of a building be permitted. In granting such reduction the Planning Board shall find that the use or activity proposed will not impair the future opportunity to construct pedestrian and bicycle paths within the Pathway Overlay District nor otherwise derogate from the intent and purpose of the Overlay district.
- 20.403.2** *Additional Permitted FAR.* Where a fee or easement property interest is conveyed to the City of Cambridge (in a form acceptable to the City and recorded in the Registry of Deeds) for any portion of land within the Pathway Overlay District, for use by the City in the future to construction of a bicycle or pedestrian pathway, the applicable FAR on that portion of land conveyed shall be equal to twice the FAR otherwise permitted on the property as-of-right or by special permit in the applicable base zoning district or Overlay district.

20.500 LESLEY PORTER OVERLAY DISTRICT

- 20.501** *Establishment and Scope.* There is hereby established the Lesley Porter Overlay District which shall be governed by regulations and procedures specified in this Section. The District encompasses property constituting Lesley University's Porter Square campus and has a Business C District base zoning designation.
- 20.502** *Purpose.* It is the purpose of this Section to augment existing zoning regulations to respond to issues associated with institutional uses and unique planning opportunities immediately adjacent to Porter Square's MBTA station. These regulations are intended to allow for the establishment of an emerging art district associated with the University, to enhance the vitality of Massachusetts Avenue by encouraging ground floor uses that will serve the needs of abutting neighborhood residents and enhance the established streetscape, to create a more harmonious and consistent character for the development along Massachusetts Avenue and where such development faces or abuts low density residential districts, and to encourage the retention and appropriate reuse of buildings of historic value.
- 20.503** *Applicability.* The Lesley Porter Overlay District shall be an Overlay District on the Zoning Map of the City of Cambridge established in Section 3.20.
- 20.503.1** The buildings and land uses within this district shall be controlled by the pertinent regulations of the applicable base Business C zoning district and the Massachusetts Avenue Overlay District, Section 20.100, except as modified by the requirements of this Section 20.500. Where regulations differ among the several applicable zoning districts, the provisions of this Section 20.500 shall apply.
- 20.503.11** The following terms shall apply in the Lesley Porter Overlay District.
1. Lots located westerly of Massachusetts Avenue shall be known as the *Mt Vernon Lots*.
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2. Lots located easterly of Massachusetts Avenue and north of Roseland Street shall be known as the *University Hall Lot*.
 3. Lots located easterly of Massachusetts Avenue and south of Roseland Street shall be known as the *Church Lot*.

20.504 *Overlay District Requirements*

20.504.1 Floor Area Ratio Limitations.

1. Institutional Uses.

Notwithstanding the FAR limits set forth in Article 5.000 or elsewhere in this Ordinance, the maximum FAR permitted in the Lesley Porter Overlay District shall be 2.5 for those lots located easterly of Massachusetts Avenue and 2.0 for those lots located westerly of Massachusetts Avenue for all educational institutional uses set forth in Article 4.33.b (1) as further limited in Section 4.56 c (4) and (6), after the granting of a Special Permit from the Planning Board, subject to the following conditions and limitations:

- a. Notwithstanding the definition of Lot in Article 2.000, a development project in this Lesley Porter Overlay District may consist of non-contiguous lots and lots separated by streets, which lots are held in common ownership. In calculating the gross floor area (GFA) permitted for a development consisting of educational institutional uses, the area of noncontiguous lots held in common ownership within the Overlay District may be combined. For those lots located easterly of Massachusetts Avenue, the resulting permitted Gross Floor Area may be located on the individual University Hall or Church Lots or transferred in part from the University Hall Lot to the Church Lot in an amount not to exceed 25,000 square feet. All transferred Gross Floor Area shall be located below grade.
- b. Any Special Permit issued by the Planning Board in the Lesley Porter Overlay District for increased FAR as permitted in this Section 20.504.1 (1) shall result in a prohibition on dormitory uses on the Mt Vernon and University Hall Lots.
- c. Where, in seeking a special permit under the provisions of this Section 20.504.1, a development project is determined to be subject to the provisions of Section 19.20 – Project Review Special Permit, that project shall be required to submit a Traffic Study as required in Section 19.24, notwithstanding any other provision of Section 19.20.

