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Friends of MAPOCO
16 Linnaean St
Cambridge, MA 02138

2015 OCT 21 PM 3 50

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Date: October 22, 2015
Subject: MAPOCO Re-zoning Petition

To the Honorable, the City Council,

The undersigned registered Cambridge voters respectfully request that the City Council adopt this petition to fine tune the zoning (by way of a new sub-district of the Mass Av Overlay District ("MAOD") along Mass Av between Porter Square and Cambridge Common ("MAPOCO").

MAPOCO is anchored by Lesley University's Lunder Art Center to the north and by Harvard Law School's Wasserstein Center to the south. Over \$300M has been invested by these two institutions in the last ten years to build new and restore old buildings directly on MAPOCO.

In the residential areas immediately surrounding MAPOCO (Avon Hill, North Common and Agassiz), at least another \$50M has been spent in the same span to upgrade the mostly Victorian housing stock, and such renovation continues at a rapid pace. The area contains an unusually pure concentration of some of the nicest Victorian homes anywhere, interspersed with many pre-1940 and some newer apartment and condo buildings as well as many historical buildings including the Cooper Frost Austin house.

MAPOCO itself is a successful ecosystem of more than 100 locally owned shops, services and restaurants housed in a wide variety of non-generic, non-homogenous architecture. The scale is not intimidating, historical buildings are not "canyoned", and sunlight permeates the street. A major pedestrian safety, streetscape beautification and street re-building program has recently been completed. We want to preserve and build on this great foundation!

As development pressure comes to this section of Mass Av, it would be wise to have a unified vision of what it could look like in twenty years. We ask that such an urban design study be commissioned, by the city or otherwise, since the 1986 Urban Design Guidelines Handbook, referenced in the MAOD, is dated and does not focus on the special potential of the MAPOCO area. A new "handbook", or an update of the existing one, ideally will include specific examples of the most successful new buildings, and perhaps examples of bad ones, in hope of preventing buildings that would be widely seen as sub-optimal or even detrimental to MAPOCO.

MAPOCO will greatly benefit from increasingly continuous storefront openings at ground level, new dwelling units (including the usual 15% low-income inclusionary units) wherever the circumstances and the zoning permit, and continued institutional and residential investment.

The neighborhood streets cannot supply the parking these expanding demands will require since they are already congested with a high density of institutions, businesses, restaurants, homes, apartments and condos. Area residents are mainly retirees and families that depend on cars, and parking demand continues to increase (not decrease!) as single family homes are

converted into condos and as basement apartments are added. Even when cars are emission free, street parking will still be needed by residents.

Since there is no municipal parking lot in our area, it is essential to adhere to the one parking space per new dwelling unit ratio set forth in the base zoning, and to incentivize developers to build extra parking whenever possible. If bonuses, variances and special permits are granted, these should be used to encourage the parking we cannot otherwise obtain.

To recap, MAPOCO has good "bones" and with fine tuned zoning ordinance and design guidelines will continue to evolve in a most positive way.

In support of this objective, we submit the following petition:

1. Create a new MAPOCO Sub-district (to run from Roseland down to Chauncy/Everett) with zoning ordinance identical to the Northern Mass Av Sub-district except for the following modifications:
2. Expand the Purpose paragraph to specifically recommend or require that new buildings shall reflect or be compatible with the Victorian or pre-1940 vernacular and update or replace the Urban Design Guidelines Handbook to show buildings in the area that successfully do this.
3. Require all new buildings to have a 5' front set back from the sidewalk line, even if adjacent buildings do not. This is the only way to re-widen the sidewalks.
4. Clarify that rear set back dimensional calculations commence at the front sidewalk line, even if a parcel (or combination of parcels) extends beyond the Business A-2 zone.
5. Use development bonuses, variances and special permits to incentivize developers to build more than the one-parking-space-per-dwelling-unit required by the zoning, so that any surplus can be rented to local merchants, service providers and others.
6. Clarify that no ground level parking (i.e. not just structured) directly facing Mass Av is a permitted use, unless part of a public parking garage that is masterfully designed in the local architectural vernacular and with an attractive pedestrian rest area (of the kind that will increase merchant activity) doubling as a (sheltered) CSA drop off point at the sidewalk line.
7. Delete fast order food as a permitted required ground floor use, so that it will require a variance in each instance.
8. Reduce the threshold at which ground level leases require a variance to 2000 square feet at ground level, exclusive of basement or upper floor square footage that may be part of the lease, to encourage the highest possible number of smaller shops that will be affordable and suitable for our local merchants.
9. Ensure that buildings designated historic by the Historical Commission or as pre-1940 by the online Harvard Radcliffe Historical Reference Shelf of Cambridge Buildings and Architects are not "canyoned" by new construction by requiring (a) minimum 10' side yard setbacks on new construction adjacent to such historical buildings, (b) corner transitions on such abutting properties to preserve the visual impact of the historic buildings, and (c) appropriate massing set backs; all based on best practices to be developed by the Historic Commission in consultation with community stakeholders.

10. Delete the language in paragraph 20.110.34 entirely and replace it with new language stating that maximum building height for any mixed use building (e.g. 45' in Business A-2 zone) and the relevant front set back height (e.g. 35') shall increase above the heights set forth in the base zoning to the extent that the floor to floor elevation from the first to the second floor shall exceed 15', but not to exceed 50' and 40' respectively. This is intended to encourage more gracious and attractive retail spaces.

