



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

September 2, 2008

To the Honorable, the City Council:

Subject: Planning Board Recommendation on the Kaya Ka Porter Square Rezoning Petition to amend the North Massachusetts Avenue Overlay District Zoning Map, and Zoning Ordinance in Section 20.100.

Recommendation: The Planning Board recommends adoption of the petition with additional text modifications to clarify certain provisions of the petition (see attached: underlined text denotes the proposed zoning changes in the petition, and larger font indicates the minor definitional changes suggested by the Planning Board).

Discussion: The area affected by the rezoning proposal is within and adjacent to the Business C (BC) zoning district along Massachusetts Avenue at Porter Square. The BC zone, for the most part, corresponds with Massachusetts Avenue and the Porter Square retail district. Porter Square has been the focus of several recent discussions and proposals regarding the appropriate type and scale of development as a result of both recently completed and anticipated projects. Planning concerns that have been frequently expressed include: protecting the character of, and limiting the impacts of new development on adjacent residential neighborhoods, enhancing the pedestrian environment in the area, limiting traffic impacts of new development on the area and in adjacent neighborhoods, requiring new developments to provide adequate parking while also recognizing and encouraging use of nearby transit, encouraging good building design, and creating new opportunities for public open space.

The intent of the rezoning proposal is to help facilitate the addition of appropriately scaled hotel use in Porter Square and particularly, through a Special Permit, to remove impediments to creating such a use on appropriately sized lots that are split between a commercial zoning district and a residential zoning district. The proposed zoning changes also encourage underground parking in lieu of surface parking lots and the creation of new at-grade open space.

There are four key components to the proposed zoning amendments:

1. Adjust the Boundaries of the Massachusetts Overlay District. Under the proposal, the boundary lines of the Massachusetts Avenue Overlay District shall be modified to fully incorporate all contiguous portions of lots within the Business C District that are currently in the Overlay District, but have contiguous areas that lie outside of the Overlay District.
2. Waiver of Transitional Zone Requirements. For the affected lots, the Planning Board may issue a Special Permit that would allow an alternate method of achieving the objectives of the Transitional

Zone requirements of Section 5.4 by accepting landscaped open space on the residential portion of the lot, to serve as a buffer between the commercial development and the adjacent residential lots.

3. Parking in a Residential Zone. For the affected lots, the Planning Board may issue a Special Permit that would allow the required commercial parking of the BC district to extend into the residential district, provided that the parking will be underground, and the at-grade portion of the lot within the residential district will be dedicated as landscaped open space.
4. Increase in Allowable FAR for Hotel Use. For the affected lots, the Planning Board may issue a Special Permit that would increase the allowable FAR for a hotel use to 1.60, based on the entire area of the lot, provided that all of the resulting floor area will be confined to the BC portion of the lot, that all required parking will be located in an underground parking garage, and that the surface area within the residential portion of the lot will be dedicated open space.

We agree with the view of the City Solicitor that this proposal does not constitute “spot zoning” because there are several lots that are affected and the proposed zoning changes provide benefits to the general public. There are approximately 29 lots currently split between the BC zone and various residential zones in Porter Square that are potentially affected by the proposed zoning change. Although many of the lots are affected to such a small extent that it is not likely they would take full advantage of the zoning changes, there are several lots that could make use of the incentives associated with the zoning change to redevelop the property.

It is not unusual for district boundaries, such as those proposed for the Massachusetts Overlay District, to encompass entire lots within that district, as opposed to being defined by a given distance from a street. Changing the boundaries of the Massachusetts Overlay District to include all portions of the lots that are currently within the BC District will allow the other proposed zoning changes to happen through the Overlay District.

The proposed amendments allow the transitional requirements of the Zoning Ordinance to be met in an alternative and publicly beneficial manner. Open space is a suitable and sometimes preferred method to create a transition between commercial and residential uses, especially in a dense built up city such as Cambridge. Further, Porter Square is in particular need of additional open space.

Public benefits will also be realized by allowing commercial underground parking on the residential portion of a lot while requiring the at-grade portion to be landscaped open space. This is a logical incentive to create underground parking on certain lots. Moreover, the open space can be protected through a Special Permit condition when reviewing specific projects.

