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CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Board

From: CDD Staff

Date: **June 13, 2012**

Re: **North Massachusetts Avenue Rezoning Petition**

On March 28, 2012 the North Massachusetts Avenue Rezoning Petition was submitted to the Cambridge City Council on behalf of the Planning Board. This petition includes zoning changes recommended through a planning study conducted by CDD for the North Massachusetts Avenue area. The principal elements of the proposed rezoning are to maintain ground floor retail, protect historic structures, and facilitate outdoor seating.

Since the time that the petition was submitted, city staff has drafted the attached alternate zoning language to address issues that have been raised by community members and others at prior public hearings. The alternate language makes the following substantive changes:

- In response to concerns from neighbors who reside in the area between Harvard Square and Porter Square, the language has been restructured so that all changes affect only the portion of the Massachusetts Avenue Overlay District north of Porter Square.
- Some proposed language has been clarified following questions and comments made at the public hearings. For instance, it is made more explicit that the proposed ground-floor use requirements will not result in the allowance of additional uses that are not permitted under base zoning regulations.
- New language has been introduced to address some issues raised at the Ordinance Committee hearing, including limitations on the frontage of bank uses, a requirement that reductions in the height of ground-floor uses cannot provide for increases in the height of above-grade uses, and a specific listing of properties with significance for historic preservation.
- The parking exemption for 5,000 square feet of non-residential use is removed in the alternate language based on comments received at the public hearings and because there is already a small business parking exemption in the zoning ordinance.

Through the alternate language, the intent and content of the original petition are maintained; however, all of the changes affect only the area of North Massachusetts Avenue that was considered as part of the planning study.

In addition to the alternate zoning language please also find attached:

- Photographs of a residential development on North Massachusetts Avenue built under current zoning and an example of a similarly sized residential development with non-residential uses at the ground floor and bay windows.
- A list of uses permitted in the base Business A-2 zoning district as well as a list of uses that qualify as meeting the non-residential ground floor use requirement as proposed.
- A sample listing of retail establishments by size.
- A list and corresponding map of historic and potentially historically significant properties on North Massachusetts Avenue.

In response to some of the points made by the Planning Board at the previous public hearing regarding the petition, we provide the following comments:

Character of North Massachusetts Avenue

It was observed that the Avenue seems to "open up" just outside and north of Porter Square. From a pedestrian perspective, starting at this location, there is a long straight view down the Avenue as retail uses give way to some housing with front yards, as well as parking lots and other automobile focused uses. While the more generous front yards may provide relief in some cases, in other cases the uses along the ground floor (including, in some cases, housing) tend to discourage pedestrian activity. The intent of the proposed zoning changes is to protect the existing character where there are historic buildings with landscaped front yards; however, as lots with parking or other automobile-oriented uses are redeveloped in the future, the zoning would help promote a more urban, pedestrian-friendly, mixed-use environment. It is not anticipated that the zoning changes proposed in the petition will lead to immediate or drastic changes to the character of the Avenue. Most likely, change will happen over time, on a few key sites.

Size and Depth of Stores

As shown in the attached sample listing of retail establishments, many neighborhood-focused retail establishments tend to be less than 5,000 square feet. The Planning Board could approve establishments of a greater size if they are consistent with the goals of the district. Also, based on a review of existing buildings, 40-50 feet is a typical depth for small retail spaces along Massachusetts Avenue. The Planning Board can modify this requirement as well if circumstances favor a more atypically shallow retail space.

Building Height and Façade Design

The current zoning requirements on North Massachusetts Avenue have, in some cases, not resulted in building designs that promote pedestrian friendly or inviting streetscapes. The changes to the bulk control plane and bay window regulations in the proposed zoning are intended to help accommodate the new proposed ground-floor non-residential use requirements and also better incentivize articulation in building

façade design. The bulk control plane requirements would still apply to rear portions of a building within 50 feet of a residential zoning district line. While a vertical break or cornice line might be appropriate in some cases to distinguish the top floor of a residential building, a strict standard may not be desirable. As seen in the example photos, forcing articulation at the top floor (as required under current zoning) does not always result in a more attractive design.

Additions and creations are underlined.

Proposed deletions are in ~~strikeout~~.