We attach the following exhibits in support of our petition:

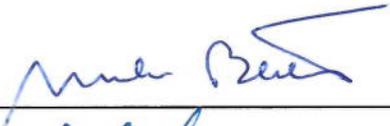
- Exhibit A: Summary of the existing retail ecosystem
- Exhibit B: Map showing MAPOCO zoning boundaries.
- Exhibit C: Bullet point summary of the Massachusetts Avenue Overlay District zoning provisions that are already in place for this area.
- Exhibit D: Bullet point summary, with comments, of the "Northern Massachusetts Avenue Subdistrict" that is in place north of Porter Square. This language is our model.
- EXHIBIT E: Partial mark up of the existing ordinance language showing possible wording.

Respectfully submitted on behalf of the undersigned registered Cambridge voters,



Peter B. Kroon
16 Linnaean St
Cambridge, MA 02138

MAPOCO RE-ZONING PETITION - SIGNATURE PAGE:



Mike Bentley, Agassiz St ³³ ✓ 02140



Nicole Caplan, Linnaean St ¹⁶ ✓ 02138



Dominick Jones, Hurlbut St ⁶ ✓ 02138



Rosemary Porter, Hurlbut St ²⁸ ✓ 02138



Robin Kelly, Avon St ² Apt #7 02138



Jo Ann Citron, Washington Av ³³ ✓ 02140



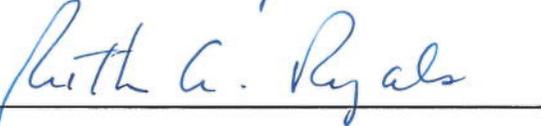
William King, Hurlbut St ²⁵ ✓ 02138



Dennis Carlone, Washington Av ⁹ Apt 6 ✓ 02140



Fred Meyer, Hammond St ⁸³ ✓ 02140



Ruth Ryals, Upland St ¹¹⁵ ✓ 02140

Frank Kramer

Frank Kramer, ⁷Avon St 02138

/s/ Charlotte Moore *

Charlotte Moore, ^{9 Rutland St}~~Langdon St~~ 02138

[Signature]

