

Requested Special Permits	Summarized Findings <i>(detailed zoning text on following pages)</i>
Conversion of non-residential structures to residential use (Section 5.28.2)	<ul style="list-style-type: none"> • Increased number of dwelling units will not increase on-street parking demand in the neighborhood. • The location, orientation, and use of the structure and yard of the new housing use will not impact the privacy of residential neighbors. • Due consideration has been given to address the impacts of reduction in private open space. • Reasonable efforts have been taken to address concerns raised by abutters and neighbors.
Townhouses and multifamily dwellings (Section 10.47.4)	<ul style="list-style-type: none"> • Key features of natural landscape are preserved. • New buildings relate sensitively to existing built environment. • Open space provides visual benefits to abutters and passersby and functional benefits to occupants. • Parking, access and egress are safe and convenient. • Intrusion of onsite parking is minimized. • Services such as trash collection and utility boxes are convenient yet unobtrusive.
Reduction in required parking (Section 6.35.1)	<p>Lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood; or will provide positive environmental or other benefits to the users of the lot and the neighborhood, including assisting in provision of affordable housing units.</p>
Modification of Bicycle Parking Standards (Section 6.108)	<p>Proposed bicycle parking design or layout shall be durable and convenient for the users whom it is intended to serve.</p>
General special permit criteria (Section 10.43)	<p>Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest because the proposal would (unlike uses or development otherwise allowed in the district) either:</p> <ul style="list-style-type: none"> • not comply with the Zoning Ordinance; • cause traffic congestion, hazard, or substantial change in established character; • adversely affect the continued operation or development of adjacent uses; • create nuisance or hazard to the detriment of health, safety and/or welfare; • impair the integrity of the district or adjoining district or otherwise derogate from the intent and purpose of the Zoning Ordinance; or • be inconsistent with the Urban Design Objectives set forth in Section 19.30.

Special Permit for Conversion of Non-Residential Structures to Residential Use

5.28.2 *Conversion of Non Residential Structures to Residential Use*

Where it is proposed to convert an existing principal use structure, designed and built for non residential use, to residential use (excluding Transient Accommodations and Trailer Park or Mobile Home Park listed in Section 4.31 (i-j)), the dimensional standards generally applicable in the district as set forth in the Tables of Dimensional Requirements in Section 5.30 and other applicable regulations in this Ordinance, including permitted uses, Section 4.30 – Table of Use Regulations, shall apply. However, where some or all of those requirements cannot be met, including any use, dimensional or procedural requirement that may apply in the base district, the following provisions shall apply to such conversion after issuance of a special permit by the Planning Board. The provisions in this Section 5.28.2 shall apply in all zoning districts with the exception of districts with an Open Space designation.

Intent of this Section:

- (a) To allow the economic reuse of buildings that may be substantially out of compliance with the dimensional requirements of the zoning district within which they are located, especially as they are converted to residential use.
- (b) To encourage the preservation of buildings of historic or cultural significance by providing opportunities for reuse of the structures.
- (c) To establish a framework of development standards and criteria within which existing non-residential buildings that are out of scale and character with surrounding residential uses can be converted to housing of an appropriate style and density while limiting potential negative impacts on neighbors.

5.28.22 *Criteria for Approval of a Special Permit*

In acting upon this special permit, the Planning Board shall consider the standards and criteria set forth in Sections 10.43, 10.47 and 10.47.1 of this Ordinance in addition to the following review standards.

5.28.28.1 *Criteria Applicable to All Projects*

- (a) Provision of Parking. Where it is proposed to add dwelling units above the limits established in the base zoning regulations, the Board shall evaluate the impact of increased numbers of dwelling units above that normally permitted in the district on the demand for on-street parking by residents and visitors to the proposed building, particularly in neighborhoods where off street parking is limited.

In reaching a determination, the Board may require that the Applicant provide elements of a Parking Analysis as set forth in Section 6.35.3 of the Zoning Ordinance. Where a project is

subject to additional criteria as specified in Section 5.28.28.2 below, a Parking Analysis shall be required to be included with the Special Permit Application.

- (b) Privacy Considerations. Where significant variations from the normally required dimensional standards for the district are proposed, the Board shall evaluate the impact on residential neighbors of the new housing use and any other proposed use as it may affect privacy. The location and size of windows, screening elements, decks, entries, security and other lighting, and other aspects of the design, including the distribution of functions within the building, shall be reviewed in order to assure the maintenance of reasonable levels of privacy for abutters. In reviewing a proposed development plan, the Board shall consider, among other factors, the potential negative impacts of the new activity on abutters as a result of the location, orientation, and use of the structure(s) and its yards as proposed.
- (c) Reduction in Private Open Space. Where it is proposed to reduce the amount of on-site Private Open Space below that required in the applicable district, the Board shall evaluate the proposal in light of the following:
 - (1) The extent to which screening and buffering from neighbors will be accomplished
 - (2) The quality and viability of the proposed open spaces as they are designed
 - (3) The tradeoff in benefits and negative impacts of the loss of green space in order to provide the required amount of parking, including consideration of the feasibility of alternate parking arrangements that might produce additional green area, such as placing some or all parking within the structure
 - (4) The availability of common recreational spaces within the building to compensate for the loss of usable outdoor open space
- (d) Community Outreach. The Planning Board shall consider what reasonable efforts have been made to address concerns raised by abutters and neighbors to the project site. An applicant seeking a special permit under this Section 5.28.2 shall solicit input from affected neighbors before submitting a special permit application. The application shall include a report on all outreach conducted and meetings held, shall describe the issues raised by community members, and shall describe how the proposal responds to those issues.