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 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.

This new proposed language establishes a North Mass Ave Subdistrict within which the regulations of the Massachusetts Avenue Overlay District may be modified. No changes are proposed to the rest of the Overlay District.

The proposed regulations specific to North Mass Ave begin on page 6.

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Proposed deletions are in ~~strikeout~~.

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),

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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.

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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.

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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.

20.1~~10~~09 *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,

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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.

20.110 *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 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 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.

For clarifying purposes, this language repeats the establishment of the North Mass Ave Subdistrict stated above in Section 20.103.2.

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

This language provides the rationale for why the particular requirements of the North Mass Ave Subdistrict are being established.

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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.

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:

In North Mass Ave, the allowed uses on the ground floor would include only non-residential uses such as retail and office.

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);

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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).

These building design requirements would help to ensure that the ground-floor uses are pedestrian-friendly and oriented toward smaller-scale stores and offices.

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.

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.

If a proposal is consistent with the intent of the ground-floor active use regulations, but varies from the specific design requirements in some way, the Planning Board can grant a special permit to modify the requirements.

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

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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 streetfront consistent with the objectives of this Overlay District and Subdistrict.

If an allowed uses is not within the list of qualifying ground-floor uses, but is still consistent with the intent of the regulations, the Planning Board can grant a special permit to approve that use.

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.

A variance would generally be required for a new building without active non-residential uses on the ground floor. The Planning Board could only approve an all-residential project if it was apparent that a non-residential use does not currently exist, would be detrimental, and would not be commercially viable at that location.

However, a project that has waived the non-residential ground-floor use requirements would be subject to a lower Floor Area Ratio, as described below.

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

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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*

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.

As an incentive for complying with the non-residential ground floor use requirements, the maximum FAR is 1.75 (which is currently the maximum FAR for residential uses) only for projects with non-residential ground floors and residential uses above. Otherwise, the maximum FAR is reduced to 1.0 (which is currently the maximum FAR for a project with all non-residential uses).

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 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.

A basement space directly serving the ground floor non-residential use is exempt from the calculation of FAR.

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

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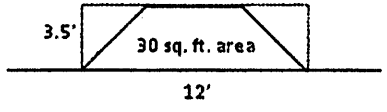
enclosed bays and other small projections from the principal wall plane of a building, including projections and bays carried to the ground, normally defined as Gross Floor Area, shall be exempted from the calculation of GFA and FAR on a lot, provided all of the following standards are met:

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.

Slight modifications to the provisions for bay windows and projections are included in an attempt to better incentivize articulation in building façade design. The area limitation is intended to encourage angled or curved bays as shown below:



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.

To accommodate the taller non-residential uses on the ground floor, the height is increased to 50 feet from 45 feet. This height would accommodate three stories of housing (at 10-11 feet) above ground-floor retail (at 15+ feet).

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.

The regulations in 20.110.35, 20.110.41 and 20.110.42 are meant to clarify how some of the existing provisions of the Massachusetts Avenue Overlay District should be applied within North Mass Ave.

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

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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.

The regulations in 20.110.35, 20.110.41 and 20.110.42 are meant to clarify how some of the existing provisions of the Massachusetts Avenue Overlay District should be applied within North Mass Ave.

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.

Seasonal outdoor seating for eating establishments is exempt from parking requirements up to 50 seats or 50% of the permanent seats, whichever is less. Parking requirements can discourage seasonal outdoor seating, which can help to enliven the streetscape in summer months.

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.

This language clarifies that certain design standards would not apply to existing buildings. For instance, this would allow new ground-floor retail to be established in an existing building, even if it did not meet the exact design requirements.

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

Where a lot contains a structure of historic significance, the ground floor requirements for new development are waived, but the FAR is limited to 1.0 unless a special permit is granted. *Refer to Map of Historic Properties.*

Additions and creations are underlined.

Proposed deletions are in ~~strikeout~~.

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 and Potentially Historically Significant 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, 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,

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.

In accordance with general citywide regulations, if a non-conforming lot is being completely rebuilt following a catastrophe, it should conform to the zoning requirements instead of being reconstructed as it existed beforehand.

20.~~109~~11 *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.

