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# CITY OF CAMBRIDGE

Community Development Department

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To: Planning Board

From: Jeff Roberts, Director of Zoning and Development  
Swaathi Joseph, Zoning Associate Planner

Date: April 23, 2019

Re: **Ware Street Innovation Space Overlay District Zoning Petition**

**IRAM FAROOQ**  
Assistant City Manager for  
Community Development

**SANDRA CLARKE**  
Deputy Director  
Chief of Administration

**KHALIL MOGASSABI**  
Deputy Director  
Chief of Planning

## Overview

Verizon New England Inc. has proposed amending the provisions of the Zoning Ordinance to establish a new overlay district in Mid-Cambridge and create a new Section within Article 20.000 containing provisions for that overlay district. The overlay district would encompass a single lot on Ware Street that contains a non-conforming non-residential use in a residential zoning district. *See attached maps.*

In concept, the petition would allow parts of the existing telecommunications building in the district to be used as "Innovation Space," which is leased to small companies and individuals for short term lease durations and provides some common facilities and resources.

## Existing Conditions

The proposed overlay district would include a single parcel with a lot area of about 60,988 square feet in the Residence C-1 zoning district. The existing approximately 93,446 square foot building was built around 1931 to house a telecommunications system that serves areas of Cambridge and Somerville. A portion of the ground floor has historically been used as accessory office space. In 2018, the Board of Zoning Appeal (BZA) granted a use variance (attached) allowing office use as a principal use in approximately 10,000 square feet of the ground floor, but only for a period of two years to come up with other solutions or to seek a rezoning of the area.

## Current and Proposed Zoning

Allowed uses in the C-1 district do not include office uses, except for customary home occupations as an accessory use. The current petition proposes to modify the existing zoning regulations to allow "innovation space" as a special type of commercial office use within the existing building that would be set aside for smaller companies and entrepreneurs. The key characteristics of innovation space include limitations on the amount of floor area that individual business entities can occupy, lease durations not exceeding six months, and shared facilities that can be used by multiple entities within the space.

### **Planning Considerations**

The proposal is limited in scope, in that it seeks to create a special permit process that would allow the BZA to authorize a conditional use that previously received a provisional use variance. However, the proposal does relate to some broader planning issues.

#### *Non-Conforming Buildings in Residential Districts*

The petition would allow a non-conforming building to accommodate particular uses that are currently not allowed in residential districts. The question of how to best use or reuse non-residential buildings in residential districts has been discussed in various planning contexts. Parts of the Zoning Ordinance are intended to facilitate conversion of non-residential structures to residential use, which might not be feasible in cases where only part of a building is being reused and residential uses might not be compatible with other uses in the building. In some cases, residents have expressed a preference to retain non-conforming, non-residential structures for non-residential uses. Reasons for preferring the continuation of non-residential uses have included different types of impacts (e.g., non-residential uses might generate less overnight parking demand) or providing services to residents, such as professional offices, child care, or retail.

#### *Innovation Space*

So far, the concept of “innovation space” or shared workspaces has been introduced in the zoning for parts of Kendall Square. In the planning for that area, there has been a desire to retain spaces that are available to small companies or self-employed professionals given the increasing presence of larger companies. The specific requirements for innovation space are meant to be flexible to accommodate evolving market needs, but the main goal is to support local start-up enterprises seeking short-term office spaces.

The petitioner is suggesting that its facility provides a unique opportunity for a shared workspace given its location near Harvard Square with access to the advanced equipment in the existing telecommunication facility. In other areas, older non-residential buildings have often been found to be well suited for shared workspaces, compared to newer buildings which tend to have higher costs. However, this is the first instance where shared workspaces have been considered in residential districts. Consideration would need to be given to the potential impacts of this type of use on residents and whether such impacts could be mitigated through the special permit review process.