2. Retail Uses

For a building abutting Massachusetts Avenue on the University Hall Lot or the Mt. Vernon Lots that is occupied by retail uses set forth in Section 4.35 that are located on the ground (first) floor of that building, which building is otherwise at least 50% occupied by institutional uses, those retail uses shall be exempt from

the requirements of FAR and shall not be counted as Gross Floor Area. In no event, however, shall this retail FAR exemption exceed 25,000 square feet of gross floor area in any single building.

The retail enterprises receiving such FAR exemption shall be open to the general public during normal business hours and are expected to provide goods and services of interest to the general public not affiliated with any educational institutional occupant of such building. The institution shall report to Planning Board on the leasing activity in such exempt retail space in its annual "Town Gown Report" presentation to the Board for five years after initial occupancy of the last exempt Gross Floor Area.

20.504.2 Height.

1. Height shall be that permitted in the base Business C zoning district and, notwithstanding other provisions in the Zoning Ordinance, shall be measured from mean grade measured at the perimeter of the lot.

However, the height of any historic structure (including any building determined to be a Preferably Preserved Significant Building by the Cambridge Historical Commission under the provisions of Ordinance No. 965, designated as a landmark pursuant to Chapter 2.78 of the Cambridge Municipal Code or the subject of a Preservation Easement granted to the Cambridge Historical Commission) shall be exempted from the provisions of Sections 5.33.2 and 5.43. All other new construction within the Overlay District, however, shall be subject to these sections.

2. For the Mt Vernon Lots located westerly of Massachusetts Avenue, the maximum height shall be limited to 45 for the lot located north of Mount Vernon Street and forty (40) feet for the lot located south of Mount Vernon Street and shall be measured from grade as provided for in Paragraph 1 above. The 35 foot transition height limit required in Sections 5.33.2 and 5.43 shall continue to apply.

20.504.3 Setbacks, yards

1. Setbacks, except as otherwise provided in Section 20.504.3 (2) below, shall be the same as required in the base zoning district (Business C) for all new construction provided, however, that historic structures (as defined above) shall not be subject to the yard requirements of Sections 5.41 and 5.42, including if all or a portion of such structures is relocated on the same lot in the Overlay District.

2. Church Lot Setbacks.

- a. There shall be a required setback of twenty (20) feet from the side lot line of the Church Lot perpendicular to Roseland Street.

b. There shall be required a 7.5 foot front yard setback along the Frost Terrace front lot line. Such setback shall not be subject to the surface parking restrictions of Section 6.44.1 or the Massachusetts Avenue Overlay District, Section 20.100.

c. In granting a special permit for development on the Church Lot the Planning Board shall pay particular attention to the design details of the building wall facing this lot line and the landscape treatment of the yard provided, as required in Section 20.505 (9) below. In general building walls should not remain uninterrupted for more than thirty (30) feet, with changes in the plane of building wall of up to four (4) feet encouraged.

20.504.4 Parking and Loading

Parking and loading requirements for any educational institutional use contained in the Overlay District may be waived by the granting of a Special Permit from the Planning Board except that any new Gross Floor Area in a building authorized by Special Permit in the Lesley Porter Overlay District that results in the elimination of existing parking spaces on the lots located westerly of Massachusetts Avenue or in the surface parking lot along Roseland Street on the University Hall Lot shall not be permitted unless replacement parking is provided.

Above ground parking structures shall not be permitted in the Overlay District with the possible exception of the area on the University Hall Lot bordered by Roseland Street, the MBTA railroad right of way, and a line parallel to and 250 feet easterly of the easterly street line of Massachusetts Avenue, but only after a determination by the Planning Board that the parking structure will be architecturally and visually well integrated within the overall development. In order to make such a determination the Planning Board must find the following:

1. The parking structure shall contain a principal use other than parking.
2. Portions of the structure containing parking that can be viewed from a public way shall be architecturally treated so as to not appear to be a parking facility.
3. The portion of the structure where parking is located does not have an adverse effect on the architectural character of the proposed building.
4. Portions of the parking structure are located below grade where feasible.

20.504.5 Open Space Requirements

The following Open Space requirements shall apply to those lots or portions of lots located easterly of Massachusetts Avenue. The required Open Space may be any combination of Green Area, Permeable, Public, Private or Publicly Beneficial Open Space.