Use	Allowed in BA-2?	Qualifies as Active Non-Residential Ground Floor Use?
4.31(a-h). Residential (excluding Transient Accommodations)	Yes	No
4.31(i)(1,2). Hotel, Motel, Tourist House	No	No
4.31(i)(3). Lodging House	Yes	No
4.31(j). Trailer Park or mobile home park	SP	No
4.32(a). Bus or railroad passenger station	Yes	No (PB only)
4.32(b). Automobile parking lot or parking garage for private passenger cars	SP	No (PB only)
4.32(c). Railroad freight terminal, railroad yard and shops	No	No (PB only)
4.32(d). Truck or bus terminal, yard or building for storage or servicing of trucks, trailers or buses, parking lot for trucks	No	No (PB only)
4.32(e). Radio and Television transmission station, including towers	No	No (PB only)
4.32(f). Radio and television studio	Yes	No (PB only)
4.32(g)(1). Telephone exchange (including switching, relay and transmission facilities serving mobile communications systems) and any towers or antennas accessory thereto	SP	No (PB only)
4.32(g)(2). Transformer station, substation, gas regulator station, or pumping station	SP	No (PB only)
4.32(g)(3). Power Plant for the non-nuclear production, generation, and distribution of electricity or steam.	No	No (PB only)
4.32(h). Helipad or Airport	No	No (PB only)
4.32(j). Wind Turbine Installation	PB	No (PB only)
4.32(k). Public Bicycle-Sharing Station	Yes	No (PB only)
4.34(a). Office of a physician, dentist or other medical practitioner not located in a clinic listed under Subsection 4.33(d).	Yes	Yes
4.34(b). Office of an accountant, attorney, or other non-medical professional person (includes properly licensed massage therapists)	Yes	Yes
4.34(c). Real Estate, insurance or other agency office	Yes	Yes
4.34(d). General office use	Yes	Yes
4.34(e). Bank, trust company or similar financial institution	Yes	Yes
4.34(f). Technical office for research and development, laboratory & research facility subject to the restrictions in Section 4.21m	Yes	No (PB only)
4.35(a). Store for retail sale of merchandise	Yes	Yes
4.35(b). Place for the manufacturing, assembly or packaging of consumer goods	SP	No (PB only)

Use	Allowed in BA-2?	Qualifies as Active Non-Residential Ground Floor Use?
4.35(c). Barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self-service laundry or other similar establishment	Yes	Yes
4.35(d). Hand laundry, dry cleaning or tailoring shop	Yes	Yes
4.35(e). Lunchroom, restaurant, cafeteria	Yes	Yes
4.35(f). Establishments where alcoholic beverages are sold and consumed and where no dancing or entertainment is provided	Yes	Yes
4.35(g). Bar or other establishment where alcoholic beverages are sold and consumed and where dancing and entertainment is provided. Dance hall or similar place of entertainment	No	Yes
4.35(h). Theatre or hall for public gatherings	SP	Yes
4.35(i). Commercial recreation	SP	Yes
4.35(j). Mortuary, undertaking or funeral establishment	Yes	No (PB only)
4.35(k). Printing shop, photographer's studio	Yes	Yes
4.35(l). Veterinary establishment, kennel, pet shop or similar establishment	SP	Yes
4.35(m). Sales place for new and used car, rental agency for autos, trailers and motorcycles	Yes	No (PB only)
4.35(n). Office including display or sales space of a wholesale, jobbing or similar establishment	SP	No (PB only)
4.35(o). Fast Order Food Establishment	No	Yes
4.35(q). Art/Craft Studio	Yes	Yes
4.35(r). Bakery, Retail	Yes	Yes
4.36(a). Sales place for flowers, garden supplies agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden	Yes	Yes
4.36(b). Automobile oriented fast order food service establishment	SP	No (PB only)
4.36(c). Drive in bank and other retail or consumer service establishment where motorist does not have to leave his or her car	No	No (PB only)
4.36(d). Outdoor amusement park, outdoor sports facility conducted for profit	No	No (PB only)
4.36(e). Open air or drive in theatre or other open air place of entertainment	No	No (PB only)
4.36(f). Sale of new or used cars conducted partly or wholly on open lots, or rental agency for automobiles, trailer, motorcycles, conducted partly or wholly outdoors	No	No (PB only)