### **Zoning Considerations**

If this proposal were to advance in concept, the following suggestions are recommended to clarify the proposed zoning language and ensure consistency with the intent:

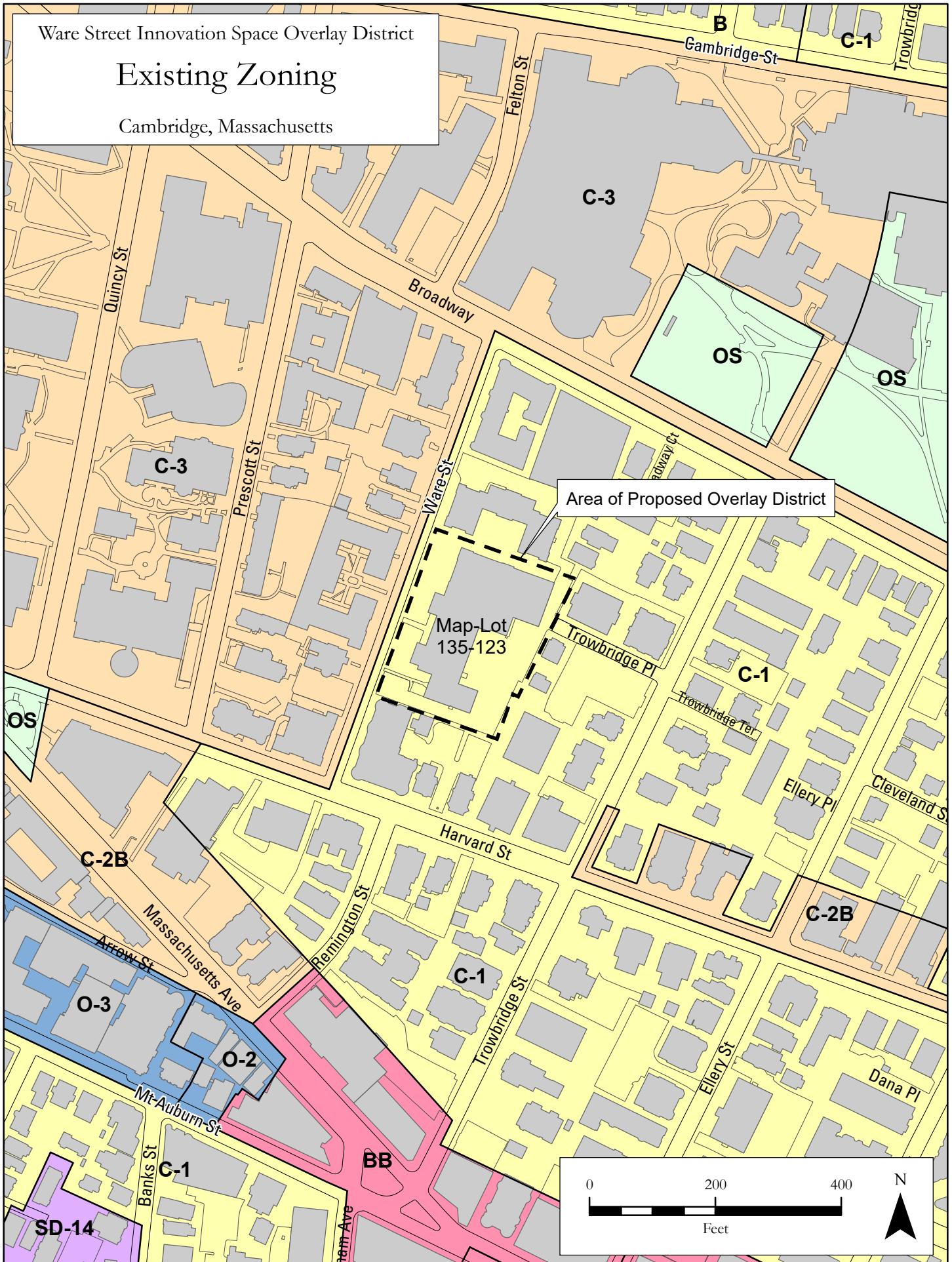
- The petition cites “Innovation Space” characteristics but should specify what range of uses (e.g., general office and/or technical office, as listed in Article 4.000) would be allowed by special permit.
- Under “Innovation Space Characteristics,” Paragraph “h.” mentions variation of “standards & characteristics” but should specifically list which characteristics are subject to variations.

