

Petition: To amend Articles 5.000, 11.000, 15.000, 17.000, 19.000, and 20.000 of the Cambridge Zoning Ordinance as follows with the intent of:

- (1) revising open space standards to provide greater flexibility by allowing all types of open space to contribute to meeting requirements;**
- (2) revising certain standards of the Affordable Housing Overlay so they are not more restrictive than comparable standards for residences in base zoning;**
- (3) making project review special permit requirements applicable in all zoning districts and applicable to residential development of 75,000 square feet or more;**
- (4) updating advisory development review procedures and introducing a new Planning Board Advisory Consultation for some larger development not subject to a special permit, similar to what is currently required in the Affordable Housing Overlay; and**
- (5) revising other parts of the Zoning Ordinance for internal consistency.**

Amendments to Article 5.000.

Amend Section 5.22 and subsequent subsections to read as follows:

5.22*Open Space.* Where a new building is constructed on a lot or where the footprint of an existing building is enlarged, the lot shall conform to the Open Space Ratio required in the zoning district. The total Open Space on the lot shall be the sum of all areas that meet the definition and standards for at least one of the following types of ~~There are four types of~~ Open Space: Private, Public, Publicly Beneficial, ~~and~~ Green Area, ~~or~~ ~~There is also~~ Permeable Open Space, ~~which is a specific type of Green Area Open Space.~~ All five terms are defined in Article 2.000 and additional standards are set forth below. Areas that meet the definition of more than one type of Open Space shall only be counted once when calculating the total Open Space on the lot. The Open Space Ratio on a lot shall be the total Open Space area divided by the lot area, expressed as a percentage.

5.22.1Private Open Space. Private Open Space shall be open and unobstructed to the sky, except that up to fifty (50) percent of the total Private Open Space may be Shaded Area. Trees, plantings, arbors, fences, flagpoles, sculpture, fountains and recreational and drying apparatus and similar objects shall not be considered obstructions when located within a private open space. Objects or structures intended exclusively for bicycle parking, designed and located in accordance with Section 6.100, which may be uncovered, partially covered or fully enclosed, shall not be considered obstructions provided that such objects or structures are not used for motor vehicle parking, general storage or any other use, and further provided that any such structure exceeding six feet (6') in height conforms to the requirements for an accessory building in Section 4.21. Beehives and apiaries conforming to the Standards for Urban Agriculture in Article 23.000 of this Zoning Ordinance shall not be considered obstructions provided that they are no more than six (6) feet in height. Structures or features that are necessary for a building to comply with the Flood Resilience Standards in Section 22.80, such as stairs, ramps, or window wells, shall not be considered obstructions. To the extent permitted in this Ordinance, balconies and roof areas may also be considered as Private Open Space.

5.22.1(a)Private Open Space shall include areas that are shared by all building occupants or available to occupants of separately tenanted areas of a building, such as dwelling units. Private Open Space may include either hardscaped or permeable areas but shall be provided on every lot used for residential purposes except for those in the Cambridge Center MXD District, and shall be a percentage of the lot area as set forth in Section 5.31. An area designated as Private Open Space may not have a slope greater than ten percent (10%). Private Open Space must meet the following other dimensional characteristics:

- a. If located at grade~~With the exception of balconies,~~ Private Open Space must have both a width and a length of at least fifteen (15) feet and ~~shall may be~~ accessible to shared by all occupants of a building or

divided into areas that are accessed separately. At least fifty percent (50%) of the required private open space shall be provided at ground level, within ten (10) feet of the level of the lowest floor used for residential purposes, or elevated to the 1% Probability Long-Term Flood Elevation as determined by the Flood Resilience Standards set forth in Section 22.80 of this Zoning Ordinance.

b. If located above grade, Areas at other levels, such as balconies, decks, and roofs of garages and buildings, may be calculated as Private Open Space if they are and shared by accessible to all occupants of a buildings, are not used as walkways or corridors, Private Open Space must have both a width and a length of at least six (6) feet, and have a minimum area of seventy-two (72) square feet.

c. If located above grade or partially below grade Any other Private Open Space and accessible to separately tenanted spaces, such as balconies and decks or lower-level patios accessible only to some building occupants, shall count for no more than twenty five percent (25%) of the required Private Open Space must have a width and length of at least three (3) feet and have a minimum area of twenty (20) square feet.