Use	Allowed in BA-2?	Qualifies as Active Non-Residential Ground Floor Use?
4.36(g). Automobile service station where no major repairs are made	SP	No (PB only)
4.36(h). Car washing establishment using mechanical equipment for the purpose of cleaning automobiles and other vehicles	No	No (PB only)
4.36(i). Place for exhibition, lettering or sale of gravestones	SP	No (PB only)
4.37(h). Automotive repair garage not including auto body or paint shop	SP	No (PB only)
4.37 and 4.38 ALL OTHER INDUSTRIAL USES	No	No (PB only)
4.56(a)(4). Religious social or recreation center	Yes	Yes
4.56(c)(4). College or university athletic facility, auditorium, theater or similar facility, any of which is customarily accessible to the general public on a paid admission fee or other basis	Yes	Yes
4.56(e)(4,5,6). Health care clinic	Yes	Yes
4.56(f). Social service center or community center	Yes	Yes
4.56(g)(3). Museum	Yes	Yes
4.56(g)(5). Public park, playground, or public recreation building	Yes	Yes
4.56(i)(2). Museum or non commercial gallery	Yes	Yes
4.56. ALL OTHER INSTITUTIONAL USES	Yes/SP	No (PB only)

Example of a residential development on North Massachusetts Avenue built under current zoning – **Approx. 45 feet**

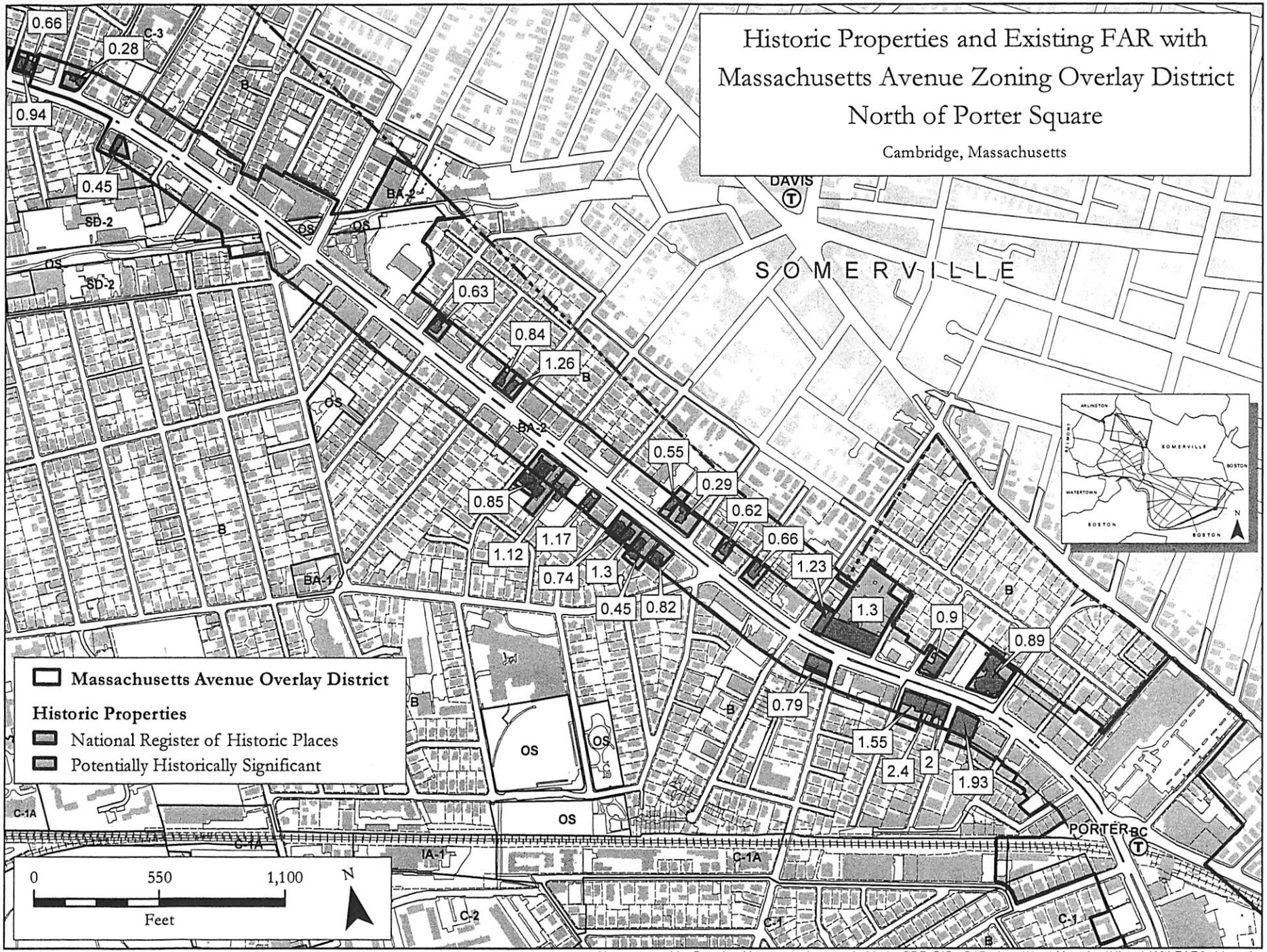
Residential building with non-residential uses on the ground floor and bay windows – **Approx. 50 feet**