Steve Beaucher, ¹⁵Eustis St 02140

Steve Diamond

Steve Diamond, ⁶¹Frost St 02140

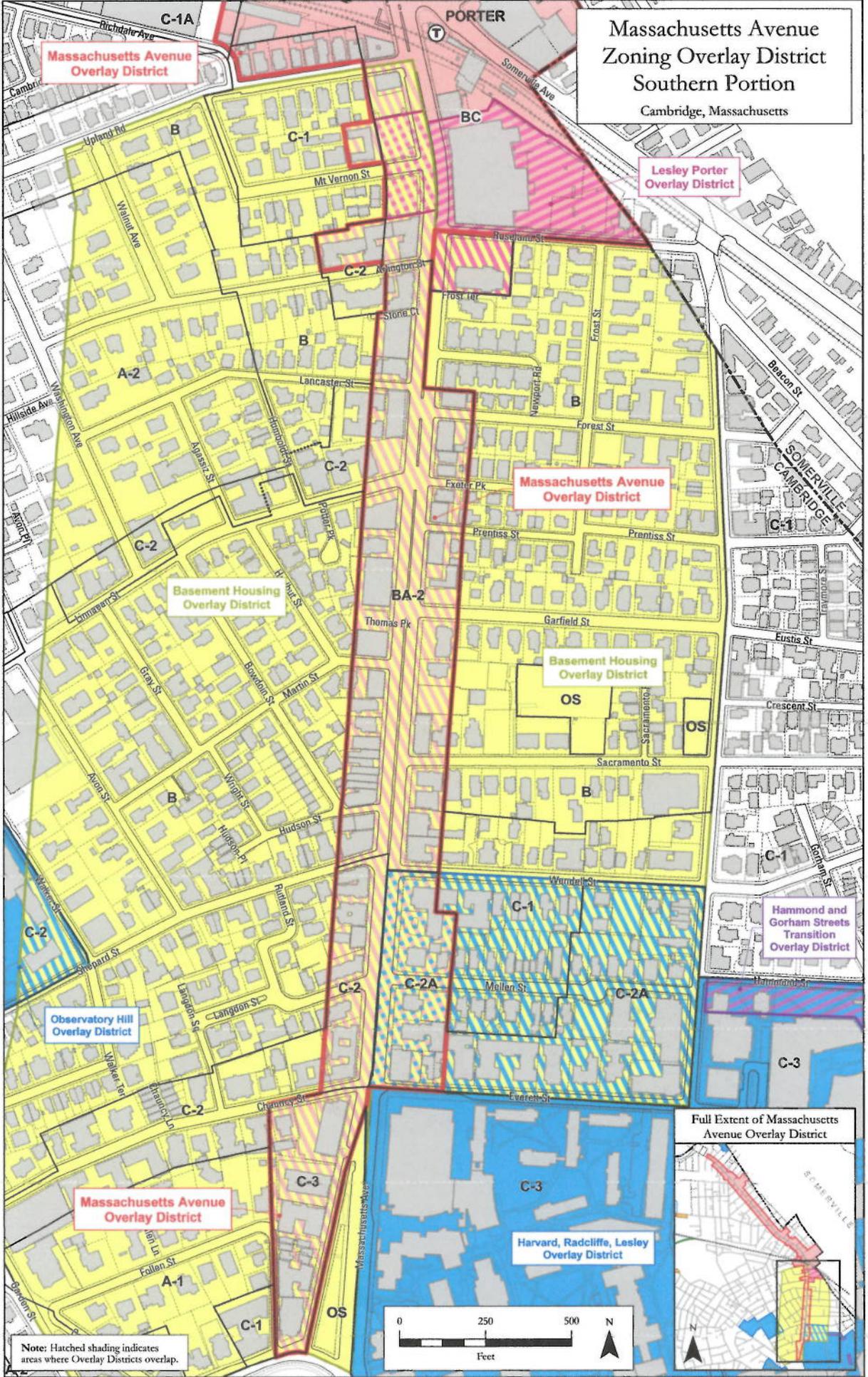
John Howard

John Howard, ⁸Cogswell Av ✓ 02140

* via email

Massachusetts Avenue Zoning Overlay District Southern Portion

Cambridge, Massachusetts



Note: Hatched shading indicates areas where Overlay Districts overlap.

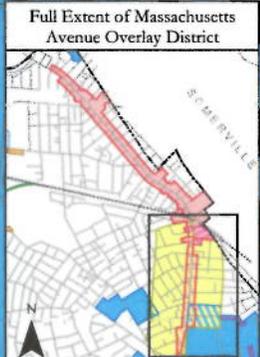
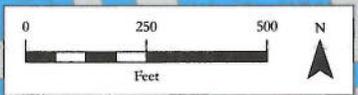


EXHIBIT A: MAPOCO RETAIL ECOSYSTEM

Restaurants: Giulia, One Shepard, Temple Bar, West Side Lounge, ChangSho, Abbey, Cambridge Common, Mix-it, Fusion Sushi, Pho House, Upper Crust. Only two of these restaurants have (limited) parking.

Short order food options: Simon's, Hi-Rise, Starbucks, Bagelsaurus, Half Shell, Wrapro, Harvard House of Pizza, Boca Grande, Montrose Spa, Berryline.

Convenience stores: Evergood, City Market, Montrose Spa.

Food and beverage stores: Evergood, University Wine, Harvard Wine. There is a Community Supported Agriculture ("CSA") drop off point in the Cambridge Trust drive up lane in summer.

Retail stores: Marathon Sports, Abodeon, Nomad, Irish Imports, Evelyn & Angel's Chocolatier, Spiner Jewelry, Cambridge Clogs, Sudo Shoes, Susanna, Guitar Stop, Wowtlet, Utso Tibetan, Coccinelle, Raspberry Beret, Ward Maps, Paper Source, Joie de Vivre, HLS Co-op, Stereo Jack, Robin Bledsoe Bookseller.

Medical services: Rite-aid, several dentists, periodontists, endodontists, and orthodontists, Cambridge Veterinary Center (with surgery center), Khalsa chiropractic, StepAhead physical therapy, and several massage and acupuncture studios.

Financial services: a full service bank (Cambridge Trust), several ATMs, an Edward Jones retail brokerage office, Whelan Insurance.

Auto services: Junior's gas station (repairs and inspections, and several ZipCars).

Other services: three of the most prominent realtor offices in Cambridge, several secondary apartment-locator type realtors, several hair and nail salons, three barbershops, a storefront women's fitness center, Dahn yoga studio, several dry-cleaners, a full service Laundromat, a UPS store, Hourglass Tattoo and Lizard Lounge.

Children's activities include Made by Me, Mucky Kids, Paul's Music Studio, Fresh Pond Ballet lessons, ROLA Languages. Agassiz Baldwin Community has after school programs and camps. There is a private nursery school off Avon Hill Street.

Offices: Invivia, Bentley Publishers, Inline Design, Harvard Glee Club Foundation, Green Lens Media/Web Design, Intregrated Assessment Services, Black River Architects, Thayer & Assoc.

Bed & Breakfast: Mary Prentiss Inn on Prentiss St.

The Agassiz Community Meeting Room is located in North Hall.

EXHIBIT B: SUMMARY OF THE MASSACHUSETTS AVENUE OVERLAY DISTRICT

[Article 20.100 of the Zoning Ordinance](#) defines the Massachusetts Avenue Overlay District ("MAOD"), which runs from Arlington line to Cambridge Common, with some cut-outs and additions. The general provisions are as follows:

- purpose and intent (all good stuff but generic)
- overall building height (reduced to) 60' or the lesser base zoning height limit
- enclosed bays do not count toward FAR (to encourage interesting facades)
- special situation dealing with buildings in C and B (refers to the Kaya Ka hotel situation)
- front setbacks cannot be used for vehicles
- driveways must be less than 30' wide per 100' of frontage
- ground floor uses facing Mass Av are restricted to:
 - Residential (any set forth in Article 4.31)
 - Office (any set forth in Article 4.34)
 - Retail (any set forth in Article 4.35)
 - Institutional (any set forth in Article 4.33)
- structured parking is specifically disallowed
- 80% of the ground floor must be at grade or no higher than 4' above grade
- ground floor use must be at least 20' deep
- secondary street facade exemption for corner lots
- parking space relief for townhouses
- special provisions for hotel vehicular access and parking
- building entrances must face Mass Av
- ground floor non-residential uses must have separate entrances facing the Av
- facades facing the street must have minimum % clear glass
- prohibition on reflective and opaque glass
- SP waivers to be guided by [Northern Mass Av Urban Design Guidelines](#) (needs updating)
- limitations on rebuilding non-conforming structures that may be destroyed
- new construction from 2K to 50K sf subject to Large Project Review Procedures