~~5.22.1(b) Where nonresidential and residential uses are mixed in a building, the required minimum Private Open Space for residential use shall be calculated in relation to the portion of the lot which the residential floor area is to the total floor area in the building.~~

~~5.22.1(c) Special Requirements in Residence A-1, A-2, B, C, and C-1. At least fifty percent (50%) of the required Private Open Space in these districts shall meet all of the requirements of Section 5.22.1 above. At least fifty percent (50%) of the required Private Open Space shall meet the definition of Permeable Open Space and shall not be subject to the dimensional limitations of Section 5.22.1 as applied to Private Open Space.~~

5.22.2 Public Open Space. Public Open Space shall be open and unobstructed to the sky, except that up to fifty (50) percent of the total Public Open Space may be Shaded Area. Public Open Space may include but is not limited to lawns, decorative plantings, interior walkways, abutting sidewalks, active and passive recreation areas, playgrounds, fountains, and public performance areas. Public Open Space shall not include rooftop areas, patios, balconies, parking lots, or driveways. Limited paved surfaces may be designed to accommodate occasional use by motor vehicles servicing the park facility. If the facility is not held in fee simple by the City of Cambridge or other public entity, the Public Open Space may be land remaining in private ownership but protected for public use by means of a permanent easement, conservation restriction, or other similar legal device acceptable to the City.

5.22.3 Publicly Beneficial Open Space. Such space shall be customarily available or shall be readily visible to such occupants and visitors, though physically inaccessible, by being located and treated to enhance the amenity of the development through a general appearance of openness. Publicly beneficial open space shall include parks, plazas, lawns, landscaped areas, decorative plantings, and active and passive recreational areas. Publicly beneficial open space shall also include loggias, atriums, arcades and pedestrian ways listed and defined in Section 14.45. Streets, parking lots, driveways, service roads, loading areas, and areas normally inaccessible to pedestrian circulation beneath pedestrian bridges, decks, or shopping bridges shall not be counted in determining required calculating publicly beneficial open space.

5.22.4 Green Area Open Space. Green Area Open Space shall be open and unobstructed to the sky except that up to fifty (50) percent of the total required Green Area Open Space may be Shaded Area. Green Area Open Space shall be land at grade and shall consist of friable, permeable materials (including but not limited to loam, gravel, sand, crushed stone, and including naturally occurring soil, bedrock, and incidental pipes and other underground utilities) having a minimum depth of three (3) feet. Said land shall be capable of supporting the growth of trees, grass, ground cover, shrubs, and similar vegetation. Such area may not include any portion of the lot used for parking areas and access drives or other hard surface areas, except walks and terraces designed and intended for non-motor vehicle use.

Green Area Open Space shall consist entirely of living trees, grass, ground cover, bushes, shrubs, and/or similar vegetation, as well as water and other natural features of the site. However, in no case shall hard surfaced walks and terraces, or pervious ground covers like gravel, stone, and wood chips not being used as

mulch beneath vegetation, exceed twenty-five (25) percent of the total ~~required~~area counted as Green Area Open Space.

5.22.4(a) Permeable Open Space. Permeable Open Space shall consist of a surface material that may include vegetation; rocks, pebbles, wood chips and similar landscaping materials; or unit pavers. All other materials (for example, continuously poured asphalt or concrete) are not allowed except that any material may be used for pedestrian walkways not exceeding ~~forty-eight (48) inches~~5 feet in width or half the width of the area in which they are located, whichever amount is less.

5.22.5 Green Factor. Where any new building, new addition to a building that seeks to increase the footprint of a building by at least 50% in area, or new surface parking area is created on or after the enactment of this Section, the lot or Development Parcel shall be designed to conform to the Green Factor Standard set forth in Section 22.90 of this Zoning Ordinance before issuance of a building permit or special permit if applicable.

Amendments to Article 11.000.

Amend Section 11.207.3 to read as follows:

11.207.3 Standards for Eligibility, Rent, and Initial Sale Price for AHO Dwelling Units

- (a) All dwelling units in an AHO Project shall comply with the standards for AHO Dwelling Units as set forth in this Section.
- (b) For all AHO Dwelling Units:
 - (i) AHO Dwelling Units shall be rented or sold only to AHO Eligible Households, with preference given to Cambridge residents, and former Cambridge residents who experienced a no-fault eviction in Cambridge in the last twelve (12) months, in accordance with standards and procedures related to selection, asset limits, and marketing established by the Community Development Housing Department ~~(CDD)~~ and applicable state funding requirements.
 - (ii) AHO Dwelling Units shall be created and conveyed subject to recorded covenants approved by ~~CDD~~ the Housing Department guaranteeing the permanent availability of the AHO Dwelling Units for AHO Eligible Households.
- (c) For rental AHO Dwelling Units:
 - (i) The gross household income of an AHO Eligible Household upon initial occupancy shall be no more than one-hundred percent (100%) of AMI.
 - (ii) At least eighty percent (80%) of AHO Dwelling Units within the project shall be occupied by AHO Eligible Households whose gross household income upon initial occupancy is no more than eighty percent (80%) of AMI.
 - (iii) Rent, including utilities and any other fees routinely charged to tenants and approved by ~~CDD~~ the Housing Department, shall not exceed thirty percent (30%) of the gross household income of the AHO Eligible Household occupying the AHO Dwelling Unit or other similar standard pursuant to an applicable housing subsidy program which has been approved by ~~CDD~~ the Housing Department.
 - (iv) After initial occupancy, the gross household income of an AHO Eligible Household shall be verified annually, or on such other basis required by an applicable housing subsidy program which has been approved by ~~CDD~~ the Housing Department, to determine continued eligibility and rent, in accordance with policies, standards, and procedures established by ~~CDD~~ the Housing Department.
 - (v) An AHO Eligible Household may continue to rent an AHO Dwelling Unit after initial occupancy even if the AHO Eligible Household's gross household income exceeds the eligibility limits set forth above, but may not exceed one hundred twenty percent (120%) of AMI for more than one year after that Eligible Household's gross household income has been verified to exceed such percentage, unless