1. For the Church Lot in the Business C District located south of Roseland Street there shall be a minimum ratio of Open Space to Lot Area of ten (10) percent. For purposes of calculating Open Space under this provision the following requirements shall apply:
 - a. Open Space shall be located along the Massachusetts Avenue frontage and have a depth of at least twenty (20) feet and shall have a minimum area of 3,000 contiguous square feet;

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- b. Area that is covered by a portion of a building but is open on three (3) sides with a height of at least twelve (12) feet may be included;
 - c. Area that is ten (10) feet or more in any direction may be included.
2. For that portion of the University Hall Lot bordered by Roseland Street, the MBTA railroad right of way, and a line parallel to and 250 feet easterly of the easterly street line of Massachusetts Avenue there shall be a minimum ratio of Open Space of twenty-five (25) percent and contain a minimum of 5,000 contiguous square feet of Open Space.

20.504.51 Special Church Lot and University Hall Lot Provisions.

Where a special permit is required for any development on the Church Lot under the provisions of the Lesley Porter Overlay District, the applicant shall be required to submit as part of that application a plan for providing a portion of the Open Space required in Section 20.504.5 (2) above on the University Hall Lot, particularly focused along the Roseland Street edge. The plan should also include proposed improved pedestrian connections throughout the lot.

The plan as approved by the Planning Board shall be implemented simultaneously with the construction authorized by the special permit for the development on the Church Lot.

20.505 Special Permit Criteria

In granting a Special Permit under this Section 20.500, in addition to the other criteria specified in Section 10.40, the Planning Board shall take into consideration the following and make appropriate findings related thereto:

1. Contribute to the vitality of Porter Square by concentrating academic activities that will provide publicly accessible uses including arts libraries, galleries and a wide range of activities and classes and that will have positive spillover effects on the retail environment of the Square.
 2. Contribute to Porter Square's vitality, identity and sense of place by removing existing on-grade parking lots and constructing new structures that spatially define and enrich Massachusetts Avenue and incorporate active ground floor uses and buffering them from the activity and noise along Massachusetts Avenue.
 3. Minimize adverse impacts on abutting low-density housing by appropriately designing and programming new structures' location on the lot, massing, scale, use and operations.
 4. Preserve, reuse and highlight historic structures as integral, publicly accessible parts of the overlay district.
 5. Provide retail activity that serves local residents' and Lesley community needs, strengthens the corridor's existing retail base and provides a more dynamic, mixed-use image.
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6. Minimize vehicular traffic and demand for on street parking in the residential neighborhood by concentrating activity near the T station, maximizing a mix of uses that reinforce each other, and enhance the pedestrian environment.
7. The Open Space along the easterly side of Massachusetts Avenue south of Roseland Street, described in Section 20.504.5 (1), should be inviting and provide places for rest and gathering with an appropriate public art focus.
8. The Open Space along Roseland Street described in Section 20.504.5 (2) should reflect an “urban campus” character, which would include an entry forecourt along the axis of neighboring Frost Street. There shall also be a well-defined walkway through this area that provides pedestrian connections from Roseland Street to Massachusetts Avenue.
9. Where proposed construction abuts existing residential development, special attention should be paid to proposed setbacks, location of open space features, and building design to ensure reasonable compatibility between the scale and extent of new construction and the scale and character of the existing pattern of residential development. Use of variable height and variable setback planes, reduction in the length of continuous building walls, amount of landscaping, etc. should be employed to achieve these objectives.
10. The Board shall consider the impact of the development on residential neighbors as it may affect privacy. Location and size of windows, screening elements, decks, entries and other aspect of the design shall be reviewed to maintain reasonable levels of privacy for abutters. The Board shall also consider the nature of the uses contained in the buildings constructed.
11. Inclusion of physical improvements to the public right of way along Massachusetts Avenue that enhance its quality as a pedestrian environment, retail shopping district and place for meeting and congregating for neighborhood residents and visitors.
12. The adequacy of the proposed construction mitigation plan, as set forth in Section 18.20 of the Zoning Ordinance.

20.506 Consistency with Letter of Commitment

Prior to the issuance of any building permit or Certificate of Occupancy for any construction authorized by special permit under the provisions of this Section 20.500, the Community Development Department shall certify to the Inspectional Services Department that all provisions of the Letter of Commitment dated June 22, 2009 by Lesley University are continuing to be met.

