

## Special Permit for Building Height Exceeding 60 Feet in Harvard Square Overlay District

**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.

## Special Permit for Exemption from Parking and Loading Requirements in Harvard Square Overlay District

**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*. **[SEE ATTACHED]**
- 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.

## Special Permit for Exemption of Basement Area in the Calculation of Gross Floor Area

### 2.000 DEFINITIONS:

*Floor Area Gross*

*Gross Floor Area shall not include:*

- (15) Any basement or cellar living space in any single-family or two-family home.
- (16) Any basement or cellar living space in any other type of structure with the issuance of a special permit. In granting such a special permit, the permit granting authority may approved the exemption of any portion of Gross Floor Area (GFA) located in a basement or cellar from the calculation of GFA, provided the permit granting authority finds that the uses occupying such exempted GFA support the character of the neighborhood or district in which the applicable lot is located.

## 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. **[SEE FOLLOWING PAGE]**

### 19.30 Citywide Urban Design Objectives [SUMMARIZED]

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