SAMPLE LISTING OF RETAIL ESTABLISHMENTS BY SIZE

NAME	LOCATION	TYPE	ZONE	TOTAL SIZE (square feet)	SALES AREA (square feet)	OFF-STREET CUSTOMER PARKING?
Great Eastern Trading Company	Central Square	Retail - Clothing/Shoes	C-2	580	580	No
Inman Square Post Office	Inman Square	Postal Service	BA	800	600	No
Caffé Luna	Lafayette Square	Café/Bakery	BB	900		No
Luigi's Variety	Cambridge Street	Convenience Store	BA	980	500	No
Passage to India	Porter Square	Restaurant	BC	1,050	600	No
UPS Store	One Kendall Square	Postal Service	IB	1,100	800	No
Cambridge Center Flower Shop	Kendall Square	Florist	C-3B	1,350	750	No
1369 Coffeehouse	Central Square	Café/Bakery	BB	1,400		No
Spirit	Porter Square	Restaurant	BC	1,400	1,100	No
India Food & Spices	Central Square	Specialty Foods Store	BA	1,560		No
1369 Coffeehouse	Inman Square	Café/Bakery	BA	1,600	800	No
Pugliese's Bar & Grill	Cambridge Street	Restaurant	BA	1,630	885	No
Newtowne Variety	Area Four	Convenience Store	C-1	1,790		No
Cardullo's	Harvard Square	Specialty Foods Store	C-3	1,800		No
Home Design	Mass Ave	Retail - Furniture	BB-2	2,000	2,000	No
Montrose Spa	Mass Ave	Convenience Store	C-2	2,100		No
Cremaldi's	Putnam Avenue	Specialty Foods Store	C-1	2,400	900	No
McDonald's	Central Square	Restaurant	BB	2,400		Yes
Teddy Shoes	Central Square	Retail - Clothing/Shoes	BB	2,400	1,200	No
Formaggio Kitchen	Huron Avenue	Specialty Foods Store	B	3,000	1,800	No
Ciampa Apothecary	Cambridge Street	Pharmacy	BA	3,800	1,500	No
Darwin's	Mount Auburn Street	Specialty Foods Store	C-1	4,000	1,500	No
Kirkland Cleaners	Kirkland Street	Laundry	BA	4,300	2,800	No
Bedworks	Central Square	Retail - Furniture	BA	4,400	2,200	No
Absolutely Fabulous	Inman Square	Retail - Clothing/Shoes	BA	4,800	2,400	No
Legal Sea Foods	Kendall Square	Restaurant	MXD	5,000		Yes
Rodney's Bookstore	Central Square	Retail - Books	BB	5,200	3,200	No
Harvard Book Store	Harvard Square	Retail - Books	BB	6,000	5,500	No

