

Special Permit to locate a Local Government Administrative Office in Residence C-1 District

- 4.56** [Footnote 6] This use may be allowed upon issuance of a special permit by the Board of Zoning Appeal if the pre-existing institutional use of the lot is in the same use table category in Subsection 4.56 or if the Board determines that the use will have fewer adverse impacts on the neighborhood than the pre-existing institutional use. In making this determination, the Board shall consider and comment on the physical attributes of the use, including those evaluated in the *Cambridge Institutional Growth Management Plan*. The Board may require the applicant to submit whatever documentation it deems necessary to assist it in making said determination
- 4.57** *Special Permit Criteria.* The Board of Zoning Appeal shall grant a special permit for a use in Subsection 4.56 only if it determines that the benefits of the proposed use at that location will outweigh its detriments. In addition to any particular determinations which must be made under footnotes 4, 5, or 6 of said Subsection and Subsection 10.43, “Special Permit Criteria”, the Board shall consider and address the following factors as appropriate:

Benefits

1. The building design or site plan would be compatible with the neighborhood.
2. The institution would be accessible to or primarily oriented toward neighborhood residents.
3. The institution would fulfill an identified neighborhood need.
4. The institution would fulfill an identified citywide need.
5. Institutional use would be particularly appropriate on the lot given previous use of the lot.
6. Institutional use would be particularly appropriate on the lot given institutional use of adjacent or nearby lots.
7. Residential development would not be feasible or reasonably practical on the site.
8. The proposed institutional use would create a stronger buffer or a more gentle transition between residential and nonresidential areas.
9. The proposed institutional use would result in a net improvement to the neighborhood by being more compatible than the previous use of the lot.

Detriments

1. Development of the institutional use would substantially contravene the objectives of the *Cambridge Institutional Growth Management Plan*.
2. The intensity of the institutional use would be substantially greater than the use intensity of residences in the neighborhood, including traffic, building bulk, parking demands, etc.
3. The activity patterns, including pedestrian and vehicle travel to and from the institution would differ from existing neighborhood activity patterns so as to adversely impact the neighborhood.
4. Development of an institutional use would eliminate existing dwelling units.
5. Development of an institutional use would eliminate nonresidential services or activities which are beneficial to the neighborhood.

Special Permit for Building Height over 45 feet and Waiver of Front Yard Setback for a Municipal K-8 School

5.54.1 The following modifications to the dimensional, parking and other requirements applicable in the zoning district as set forth in Paragraphs (a-f) below shall be permitted upon issuance of a Building Permit by the Commissioner of Inspectional Services, subject to the limitation set forth in Paragraph (g) below:

- (c) For any new structures, additions to an existing structure, or portions of a structure that are demolished and reconstructed in a residential zoning district, the minimum yard requirements otherwise applicable in the district shall not apply, provided that no new structure may be nearer than ten (10) feet to any public street or nearer than fifteen (15) feet to any other abutting lot line; however, for portions of a lot located within an Open Space zoning district, the minimum yard requirements in the base zoning district shall apply. For existing portions of a structure which are neither demolished nor expanded, the required yards shall be those of the structure existing at the time of application for a Building Permit.
- (d) For any new structures, additions to a structure, or portions of a structure that are demolished and reconstructed in a residential zoning district, the maximum building height shall be forty-five (45) feet, or the maximum height allowed under zoning district regulations, whichever is greater; however, for portions of a lot located within an Open Space zoning district, the maximum height in the base zoning district shall apply. For existing portions of a structure which are neither demolished nor expanded, the height of the existing structure shall be permitted.

5.54.2 Where it is proposed to reconstruct, alter or expand an existing municipal K-8 school use, any dimensional, parking or other zoning requirements, including those set forth in Section 5.54.1 above, may be waived upon the granting of a special permit by the Planning Board, subject to the conditions and limitations set forth below.

- (a) The Floor Area Ratio on the lot shall not exceed the existing Floor Area Ratio on the lot, except that the Planning Board may approve an increase in Floor Area Ratio to 1.25 for any portion of the lot located within a residential zoning district (but excluding portions of the lot located within an Open Space zoning district).
- (b) For portions of a lot located within an Open Space zoning district, the minimum yard requirements in the base zoning district shall continue to apply to any new buildings or additions to buildings.
- (c) In a residential zoning district, the maximum height of any new building or addition to a building shall not exceed fifty-five (55) feet, except that the Planning Board may approve heights of up to sixty-five (65) feet for portions of a building located at least fifty (50) feet

- from any lot line. In an Open Space zoning district, the height of any new building or addition to a building shall not exceed the maximum height allowed in the base zoning district.
- (d) The minimum off-street parking requirement shall not be waived except upon issuance of a special permit for Reduction in Required Parking under Section 6.35.1. The Planning Board may approve a reduction in the number of required loading bays upon finding that the proposed loading bays are sufficient to serve the school use. New parking spaces and loading bays shall conform to the location, design and layout requirements of Article 6.000.
 - (e) The net area of Public Recreational Open Space on the lot, as defined in Subsection 5.54.1, Paragraph (g) above, shall not be reduced by more than ten percent (10%) of the existing area. In approving any net reduction in Public Recreational Open Space, the Planning Board shall make a determination that the proposed Public Recreational Open Space shall provide benefits to the general public that are at least commensurate with the existing Public Open Space on the lot.
 - (f) In addition to the General Special Permit Criteria set forth in Section 10.43 and the Citywide Urban Design Guidelines set forth in Section 19.30, the Planning Board shall make a determination that the proposed changes to the lot have been designed to minimize or mitigate adverse impacts on neighboring residential properties. In making this finding, the Planning Board shall consider the following:
 - (i) Arrangement of building height and bulk within the lot.
 - (ii) Access and egress for pedestrians, bicycles and motor vehicles, including pick-up and drop-off areas for buses and cars.
 - (iii) Location and screening of functions such as parking, loading, trash handling and mechanical equipment.
 - (iv) Current impact of existing buildings and existing patterns of use on the site.

Special Permit for Use of Tandem Parking Spaces

6.43 *Access for Off Street Parking Facilities.* Off street parking facilities shall have maneuvering areas and appropriate means of vehicle access to a street and shall be so designed as not to constitute a nuisance, hazard, or unreasonable impediment to traffic.

6.43.2 The layout of parking spaces shall permit entering and exiting without moving any other vehicles parked in other spaces except where more than one space is provided for any dwelling unit, such spaces may be located in tandem to the required parking spaces for that dwelling unit.

6.43.5 The Board of Zoning Appeal may grant a special permit modifying the provisions of this subsections 6.43 in accordance with the following conditions:

- (a) The provisions for layout of parking spaces in paragraph 6.43.2 may be modified where there is a valet parking arrangement for an off street parking facility.

General Criteria for Issuance of a Special Permit

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