- Similarly, it should be made clear what types of uses and signs could be exempt from the requirements of Article 7.000 Signs and Illumination and for what purpose.
- The 'Nonconformity' section mentions the provision to enlarge or alter the pre-existing structure, but should clarify that the total square footage of Innovation Space will not exceed 10,000 sq. ft. (similar to parking waiver provision) to avoid conflicts with other provisions of that section. It should be made clear what limitations would still apply if alterations are made to the building or site.

Ware Street Innovation Space Overlay District

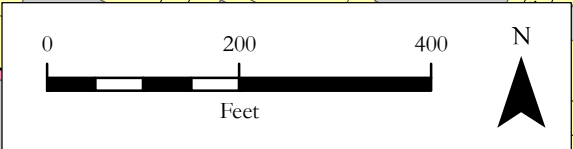
# Existing Zoning

Cambridge, Massachusetts



Area of Proposed Overlay District

Map-Lot  
135-123



Ware Street Innovation Space Overlay District

# Existing Zoning Overlays

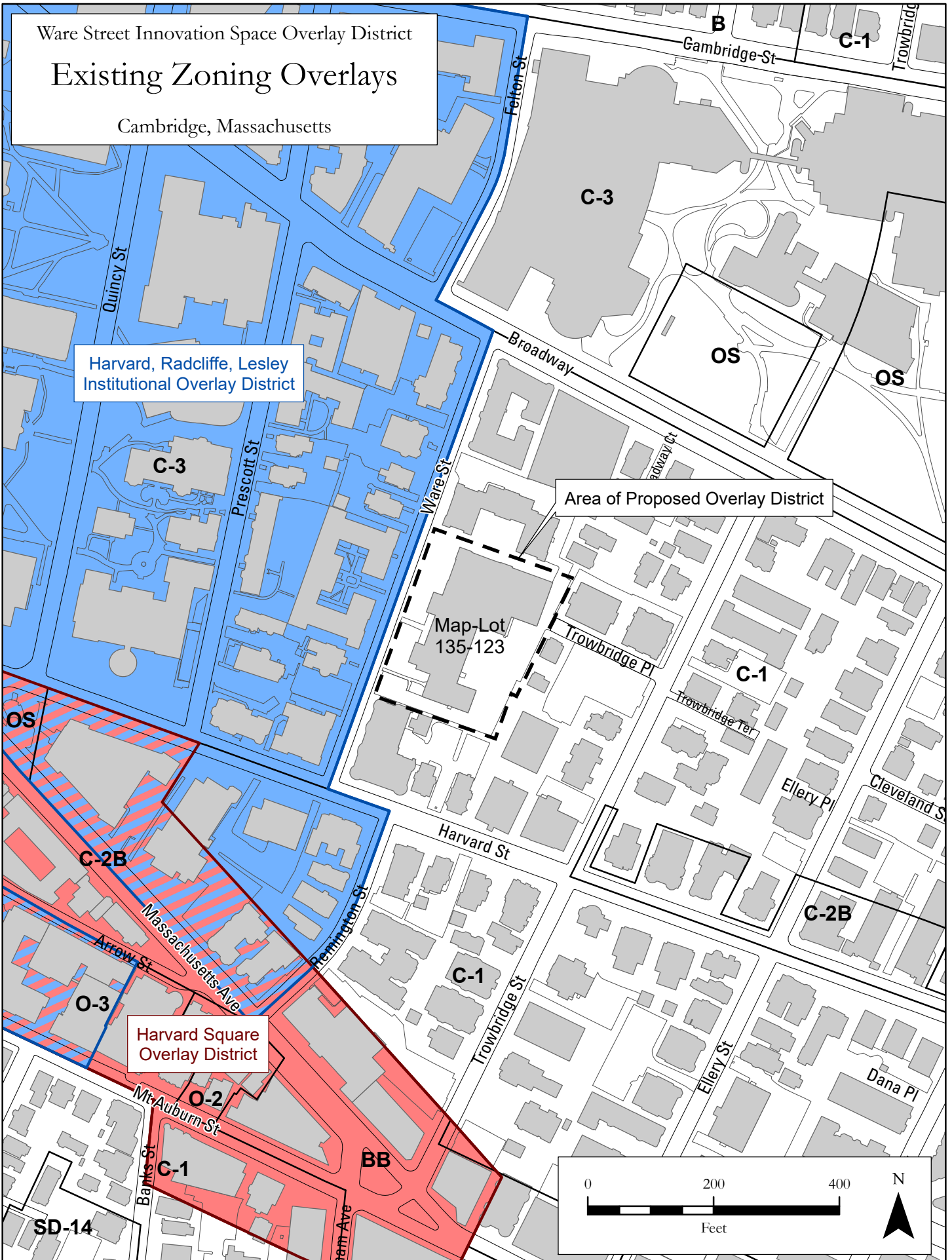
Cambridge, Massachusetts

Harvard, Radcliffe, Lesley  
Institutional Overlay District

Area of Proposed Overlay District

Harvard Square  
Overlay District

Map-Lot  
135-123





CITY OF CAMBRIDGE  
 MASSACHUSETTS  
 BOARD OF ZONING APPEAL  
 831 MASSACHUSETTS AVENUE  
 CAMBRIDGE, MA 02139  
 617 349-6100

2018 OCT 31 PM 3:40  
 OFFICE OF THE CITY CLERK  
 CAMBRIDGE, MASSACHUSETTS

CASE NO: BZA-016890-2018 Residence C-1 Zone  
 LOCATION: 10 Ware St  
 Cambridge, MA  
 PETITIONER: Verizon New England Inc. - C/O Johanna Schneider, Esq.  
