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A. Amend the text of the Zoning Ordinance in Section 20.80 – Memorial Drive Overlay District in the following ways:

1. In Section 20.88, in the first sentence, delete the reference "20.84" and substitute therefore the reference "20.86". *(This removes 20.84 and 20.85 from the special permit process, and thus eliminates the authorization granted to the Planning Board to use the special permit process to waive the 25-foot front yard requirement on Memorial Drive and the 35-foot height limit along Blackstone Street set forth in Section 20.84; and deletes Planning Board authority to waive Green Open Space requirements set forth in Section 20.85. Variances (but not special permitting) would continue to be available under existing law.)*

2. In Section 20.88, delete the last two paragraphs of the Section. *(This eliminates the authorization granted to the Planning Board to waive certain height and setback requirements for lots abutting Memorial Drive)*

3. Delete Section 20.810 and renumber subsequent sections. *(This eliminates the authorization granted to the Planning Board to allow additional GFA on certain lots in Office 2 and BA districts that abut Memorial Drive)*

B. Section 20.80 shall thus read as follows:

20.80 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

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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.*
- 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

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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.

1. The retail use shall be located on a lot that abuts Memorial Drive.
2. The principal entrance to the retail use shall be on Memorial Drive.
3. 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.
4. 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.
5. 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

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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

Divergence from the standards specified in Sections 20.84-20.86 - 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.



~~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 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 exceeding one hundred and twenty (120) feet, by Special Permit, allowing height up to one hundred and twenty (120) feet.~~

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 and Business A Districts. 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 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 and 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.~~

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

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The Commonwealth of Massachusetts
House of Representatives
State House, Boston 02133-1054

MARTHA M. WALZ
 8TH SUFFOLK DISTRICT
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 BOSTON AND CAMBRIDGE

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January 5, 2008

Councilor Brian Murphy and Councilor David Maher, Co-chairs
 Ordinance Committee
 Cambridge City Council
 City Hall
 Cambridge, MA 02139

Dear Councilor Murphy and Councilor Maher:

I am the State Representative for the 8th Suffolk District, which includes Cambridgeport and other neighborhoods along the Charles River. I am writing in strong support of the proposed amendment to Cambridge's zoning ordinance that would remove a special permit process and thereby eliminate the Planning Board's ability to waive height limits, front yard setbacks, and gross floor area limits within portions of the Memorial Drive Overlay District. As you know, the Planning Board voted unanimously to support the proposed amendment and it is strongly supported by the Cambridgeport Neighborhood Association. Although it is somewhat unusual for a State Representative to weigh in on local zoning matters, protection of the Charles River area is of such paramount importance to me and my constituents that I am compelled to express my views.

The south bank of the Charles River serves as a monument to what Cambridge must avoid creating. The wall of buildings along the water's edge is precisely the outcome we seek to prevent. While the City of Cambridge cannot undo the harm wrought by the City of Boston, it can ensure that Boston's mistakes are not repeated in Cambridge. Height limits, front yard setbacks, and appropriate density for the riverfront will preserve our magnificent open space, a precious and irreplaceable resource for city dwellers who have so little sun-lit outdoor space to enjoy.

Cambridge is a thriving city because it balances new development with a high quality of life for its residents. To strike a better balance than exists today, development should be kept away from the banks of the Charles River since our open space, once gone, will never be restored. I urge you to support the proposed changes to the zoning ordinance.

Sincerely,

Martha M. Walz