EXHIBIT D: SUMMARY OF THE NORTHERN MASSACHUSETTS AVENUE SUB-DISTRICT

The Northern Massachusetts Avenue Sub-district has the following supplemental provisions:

- purpose (added emphasis on retaining and expanding pedestrian friendly ground floor non-res uses, strengthening the avenue as the principal commercial corridor, respecting the historical characteristics) (We want all of this and more.)
- ground floor uses are more much more limited (We want all of this, plus no fast food by right)
 - No residential
 - No technical office, R&D, lab
 - No manufacturing, assembly or packaging of consumer goods
 - No mortuary
 - No sales or rentals of cars, trailers or motorcycles
 - No wholesalers
 - No registered marijuana dispensary

Fast Food is listed as a permitted required use (we want base zoning, which prohibits fast order food – absent a variance, of course – in Business A-2 zone.)

- minimum non-res depth is increased to 40' (makes better retail spaces)
- required non-residential use must be at grade
- required non-residential must occupy not less than 75% of frontage
- separately leased required non-res must be less than 5000 sf including below grade (we want 2000 sf by right, to incentivize/encourage smaller local businesses)
- minimum ground floor height must be 15' and if less, building height to be reduced accordingly
- bank, trust co or similar cannot exceed 25' width (see new language in dimensions section)
- guidelines for PB permits and waivers
- prohibition on new buildings that cannot meet the above standards
- exception for ground floor residential or dorm where THREE conditions are met: current ground floor use has not been non-res for prior 5 years (could expand) AND res use would not be detrimental to abutters AND non-res would not be commercially viable

Dimensional regs:

- FAR over-ride (i.e. over-rules base zoning) in certain mixed use (need clarification)
- basement GFA exemption (need clarification)
- waiver for enclosed bays expanded to 3.5' projections (vs. 3'), 12' feet wide (vs. 6') limited to 32' per floor (to encourage angled or curved bays)
- maximum height reduced to 50' but with an exemption for bulk control plane requirements on the side facing Mass Av for mixed use buildings (strike this completely, replace)
- methodology for measuring facades
- parking exemption for seasonal outdoor seating (up to lesser of 50 seats or 50% of total)
- exemption for structures built prior to 2012
- MAOD rule regarding rebuilding after catastrophic loss over-ridden, reverts to Article 8

20.920.2 Maximum Height. The maximum height shall be as permitted in Section 20.95.2, subject to the limitations imposed in the Parkway Overlay District (Section 20.60).

20.920.3 Yard Requirements. The following yard requirements only shall apply.

1. Front Yard. A fifteen foot front yard shall be required.
2. Side and Rear Yards. A ten foot side and rear yard shall be required.
3. Any Yards Abutting a Residential or Open Space District. Any yard abutting a residential or open space district shall be twenty-five feet and shall consist entirely of Green Area or Permeable Open Space.

20.920.4 Required Open Space. The minimum ratio of Open Space to the total area of the lot shall be fifteen (15) percent and shall consist of any combination of Green Area, Permeable, Public, Publicly beneficial or Private open space. The Open Space shall be located at grade.

20.920.5 Permeable Area Requirement. There shall be no Permeable Area requirement provided the City Engineer certifies to the Superintendent of Buildings that the development meets the Department of Public Works standards for water quality management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph to the maximum extent possible.

20.920.6 Other Requirements. All other requirements and procedures of this Section 20.90 and the applicable base zoning district shall continue to apply.

20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT

20.101 *Establishment and Scope.* There is hereby established the Massachusetts Avenue Overlay District which shall be governed by the regulations and procedures specified in this Section 20.100. It is the intent of this section that these regulations will apply to the area described generally as Northern Massachusetts Avenue and certain abutting portions of the neighborhood abutting it.

20.102 *Purpose.* It is the purpose of this Section 20.100 to augment base zoning regulations in the District in order to create a more harmonious and consistent image for the development along the Avenue and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the Avenue, to ensure that changes along the Avenue are compatible with the scale and character of the abutting neighborhoods, to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods, and to discourage new development inappropriate in both scale and design.

20.103 *Applicability.* The Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established by Section 3.20.

20.103.1 The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of this Section 20.100 which shall apply in addition to regulations imposed by the base zoning map designations. Where the base zoning regulations differ from the

20.103.1 Porter to Cambridge Common Subdistrict
from centerline of ~~Rosecliff~~ Upland St to centerline of Chauncy in the west
from centerline of Rosecliff St to centerline of Everett St in the east²⁰⁻⁴⁶

requirements of this Section 20.100 the stricter provisions shall apply except where a waiver from those requirements is granted by special permit from the Planning Board under any of the provisions of this Section 20.100.