20.600 BASEMENT HOUSING OVERLAY DISTRICT

20.610 Establishment and Scope. There is hereby established the Basement Housing Overlay District which shall be governed by the Regulations and procedures specified in this Section 20.600. The purpose of this Section 20.600 is to allow for the creation of studio

or one-bedroom apartment units in appropriate unused basement level space of certain existing multifamily residential buildings that have one or more existing basement level apartment units. Given the increasing expense of unsubsidized rental housing in Cambridge, the shortage of reasonably priced, affordable studio and one bedroom units, and the difficulty this poses for local workers, students and the elderly, it is in the public interest to permit the creation of additional units under circumstances which promote the maintenance and improvement of older buildings, including improved stormwater and wastewater management, and which provide additional housing without building new structures or increasing the size of existing structures. The corridor along Massachusetts Avenue between Harvard Square and Porter Square contains a significant number of buildings wholly or partially on lots with a base district among the Residence C family of use categories (Res. C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, C-3B) which because of their age, location, current existence of one or more basement units, and proximity to public transit options, present an ideal set of circumstances for the City to encourage the creation of basement units and thereby explore the desirability and viability of possible expansion of similar development elsewhere in the City.

20.620 *Applicability.* The regulations of this Section 20.600 shall apply within the Basement Housing Overlay District to existing structures designed and built for residential use, which also meet all of the following standards:

- a. the structure is located wholly or partially within a Residence C, C-1, C-1A, C-2A, C-2, C-2A, C-2B, C-3, C-3A, or C-3B base zoning district;
- b. the structure is currently occupied by at least thirty (30) dwelling units;
- c. the structure was built before 1930 and its footprint or foundation has not been expanded or altered after the effective date of this Section 20.600 except as may be required and approved as a condition to the grant of a special permit hereunder;
- d. the structure currently contains at least one dwelling unit located entirely at the basement level.

Portions of those structures that meet the applicability requirements set forth above that are not located within a Residence C family zoning district would be treated for all dimensional and use requirements as if wholly located within a Residence C family zoning district.

20.630 *Standards.* Where it is proposed to create additional dwelling units by converting existing Gross Floor Area, which is not presently occupied by dwelling units, into dwelling units at the basement level of the existing structure, the dimensional and parking standards generally applicable in any base zoning district shall apply. However, where some or all of those requirements cannot be met, the Planning Board may waive some or all of the dimensional and parking standards generally applicable in the base district upon issuance of a special permit, subject to the following limitations:

- a. Where the Floor Area Ratio of the existing structure exceeds the maximum Floor Area Ratio allowed in the base zoning district, the Gross Floor Area of the existing structure shall not be increased.
- b. Where the existing structure or lot does not conform to the height, yard, or private open space requirements generally applicable in the district, the Planning Board may approve those dimensional characteristics of the existing building or lot. However, no nonconforming dimensional element or aspect of the existing structure shall be extended or increased, with the exception that the permitted lot area per dwelling unit may be decreased, and incursions into setback areas may be approved by the Planning Board only for the purpose of providing or altering window wells or egress stairs as may be deemed advisable in response to safety and flooding concerns.
- c. The number of dwelling units in the existing structure shall not be increased by more than ten (10) units or fifteen percent (15%) of the number of dwelling units in the existing building, whichever is fewer.