5.28.28.2 *Additional Criteria Applicable to Larger Projects*

[NOT APPLICABLE BECAUSE THE PROPOSED PROJECT INCLUDES LESS THAN 10,000 GROSS SQUARE FEET AND LESS THAN TEN (10) DWELLING UNITS]

10.47.3 Criteria for approval of Townhouses and Multifamily Dwellings. In reviewing applications for townhouse developments and multifamily dwelling, the special permit granting authority shall consider and address the following site plan criteria as applicable:

- (1) Key features of the natural landscape should be preserved to the maximum extent feasible. Tree removal should be minimized and other natural features of the site, such as slopes, should be maintained.
- (2) New buildings should 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.
- (3) The location, arrangement, and landscaping of open space should provide some visual benefits to abutters and passersby as well as functional benefits to occupants of the development.
- (4) Parking areas, internal roadways and access/egress points should be safe and convenient.
- (5) Parking area landscaping should minimize the intrusion of onsite parking so that it does not substantially detract from the use and enjoyment of either the proposed development or neighboring properties.
- (6) Service facilities such as trash collection apparatus and utility boxes should be located so that they are convenient for resident, yet unobtrusive.

Special Permit for Reduction of Required Parking

6.35.1 Reduction of Required Parking. Any minimum required amount of parking may be reduced only upon issuance of a special permit from the Board of Zoning Appeals. A special permit shall be granted only if the Board determines and cites evidence in its decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units. In making such a determination the Board shall also consider whether or not less off street parking is reasonable in light of the following:

- (1) The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station.
- (2) The availability of public or commercial parking facilities in the vicinity of the use being served provided the requirements of Section 6.23 are satisfied.
- (3) Shared use of off street parking spaces serving other uses having peak user demands at different times, provided that no more than seventy-five (75) percent of the lesser minimum parking requirements for each use shall be satisfied with such shared spaces and that the requirements of Subsection 6.23 are satisfied.

Example: Office and Theatre uses with peak user demands at different times. Office requires a minimum of one hundred and fifty (150) spaces and the theatre requires a minimum of one hundred (100). Seventy-five (75) percent of the lesser minimum requirement is seventy-five (75) (75% of 100). Therefore seventy-five (75) spaces can be shared but twenty-five (25) (100-75) would still be required, making the total amount of required parking for both uses (150 + 25) one hundred and seventy-five (175).

- (4) Age or other occupancy restrictions which are likely to result in a lower level of auto usage; and
- (5) Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, significant negative impact on the historic resources on the lot, impairment of the urban design objectives of the city as set forth in Section 19.30 of the Zoning Ordinance, or loss of pedestrian amenities along public ways.
- (6) The provision of required parking for developments containing affordable housing units, and especially for developments employing the increased FAR and Dwelling unit density provisions of Section 11.200, will increase the cost of the development, will require variance relief from other zoning requirements applicable to the development because of limitations of space on the lot, or will significantly diminish the environmental quality for all residents of the development.

For a project seeking a reduction in required off-street parking for residential uses, a Parking Analysis shall be required as part of the Special Permit Application as set forth in Section 6.35.3.

Special Permit to Modify Access Standards for Bicycle Parking

6.108.3 Findings and Approval. Upon granting a special permit to modify any requirements of this Section 6.100, the Planning Board shall make a general determination that the proposal is consistent with the purpose of this Section 6.100 and that the Bicycle Parking Plan proposes a quantity, design and arrangement of bicycle parking that will serve bicycle users in a way that is sufficiently comparable, given the circumstances of the specific project, to the bicycle parking that would be required under the regulations of this Section 6.100. The Planning Board shall also make specific determinations applicable to the modifications being sought as set forth below:

- a. Where an alternative design or layout of Bicycle Parking Spaces is proposed, the Planning Board shall determine that such design or layout shall be durable and convenient for the users whom it is intended to serve. Where new technologies are proposed, the Board may require that the Applicant demonstrate such technologies for review by City staff.
- b. Where modifications to the location or quantity of bicycle parking is proposed, the Planning Board shall determine that the Bicycle Parking Plan will satisfactorily serve the needs of all expected users, based on quantitative and/or qualitative evidence provided by the Applicant. Such a modification may be appropriate for a campus master plan or other large development site within which bicycle parking is planned comprehensively across an area instead of on a specific site-by-site basis.

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.

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