20.103.2 North Massachusetts Avenue Subdistrict. Within the portion of the Overlay District having a base Business A-2 zoning district designation extending on the southwesterly side of Massachusetts Avenue from the centerline of Creighton Street on the east to the centerline of Cottage Park Avenue on the west, and on the northeasterly side of Massachusetts Avenue from the centerline of Beech Street on the east to the Residence B zoning district line on the west, the regulations set forth in Sections 20.103 to 20.109 shall apply except as modified by the regulations set forth further below in Section 20.110. west

20.104 Dimensional Standards in the Massachusetts Avenue Overlay District.

20.104.1 Maximum Height. The maximum height of any structure in the Overlay District shall be sixty (60) feet or the height applicable in the base district, whichever is less.

20.104.2 Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:

1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are three (3) feet or less in depth and further provided that the following conditions are met:

- a. The maximum width of the projection does not exceed six (6) feet in length;
- b. No more than fifty (50) percent of the area of each principal wall plane is covered with such projections.

20.104.3 Additional Dimensional Standards for Lots Located in both a Business C zoning district and an abutting Residence C-1 or Residence B Zoning District
The provisions of this Section 20.104.3 shall apply to lots held in single ownership as of June 1, 2008 that are located entirely within the Overlay District and shall be granted after the issuance of a special permit from the Planning Board

1. Modification of the Transitional Requirements of Section 5.40. The Planning Board may waive the Front and Side Yard and Height requirements of Section 5.40 for Hotel or Motel Use provided the Board finds that the intended buffering provided by the provisions of Section 5.40 is reasonably provided through other means. The Board shall specifically find the following:

- a. The lot contains a contiguous area that is within the adjoining residential district.
- b. The portion of the lot in the residential district is substantially dedicated to at grade Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000.
- c. The portion of the lot dedicated to Open Space provides an adequate transition buffer between any structure constructed in the commercially zoned portion of the lot and adjacent residential uses in the residential district. Such Open Space shall have a minimum depth of twenty (20) feet.

2. Modification of the FAR limitations for a Hotel or Motel Use (Sections 5.30 and 5.33), for a lot located in both a Business C and a Residence B Zoning District. The Planning Board may allow a FAR of 1.60, calculated on the area of the entire lot, in both the Business C and Residence B districts, subject to the following conditions and limitations:

- a. All of the resulting Gross Floor Area will be located on the Business C portion of the lot.
- b. All parking required by this ordinance will be located in a below-grade parking facility.
- c. The at-grade portion of the lot within the Residence B District is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000.
- d. The additional FAR of 1.60 shall only apply to the first 15,000 square feet of a lot. For portions of the lot greater than 15,000 square feet the FAR permitted in the applicable base Business C and residential districts shall continue to apply.
- e. No preferably preserved significant building, as determined by the Cambridge Historical Commission, is demolished, as set forth in the City of Cambridge Demolition Ordinance #965.

20.105 *Restrictions in Required and/or Provided Setbacks.* 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, park, or other landscaped or paved area devoted exclusively to pedestrian 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 to parking facilities located elsewhere on the site and which shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian uses shall be located at the mean grade of the relevant public street or open space at the property line unless an exception is granted under the provisions of Section 20.108 of this Section 20.100.

20.106 *Use Restrictions.* The ground (first) floor of that portion of a building facing a public street or public 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 (Section 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 depth of at least twenty (20) feet;
3. Where a lot fronts on two streets the provisions of this Section 11.106 shall apply only to the principal arterial street frontage provided the remainder of the ground floor of the building facing the public street shall be screened with a permanent wall in materials equal in quality to those of the rest of the building and having a minimum opacity of fifty (50) percent.
4. One parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.

20.106. 1 Accessory Parking and Vehicular Access for Hotel Use. Notwithstanding the provisions of Table 4.30 and Section 6.22,, for a lot located in both a Business C and a Residence B zoning district, the Planning Board may grant a Special Permit to allow accessory Hotel or Motel Use parking within the Residence B District, including vehicular access to the parking facility and loading facility, with the following limitations and conditions:

1. The portion of the lot in the Residence B district is contiguous to the portion of the lot in the BC District.
2. The parking is located in a below-grade parking structure.
3. The at-grade portion of the lot within the Residence B district is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in this Ordinance.

20.107 *Design Standards*

20.107.1 Building Facades. Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrian and compatible with the residential neighborhoods in close proximity to the district. The following standards shall apply:

1. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue;
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 towards the street;
3. Facades facing a public street, a public park, or designated city landmark building, or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.

20.108 Divergence from the standards specified in Sections 20.105 - 20.107 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 better serve the

objectives of this Section 20.100 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

The Board shall be guided in its determination by *Northern Massachusetts Avenue — Urban Design Guidelines* and other such guidelines as may be established for this portion of Massachusetts Avenue. This Section 20.108 is intended for variations from the standards which may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor.

needs to be updated or supplemented

20.109 *Nonconforming structures.* Notwithstanding the provisions of Section 8.23, that portion of a legal, nonconforming structure lying within the Massachusetts Avenue Overlay District which is destroyed or damaged by fire, explosion, or other catastrophe may be rebuilt or restored and used again, in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

1. Any restoration or rebuilding shall commence within twelve (12) months after the catastrophe;
2. The structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the original design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;
3. The Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

With respect to the comparability of newly designed buildings, the Community Development Department shall consult the Cambridge Historical Commission for structures greater than fifty (50) years old. Should the Community Development Department find that said conditions have not been met the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no aspect increase the nonconforming nature of the original structure; nothing in this Section 20.110, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