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- d. Newly created dwelling units shall be restricted to studio or one-bedroom apartments only.
 - e. The Planning Board may reduce or waive the number of accessory off-street motor vehicle parking spaces required by Article 6.000 upon making a finding that such reduction will not result in substantial adverse impacts to on-street parking, based on information provided by the Applicant regarding the availability of alternate transportation options or other factors that would result in a reduced demand for parking. As a condition of a special permit, the Planning Board may require measures to minimize parking demand generated by the building. The requirements of Article 6.000 may not otherwise be waived.
 - f. At least one additional secure long-term bicycle storage space shall be created on the lot for each new dwelling unit created under the provisions of this Section. Such bicycle parking spaces shall conform to the design standards of Section 6.49, and the *City of Cambridge Bicycle Parking Guide*, published spring 2008 or later.
- 20.640** *Conditions for Grant of Special Permit.* Prior to granting a special permit pursuant to this Section the Planning Board shall determine that the proposed conversion of basement space to dwelling units complies with the General Special Permit Criteria set forth in Section 10.43 as well as with the following requirements:
- a. Each new unit converted from existing basement space shall comply with all building, health, and accessibility codes applicable to residential dwelling units in the basement of structures. A special permit granted pursuant to this Section shall be conditioned upon full compliance with all building and sanitary code requirements applicable to basement units to be approved by the Commissioner of Inspectional Services at the time of application for a building permit. As a condition of the special permit, the Planning Board may require reasonable measures as are deemed necessary for the adequate privacy and security of the occupants.
 - b. Buildings must contain, or install, full separation between storm water and sanitary sewer lines from the building to the connection in the street regardless of whether the street in which the building is connected currently is separated.
 - c. Adequate, properly installed, backflow prevention devices that comply with all building code and other applicable requirements must be installed for all newly created units along with any additional measures determined to be advisable by the City Engineer.
 - d. An application for a special permit pursuant to this Section shall include a report on historical occurrences and future likelihood of basement flooding in the area of the proposed conversion, prepared by a registered professional engineer, with a functional scope determined by the City Engineer to be appropriate to the location of the project. In general, the report shall assess the likelihood of flooding in the basement units by way of sewer system backups or overland flooding and identify proposed mitigation to prevent any such flooding. The Applicant shall obtain approval of the report and proposed mitigation, if any, from the City Engineer prior to submitting a special permit application. As a condition of the special permit, the Planning Board may require preventive measures to safeguard against future flooding in the proposed basement-level units as recommended by the City Engineer.
- 20.650** *Affordability.* The Inclusionary Housing requirements of Section 11.200 shall apply to any new dwelling units that exceed the threshold for an Inclusionary Project as set forth in Section 11.201. Any project which receives a special permit pursuant to this Section, but does not exceed the threshold for an Inclusionary Project, shall provide no less than one Affordable Unit, as defined in section 11.201 and subject to the Standards for Construction and Occupancy of Affordable Units set forth in Section 11.204.
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20.660 Notwithstanding the base district in which any part of the structure is located, the entirety of any structure that meets the applicability requirements of Section 20.620 and that is in the Basement Housing Overlay District shall be eligible for the special permit created by this Section 20.600. Where any proposed dwelling units in that structure are to be located in any portion of the structure that is in a base zone in which the use would not otherwise be allowed, or would not be allowed without separate approval under Article 8, those dwelling units shall be eligible to be allowed pursuant to a Special Permit under this Section 20.600 and upon the grant of that Special Permit shall be allowed without need for approval under Article 8 or the grant of any variance or additional zoning approvals.

20.700 **deleted (see Section 11.800)**

20.800 **CAMBRIDGE HIGHLANDS OVERLAY DISTRICT**

20.801 *Purpose.* It is the purpose of the Cambridge Highlands Overlay District to modify the base zoning requirements applicable in the Cambridge Highlands neighborhood with the intent of supporting the unique character of that district, which is predominantly modest-sized single-family and two-family homes. Stricter controls are applied to development on larger lots so that they might better fit the established character of the neighborhood.

20.802 *Establishment and Applicability.* There is hereby established on the Zoning Map of the City of Cambridge the Cambridge Highlands Overlay District. Except as set forth in this Section, the requirements applicable in the base zoning district shall apply within the Cambridge Highlands Overlay District.

20.803 *Lot Area Per Dwelling Unit.* The permitted number of dwelling units on a lot within the Cambridge Highlands Overlay District shall be calculated as follows. A minimum lot area per dwelling unit of two thousand five hundred (2,500) square feet shall apply to the first five thousand (5,000) square feet of lot area. For those portions of any lot exceeding five thousand (5,000) square feet, the minimum lot area of each permitted dwelling unit shall be five thousand (5,000) square feet. However, for any lot in existence as of May 5, 2014 that is subsequently subdivided into two or more lots, the total number of units on the subdivided lots, in total, shall at no time exceed that permitted on the lot before the subdivision occurred. Unless otherwise permitted by special permit from the Board of Zoning Appeal, the dwelling units permitted on each subdivided lot shall be in the same ratio as that lot's area is to the area of the unsubdivided lot. Nothing in this Section shall prohibit the subdivision of a Townhouse *Development* conforming at the time of its construction, as permitted in Section 11.10. Where the base zoning sets forth a more restrictive standard, the more restrictive standard shall apply.

20.804 *Townhouse and Multifamily Special Permit Applicability.* A special permit pursuant to the Procedure for Townhouses and Multifamily Dwellings set forth in Section 10.47 of the zoning Ordinance shall be required for any development resulting in a total of three (3) or more units on a lot that is wholly or partially within the Cambridge Highlands Overlay District.