 PETITION: Variance: To allow office as a principal use in approximately 10,000 square feet of the ground floor space.

**VIOLATION :**

Article 4.000 Section 4.34.D (General Office Use).

Article 4.000 Section 4.34.F (Research Development).

DATE OF PUBLIC NOTICE: August 30, 2018 and September 06, 2018  
 DATE OF PUBLIC HEARING: September 13, 2018;

MEMBERS OF THE BOARD:

CONSTANTINE ALEXANDER - CHAIR  
 BRENDAN SULLIVAN - VICE-CHAIR  
 JANET O. GREEN  
 ANDREA A. HICKEY

✓  
 ✓  
 ✓

ASSOCIATE MEMBERS:

SLATER W. ANDERSON  
 ALISON HAMMER  
 JIM MONTEVERDE  
 GEORGE BEST  
 LAURA WERNICK

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 ✓  
 ✓

*For title, see Middlesex South Registry, Book 5534, Page 54.*

Members of the Board of Zoning Appeal heard testimony and viewed materials submitted regarding the above request for relief from the requirements of the Cambridge Zoning Ordinance. The Board is familiar with the location of the petitioner's property, the layout and other characteristics as well as the surrounding district.

*Return to:  
 Attn: SYB  
 Hemenway & Barnes LLP  
 75 State ST  
 Boston, MA 02109*



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 Page: 1 of 3 11/21/2018 09:09 AM

*10 Ware Street,  
 Cambridge, MA*

Case No. BZA-016890-2018  
Location: 10 Ware Street  
Petitioner: Verizon New England Inc – c/o Johanna Schneider, Esq.