Use this as model for new 20.110

Upland

~~Standards Applicable in the North Massachusetts Avenue Subdistrict.~~ Within the portion of the Overlay District having a base Business A-2 zoning district designation extending on the southwesterly side of Massachusetts Avenue from the centerline of ~~Croighton Street~~ on the east to the centerline of ~~Cottage Park Avenue~~ on the west, and on the northeasterly side of Massachusetts Avenue from the centerline of ~~Beech Street~~ on the east to the ~~Residence B zoning district line~~ on the west, the regulations set forth above in Subsections 20.103 to 20.109 shall apply except as modified by this Section 20.110. The area described above shall be referred to as the North ~~Massachusetts Avenue~~ Subdistrict.

Porter to Cambridge Common

Everett ~~Chamney~~ Street

Roseland

Porter to Cambridge Common

centerline of Chamney St

Porter to Cambridge Common

20.110.1 *Purpose and Intent.* The purpose of the Massachusetts Avenue Overlay District shall apply equally within the ~~North Massachusetts Avenue~~ Subdistrict. The intent of the ~~North Massachusetts Avenue~~ Subdistrict is to encourage the retention and expansion of pedestrian-friendly ground floor retail and other active non-residential uses on the ground floors of buildings along the Avenue. Additionally, as sites are redeveloped in the future, new buildings and streetscapes should have a scale, urban design, and mix of uses that strengthens the urban character of the Avenue as the principal commercial corridor serving the ~~North Cambridge~~ neighborhood while also respecting the historic characteristics of the Avenue.

expand this

20.110.2 *Use Regulations.* In addition to the requirements set forth in Section 20.106, the following regulations shall apply.

20.110.21 *Required Ground Floor Non-Residential Uses.* The ground floor of any building that fronts directly onto Massachusetts Avenue shall consist of at least one (1) active non-residential use meeting the following requirements:

1. *Range of Qualifying Uses.* The required ground floor active non-residential uses shall be limited to one or a combination of the following uses, to the extent permitted in the base zoning district:
 - a. Section 4.34 a (office of a physician, dentist or other medical practitioner not located in a clinic listed under subsection 4.33(d)), b (office of an accountant, attorney, or other non-medical professional person (includes properly licensed massage therapists), c (real estate, insurance or other agency office), d (general office use), e (bank, trust company or similar financial institution (retail banking only));
 - b. Section 4.35 a (retail sales), c (barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self service laundry or other similar establishment), d (hand laundry, dry cleaning or tailoring shop), e (lunchroom, restaurant, cafeteria), f (restaurant or bar), g (entertainment), h (theater or hall for public gatherings), i (commercial recreation), k (printing shop, photographer's studio), l (veterinary establishment, kennel, pet shop or similar establishment), ~~o (fast order food establishment)~~, q (art/craft studio), r (bakery, retail);
 - c. Section 4.36 a (sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden);
 - d. Section 4.56 a(4) (religious or social recreation center), c(4) (college theater), e(4,5,6) (medical clinics), f (social service or community center), g(3) (museum), g(5) (public park, playground, or public recreation building), i(2) (museum or non commercial gallery).
2. *Minimum Depth.* The required ground floor uses shall have a minimum depth of forty (40) feet measured from the Massachusetts Avenue frontage of the building (or the full depth of the building if less than forty (40) feet).

3. *Floor Elevation.* The floor elevation of the required ground floor uses shall be at the mean grade of the adjacent public sidewalk.
4. *Minimum Linear Frontage.* The required ground floor non-residential use shall occupy a minimum of 75% of the linear frontage of the building facing Massachusetts Avenue.
5. *Individual Store Size.* Any separately leased required ground floor non-residential use shall contain no more than 5,000 square feet of Gross Floor Area, which shall include any floor area located below grade.
6. *Minimum Ground Floor Height.* For any ground floor portion of a building containing a required non-residential use the minimum ground floor height shall be fifteen (15) feet measured in the manner described in Paragraph 20.110.42. If the ground floor height is reduced below fifteen (15) feet by special permit or variance, there shall be a commensurate reduction in the total height of the building.
7. *Maximum Bank Frontage.* No bank, trust company or similar financial institution may occupy a building frontage of more than twenty-five (25) feet.

see also
20.110.24
✓

20.110.22 *Modifications to Standards.* As set forth below, the Planning Board may grant a special permit to waive certain requirements of Subsection 20.110.21 above. A project receiving a special permit pursuant to this Subsection 20.110.22 shall be considered to meet the requirements of Subsection 20.110.21 for the purpose of applying the other provisions of this Section 20.110.

1. *Modifications to the Dimensional Provisions of Subsection 20.110.21*

The Planning Board may approve modifications to the dimensional requirements set forth in Subsection 20.110.21 Paragraphs (2-7) upon making a determination that (a) the proposed modified dimensions do not substantially derogate from the intent of the requirement to provide for a reasonably continuous active ground floor frontage along the public street and (b) the overall floor area of required active non-residential ground floor uses is not substantially reduced and (c) the modifications are the minimum necessary to reasonably accommodate the new construction on the lot.