The FAR for a hotel allowed with a Special Permit under the proposal is less than the FAR currently allowed for a residential use as of right (2.0 FAR). The proposed FAR increase for hotel use with a Special Permit is moderate, from 1.25 FAR to 1.6 FAR, and is approximately half of the additional amount of FAR that would be allowed for a residential use as of right. A hotel in this area at 1.6 FAR or less is comparable to a small boutique hotel and consistent with the character and scale of Porter Square. The visual impacts associated with this type of hotel are not very different than what could be expected

from a multifamily residential use in terms of the scale of the openings, impacts on light, and the impact on immediate abutters.

From a planning perspective, the addition of properly scaled hotel use in the Porter Square area makes sense and is consistent with the intent of the current zoning. Hotel use is suitable for the Massachusetts Avenue corridor and particularly in Porter Square because of the proximity to Boston attractions, nearby access to MBTA subway, commuter rail and bus service, numerous retail establishments and restaurants in the area, and nearby institutional use at Lesley and Harvard Universities. Porter Square also features an active and lively pedestrian environment; therefore the need for hotel guests to use private automobiles is minimal. Traffic patterns and parking demands are likely to be significantly less intense from a hotel than from other uses currently permitted within the district.

It is appropriate to amend the Zoning Ordinance to allow and even encourage this type of hotel in Porter Square. Specific projects that use the proposed incentives will still require a Special Permit from the Planning Board, which provides further opportunities for design review, traffic discussions and public comment.

Respectfully submitted for the Planning Board,

William Tibbs, Chair

A. Amend the Zoning Map of the City of Cambridge as Follows:

Extent the boundaries of the Massachusetts Avenue Overlay District to encompass the entire portion of lots, where some portion of a lot located in the Business C zoning district is located within a residential zoning district. In no instance shall the extent of the Overlay District be reduced below its current extent. The amended map shall include but not be limited to the following lots:

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| 1. 1-7 Arlington Street. | Lot # 177-55 |
| 2. 1826 Massachusetts Avenue | Lot # 177-71 |
| 3. 15 Mt. Vernon Street | Lot # 177-78 |
| 4. 1868 Massachusetts Avenue | Lot # 177-34 |
| 5. 9 Upland Road | Lot # 178-92 |
| 6. 15 Upland Road | Lot # 178-93 |
| 7. 17-19 Upland Road | Lot # 178-94 |
| 8. 23 Upland Road | Lot # 178-102 |
| 9. 27 Upland Road | Lot # 178-102 |
| 10. 31 Upland Road | Lot # 178-99 |
| 11. 35 Upland Road | Lot # 178-100 |
| 12. 43 Upland Road | Lot # 178-104 |
| 13. 1-16 Richdale Avenue | Lot # 178-52 |
| 14. 1900-1912 Massachusetts Avenue | Lot # 178-133 |
| 15. 6 Porter Road | Lot # 178-80 |
| 16. 1924 Massachusetts Avenue | Lot # 178-21 |
| 17. 1950 Massachusetts Avenue | Lot # 178-118 |
| 18. 1 Porter Park | Lot # 178-64 |
| 19. 3-5 Porter Park | Lot # 178-108 |
| 20. 1960 Massachusetts Avenue | Lot # 178-117 |
| 21. 78-80 Porter Road | Lot # 178-107 |
| 22. 12 Regent Street | Lot # 178-16 |
| 23. 12-14 Creighton Street | Lot # 200-45 |
| 24. 2028 Massachusetts Avenue | Lot # 200-68 |
| 25. 1979 Massachusetts Avenue | Lot # 179-52 |
| 26. 1963-1975 Massachusetts Avenue | Lot # 179-51 |
| 27. 1933-1957 Massachusetts Avenue | Lot # 179-42 |
| 28. 1-15 Davenport Street | Lot # 179-74 |
| 29. 1900 Massachusetts Avenue | Lot # 178-33 ("T" pedestrian access lot) |

B. Amend the Text of the Zoning Ordinance of the City of Cambridge as Follows:

In Section 20.100 – Massachusetts Avenue Overlay District, amend the text to include the following additions underlined below.

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.

20.104 *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 A~~ or 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 Publicly 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 **an underground 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 Publicly Beneficial Open Space** as defined in Article 2.000.

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.**

Kaya-Ka/Porter Square Rezoning Petition: Proposed modifications to the boundary of the Massachusetts Avenue Overlay District.

The boundary lines of the Massachusetts Avenue Overlay District shall be modified to fully incorporate all contiguous portions of lots within the Business C District that are in the Overlay District, but have contiguous areas that lie outside of the Overlay District. This shall apply only to lots held in single ownership as of June 1, 2008.