On September 13, 2018, Petitioner's attorney Johanna Schneider appeared before the Board of Zoning Appeal requesting a variance in order to allow an office use as a principal use in approximately 10,000 square feet of the ground floor space. The Petitioner requested relief from Article 4, Sections 4.34.D & F of the Cambridge Zoning Ordinance ("Ordinance"). The Petitioner submitted materials in support of the application including information about the project, plans, and photographs.

Ms. Schneider stated that the structure was built in 1932 for telecommunications use, both equipment and office. She stated that in 2016, the City issued a building permit, followed by a certificate of occupancy ("C.O."), for the renovation of 10,000 square feet of office space, subsequently, a co-working office occupied the space. She stated that the City then determined that the permit and C.O. were issued in error and so a variance was now sought. She stated that the hardship related to the existing telecommunications equipment and the unique opportunity it offered to run a co-working space focused on telecommunications. She stated that there is a significant amount of telecommunications equipment that has been installed below grade, and which is inextricably linked to the operations of the building. She stated that if the telecommunications equipment were to be removed, a significant amount of soil excavation and disturbance of the site would be required. She stated that there would be no detriment to the neighborhood because the use would be internal and the co-workers largely arrived by bicycle or public transportation.

Members of the public spoke and or wrote in support and opposition to the proposal.

After discussion, the Chair moved that the Board make the following findings based upon the application materials submitted and all evidence before the Board and that based upon the findings the Board grant the requested relief as described in the Petitioner's submitted materials and the evidence before the Board: that the Board find that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship; that the Board find that the hardship related to there being a valid technology and business purpose in continuing the operation that had been occurring for a year for a limited period of time in order to allow the petitioner to come up with other solutions or have the area rezoned in a fashion that would allow them to continue to do what they were doing or to allow them to move to another location; that the Board find that the hardship owed to the unique structure and equipment; that the Board find that the property was unique and so was especially affected in a manner not affecting generally the zoning district; that the Board find that desirable relief could be granted without substantial detriment to the public good or nullifying or substantially derogating from the intent or purpose of the Ordinance; that the Board find that Cambridge prided itself on its technology base and its

entrepreneurship; that the Board find that what was proposed could further Cambridge's standing in the technology community and at allow an attempt to work further with 5G.

The Chair further moved that the Board specifically find that based upon all the information presented, there are circumstances involving a substantial hardship relating to this property within the meaning of M.G.L. c. 40A § 10 and that the Board grant the variance for the requested relief on the condition that the variance is limited to a period of two years, in order to allow an office use as a principal use in approximately 10,000 square feet of the ground floor space based on the further finding that a literal enforcement of the provisions of the Ordinance would involve a substantial hardship to the Petitioner.

The five-member Board voted four in favor of the findings and of granting the variance as conditioned (Alexander, Hickey, Monteverde, and Wernick) and one opposed (Sullivan). Therefore, the variance is granted as conditioned.

The Board of Zoning Appeal is empowered to waive local zoning regulations only. This decision therefore does not relieve the petitioner in any way from the duty to comply with local ordinances and regulations of the other local agencies, including, but not limited to the Historical Commission, License Commission and/or compliance with requirements pursuant to the Building Code and other applicable codes.



Constantine Alexander, Chair

Attest: A true and correct copy of decision filed with the offices of the City Clerk and Planning Board on 10-31-18 by Maria Pacheco, Clerk.

Twenty days have elapsed since the filing of this decision.

No appeal has been filed ✓

Appeal has been filed and dismissed or denied.

Date: 11/21/18 Donna P. Lopez City Clerk.



COMMONWEALTH OF MASSACHUSETTS.  
MIDDLESEX S.S. 11.21.2018  
SOUTH DIST. REGISTRY OF DEEDS  
CAMBRIDGE, MA

I HEREBY CERTIFY THE FOREGOING  
IS A TRUE COPY OF A PAPER  
RECORDED IN BOOK 71914

PAGE 562

*Alvin C. Cantatore*  
REGISTER