2. *Additional Non-Residential Uses Not Otherwise Permitted in Subsection 20.110.21*

The Planning Board may approve active non-residential ground floor uses not specifically listed in Subsection 20.110.21 Paragraph (1), to the extent permitted in the base zoning district, upon making a determination that an alternate ground floor use will provide services or amenities to the general public and will promote an active, pedestrian-friendly street front consistent with the objectives of this Overlay District and Subdistrict.

20.110.23 In general, it shall not be allowed to construct a new building directly fronting Massachusetts Avenue that cannot meet either the requirements of Section 20.110.21

or the standards by which modifications to that section are permitted by special permit as set forth in Section 20.110.22.

However, the Planning Board may grant a special permit to waive the requirements of Section 20.110.21 to allow the construction of a building substantially or completely devoted to residential or dormitory uses provided the Board determines that all of the following conditions and requirements are met:

- (a) the existing site does not currently contain active non-residential uses as listed in Subsection 20.110.21 Paragraph (1), and has not contained such uses within the past five (5) years prior to applying for a special permit;
- (b) the provision of active non-residential ground floor uses would be detrimental to abutting properties or to the neighborhood character; and
- (c) active non-residential ground floor uses would not be commercially viable at that specific location.

A project that has been exempted from the requirements of Subsection 20.110.21 by special permit as set forth in this Subsection 20.110.23 or by variance shall not be considered to meet the requirements of Subsection 20.110.21 for the purpose of applying the other provisions of this Section 20.110.

20.110.3 Dimensional Regulations

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20.110.31 FAR. Notwithstanding the general applicability standards set forth in Subsection 20.103.1, the following Floor Area Ratio (FAR) limitations shall apply in place of those set forth in the base zoning district or elsewhere in the Overlay District to the portions of a lot contained within the ~~North Massachusetts Avenue~~ Subdistrict, provided that such lot has direct frontage onto Massachusetts Avenue. For a lot with no direct frontage onto Massachusetts Avenue, and for portions of a lot that are not contained within the North Massachusetts Avenue Subdistrict, the FAR requirements generally applicable in the base district or elsewhere in the Overlay District shall apply.

1. *Mixed Use Lots.* The maximum allowed FAR shall be 1.75 for any lot that consists entirely of residential or dormitory uses, as listed in Subsections 4.31 (a-h) and paragraph 4.33(b)(7), above the ground floor and includes ground floor active non-residential uses meeting the requirements of Subsection 20.110.21.
2. *Other Lots.* The maximum allowed FAR shall be 1.0 for any lot that does not meet the definition of a Mixed Use Lot as set forth in Paragraph (1) above. This shall include any lot that is predominantly non-residential in use or any lot that is predominantly residential or dormitory in use but does not meet the requirements of Subsection 20.110.21, and shall specifically include any lot for which a waiver has been granted as set forth in Subsection 20.110.23.

20.110.32 Basement Gross Floor Area Exemption. Notwithstanding any provision of the applicable base zoning district, in the ~~North Massachusetts Avenue~~ Subdistrict the Gross Floor Area of any basement space directly accessed through and serving a

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ground floor establishment of any mixed use building facing Massachusetts Avenue shall be exempt from the calculation of FAR on a Mixed Use Lot as set forth in Section 20.110.31 above.

20.110.33 *Floor Area Waiver for Enclosed Bays and Projections.* The following provisions shall apply in place of the provisions set forth in Subsection 20.104.2. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 – Definitions, the floor area contained within enclosed bays and other small projections from the principal wall plane of a building, including projections and bays carried to the ground, normally defined as Gross Floor Area, shall be exempted from the calculation of GFA and FAR on a lot, provided all of the following standards are met:

1. The exempted bays and projections must not extend more than three and a half (3.5) feet from the principal exterior wall plane of the building, and no individual bay or projection may exceed twelve (12) feet in width.
2. No more than fifty (50) percent of the area of each principal wall plane may be covered with such projections.
3. The total floor area of each exempted bay or projection may not exceed thirty-two (32) square feet on any single story of the building. Such limitation is intended to encourage angled or curved bays, although rectilinear bays meeting the above requirements shall also be allowed.

20.110.34 *Maximum Height.* The maximum height of any structure shall be the height applicable in the base district. However, notwithstanding the base district regulations and notwithstanding the general applicability standards set forth in 20.103.1, the maximum height within the ~~North Massachusetts Avenue Subdistrict~~ shall be ~~fifty (50) feet~~ for any mixed use building with direct frontage onto Massachusetts Avenue and located on a Mixed Use Lot as set forth in Section 20.110.31 above. Additionally, ~~the portion of such a mixed use building that faces Massachusetts Avenue shall be exempt from the bulk control plane requirements of Footnote 5.33(k) in the Table of Dimensional Requirements; however, the provisions of Footnote 5.33(k) shall nonetheless apply to rear portions of a building within 50 feet of a residential zoning district line.~~

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*45 or more if ground floor
7'5"*

*Also setback
35' →*

20.110.35 *Restrictions in Required and/or Provided Setbacks.* The requirements set forth in Section 20.105 shall apply. However, where a building fronts on more than two streets, the provisions of Section 20.105 shall apply on only two streets. In any case, where a building fronts Massachusetts Avenue, the provisions of Section 20.105 shall apply to the Massachusetts Avenue frontage.

20.110.4 *Design Standards.* Buildings shall conform to the requirements set forth in Section 20.107, except as modified below.