SAMPLE LISTING OF RETAIL ESTABLISHMENTS BY SIZE

NAME	LOCATION	TYPE	ZONE	TOTAL SIZE (square feet)	SALES AREA (square feet)	OFF-STREET CUSTOMER PARKING?
Inman Square Hardware	Inman Square	Retail - Hardware	BA	6,000	3,000	No
Stellabella Toys	Inman Square	Retail - Toys	BA	6,500	3,250	No
Tannery	Harvard Square	Retail - Clothing/Shoes	BB	6,500		No
Newbury Comics	Fresh Pond	Retail - Music/Entertainment	BC	7,300		Yes
Fitcorp	Technology Square	Fitness Center	IB	8,000		Yes
Frank's Steak House	North Mass Ave	Restaurant	BA-2	8,000	3,000	Yes
Foot Locker	Central Square	Retail - Clothing/Shoes	BB	9,000		No
Polcari's	Technology Square	Restaurant	IB	9,800	5,800	Yes
CVS Pharmacy	Central Square	Pharmacy	BB	10,000		No
Economy Hardware	Central Square	Retail - Hardware	BB	10,000		No
Trader Joe's	Memorial Drive	Grocery Store	BA	11,000		Yes
Brooks Pharmacy	River Street	Pharmacy	BA-2	12,200	10,100	Yes
Gap	Central Square	Retail - Clothing/Shoes	BB	12,400	11,000	No
Whole Foods Market	Prospect Street	Grocery Store	BA-1	12,500		Yes
Staples	Harvard Square	Retail - Office Supplies	BB	14,000		No
Harvard Square Post Office	Harvard Square	Postal Service	BB	14,900		No
Gap	Harvard Square	Retail - Clothing/Shoes	BB	15,000		No
TJ Maxx	Fresh Pond	Retail - General Merchandise	BC	17,000		Yes
TAGS Hardware	Porter Square	Retail - Hardware	BC	24,000		Yes
Whole Foods Market	Fresh Pond	Grocery Store	BC	30,000		Yes
Whole Foods Market	River Street	Grocery Store	BA-2	44,000		Yes
Star Market	University Park	Grocery Store	CRDD	53,000		Yes
Harvard Cooperative Society	Harvard Square	Retail - Books	BB	88,000		No



Map prepared by Brendan Monroe on January 9, 2012. CDD GIS C:\Projects\NorthMassAve\HistoricWithFAR8x11.mxd

HISTORIC AND POTENTIALLY HISTORICALLY SIGNIFICANT PROPERTIES ON NORTH MASSACHUSETTS AVENUE

Property	Address	Year
St. James Episcopal Church	1991 Massachusetts Avenue	1888
Henderson Carriage Repository	2067 Massachusetts Avenue	1892
Alpheus Mead House	2200 Massachusetts Avenue	1867
Daniel Snow House	2210 Massachusetts Avenue	1867
Isaac McLean House	2218 Massachusetts Avenue	1894
R. H. Farwell House	2222-2224 Massachusetts Avenue	1891
St. John's R.C. Church	2270 Massachusetts Avenue	1904
Porter Square Theater	1996-2006 Massachusetts Avenue	1927
Walter Thoin Block	2014-2018 Massachusetts Avenue	1899
August Lubbe Block	2020-2024 Massachusetts Avenue	1905
George Small Block	2026-2080 Massachusetts Avenue	1896
Engine 4	2029 Massachusetts Avenue	1896
William Eccles Stores	2088-2098 Massachusetts Avenue	1912
Former firehouse	2103 Massachusetts Avenue	1868-1906
Dr. Wilfred Delaney House	2161 Massachusetts Avenue	1939
Cornelius Dorr House	2179 Massachusetts Avenue	1892
Stephen Stiles House	2203 Massachusetts Avenue	1862
James Henderson House	2211 Massachusetts Avenue	1863
Mrs. C.A. Savage House	2240 Massachusetts Avenue	1909
St. John's Rectory	2254 Massachusetts Avenue	1930
Samuel Wright House	2301 Massachusetts Avenue	1869
Samuel Wright House	2307 Massachusetts Avenue	1858
John Parry House	2343 Massachusetts Avenue	1886
Gulf Oil Corp. Filling Station	2535 Massachusetts Avenue	1940
Houses	2508-2596 Massachusetts Avenue	ca. 1890
Houses	2557-2585 Massachusetts Avenue	ca. 1890