20.110.41 *Building Facades.* The requirements for public entrances and clear glass set forth in Subsection 20.107.1 Paragraphs 2 and 3 shall apply to any ground-floor non-residential use, including those uses required by Subsection 20.110.21. Required clear glass on the ground floor façade shall be distributed on the façade such that at

least seventy-five (75) percent of the required glass is located below the midpoint between the finished floor and the underside of the joists above.

20.110.42 *Measurement of Building Facades.* For purposes of this Section 20.110, where reference is made to the area of the façade of any given floor, the vertical dimension of that floor shall be measured from the finished interior floor to the underside of the structural joists of the floor above. The horizontal dimension shall be measured to the centerline of the demising wall of a separately leased space, or to the exterior wall of the building, as applicable. Where reference is made to the entire façade, the vertical dimension shall be measured from the mean grade of the façade facing the street (or other feature) to the underside of the structural rafters supporting the roof.

20.110.5 *Parking Exemption for Seasonal Outdoor Seating.* Notwithstanding any provision of the applicable base zoning district, seasonal, temporary outdoor seating available for any length of time between April 15 and October 31 shall be exempt from the parking requirements of Section 6.36.5 (e) and (f) for any retail use listed in Section 6.36.5 (e) or (f), provided that the total number of seasonal seats does not exceed fifty (50) or fifty percent of the total number of permanent seats provided at the establishment, whichever is less.

20.110.6 *Existing and Historic Structures*

20.111.61 The building design standards and conditions set forth in Section 20.106 Paragraphs (1) and (2), Section 20.107, and Subsection 20.110.21 Paragraphs (2), (3) and (6) shall not apply to any building constructed before April 5, 2012. However, a building constructed before April 5, 2012, which in whole or in part meets the requirements of this Section 20.100, shall not be altered so as to increase the degree to which it does not comply with this Section 20.100.

20.110.62 Any lot containing a historic structure as listed below, or as may be designated a Preferably Preserved Significant building by the Cambridge Historical Commission, shall be exempt from the requirements of 20.110.21. If the applicable requirements of Section 20.110.21 are not met, the lot shall not be considered a Mixed Use Lot under the provisions of Subsection 20.110.31 above. However, notwithstanding any other provisions of Subsection 20.110.31, the Planning Board may grant a special permit to increase the allowed FAR on the portion of the lot within the North Massachusetts Avenue Subdistrict, but not to exceed 1.75, for any combination of permitted uses upon finding that the increased FAR would (a) facilitate the preservation of the historic structure through economic reuse, (b) preserve the essential historically significant elements of the structure's architecture and setting, (c) introduce uses that are respectful of the structure's historic character, and (d) advance the stated purpose of the Massachusetts Avenue Overlay District and the North Massachusetts Avenue Subdistrict.

Lots Containing Identified Historic Structures. The following street address numbers on Massachusetts Avenue shall designate lots containing historic structures for the purpose of this Subsection 20.110.61: ~~1991, 1996-2006, 2014-2018, 2020-2024,~~

↑ to be supplied

~~2026-2080, 2029, 2067, 2088-2098, 2103, 2161, 2179, 2200, 2203, 2210, 2211, 2218, 2222-2224, 2240, 2254, 2270, 2301, 2307, 2343, 2508-2596, 2535, 2557-2585,~~

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20.110.63 *Nonconforming Structures.* The provisions of Section 20.109 shall not apply in the ~~North Massachusetts Avenue~~ Subdistrict. Except as otherwise set forth in this Section 20.110, nonconforming structures shall be governed by the regulations set forth in Article 8.000 of the Zoning Ordinance.

20.111 *The Massachusetts Avenue Overlay District shall be considered an area of special planning concern.* Notwithstanding the provisions in Section 19.43.1 – Applicability of Large Project Review Procedure, in the Massachusetts Avenue Overlay District the Large Project Review Procedure shall apply to any development proposal containing more than two thousand (2,000) square feet of Gross Floor Area but less than fifty thousand (50,000) square feet, unless such development is exempt by virtue of the provisions of Section 19.45.

20.200 PROSPECT STREET OVERLAY DISTRICT

20.201 *Establishment and Scope.* There is hereby established the Prospect Street Overlay District which shall be governed by the regulations and procedures specified in this Section 20.200. It is the intent of this section that these regulations will apply to a single area described generally as Prospect Street and certain abutting portions of the neighborhood around it.

20.202 *Purpose.* It is the purpose of this Section 20.200 to augment base zoning regulations in the District in order to create a more harmonious and consistent image for the area along Prospect Street and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the street, to ensure that future development and redevelopment is compatible with the character of the abutting neighborhoods, to encourage the retention of existing buildings of historic value and of uses which serve the abutting neighborhoods.

20.203 *Applicability.* The Prospect Street Overlay District shall be an overlay district on the zoning map established by Section 3.20.

20.203.1 The buildings and land uses within said district shall be controlled by the pertinent regulations of the base zoning district, except as they may be modified by the requirements of this Section 20.200 which shall apply in addition to regulations imposed by the base zoning districts.

20.204 *Dimensional Standards in the Prospect Street Overlay District.*

20.204.1 Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:

1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are forty-two (42) inches or less in depth and further provided that the following conditions are met:
 - a. The maximum width of the projection does not exceed six (6) feet in length;