- otherwise restricted pursuant to an applicable housing subsidy program which has been approved by ~~CDD~~the Housing Department.
- (vi) Notwithstanding the requirements set forth in (i) through (v) above, an owner may voluntarily choose to charge a lower rent than as provided herein for AHO Dwelling Units.
- (d) For owner-occupied AHO Dwelling Units:
- (i) The gross household income of an AHO Eligible Household upon initial occupancy shall be no more than one-hundred percent (100%) of AMI.
- (ii) At least fifty percent (50%) of AHO Dwelling Units shall be sold to AHO Eligible Households whose gross household income upon initial occupancy is no more than eighty percent (80%) of AMI.
- (iii) The initial sale price of an AHO Dwelling Unit shall be approved by ~~CDD~~the Housing Department and shall be determined to ensure that the monthly housing payment (which shall include debt service at prevailing mortgage loan interest rates, utilities, condominium or related fees, insurance, real estate taxes, and parking fees, if any) shall not exceed thirty percent (30%) of the monthly income of:
- 1) A household earning ninety percent (90%) of AMI, in the case of an AHO Dwelling Unit to be sold to an AHO Eligible Household whose income upon initial occupancy is no more than one-hundred percent (100%) of AMI; or
- 2) A household earning seventy percent (70%) of AMI, in the case of an AHO Dwelling Unit to be sold to an AHO Eligible Household whose income upon initial occupancy is no more than eighty percent (80%) of AMI
- (e) An AHO Project meeting the standards set forth herein as approved by ~~CDD~~the Housing Department shall not be required to comply with the Inclusionary Housing Requirements set forth in 11.203 of this Zoning Ordinance.

Amend Section 11.207.5.1, paragraph (b) to read as follows:

- (b) District Dimensional Standards shall include the most permissive standards allowable on a lot, whether such standards are permitted as-of-right or allowable by special permit, and inclusive of any additional development permissible under the Inclusionary Housing provisions of Section 11.203.5. A District Dimensional Standard that is allowable by special permit shall include any nondiscretionary requirements or limitations that would otherwise apply.

Amend Section 11.207.5.2.4 to read as follows:

11.207.5.2.4 Open Space.

- ~~(a) Except where~~The Open Space requirements set forth in the District Dimensional Standards shall apply except as set forth below:
- ~~(a) establish a less restrictive requirement or as otherwise provided below~~If the application of the District Dimensional Standards results in a required percentage of Open Space to lot area greater than thirty percent (30%), then the minimum percentage of ~~open~~Open space to lot area for an AHO Project shall be thirty percent (30%).
- ~~(b) However, if the application of the District Dimensional Standards results in a required percentage of~~Open Space to lot area greater than fifteen percent (15%), then the minimum percentage of open space to lot area may be reduced to no less than fifteen percent (15%) if the AHO Project includes the preservation and protection of an existing building included on the State Register of Historic Places.
- ~~(bc) The required open space shall be considered~~ Private Open Space ~~but shall be subject to the limitations set forth below and~~ shall not be subject to the dimensional ~~and other~~ limitations set forth in Section 5.22.1 of this Zoning Ordinance, paragraphs a. through c., but, Private Open Space shall exclude parking and driveways for automobiles.

Multifamily Housing Zoning Petition – Part Two

- ~~(c) All of the required open space that is located at grade shall meet the definition of Permeable Open Space as set forth in this Zoning Ordinance.~~
 - ~~(d) The required open space shall be located at Grade or on porches and decks that are no higher than the floor elevation of the lowest Story Above Grade, except that up to twenty five percent (25%) of the required open space may be located at higher levels, such as balconies and decks, only if it is accessible to all occupants of the building.~~
 - ~~(e) For the purpose of this Affordable Housing Overlay, area used for covered or uncovered bicycle parking spaces that are not contained within a building shall be considered Private Open Space.~~
 - (fd) Notwithstanding the foregoing, lots consisting of five thousand (5,000) square feet or less in total lot area that directly abut a Public Open Space consisting of at least one thousand five hundred (1,500) square feet of area shall not have a minimum open space requirement under this Article.
-

Delete Section 11.207.6.1, Paragraph (b).

- ~~(b) An AHO Project of greater than 20 units, for which no off-street parking is provided shall provide or have access to either on-street or off-street facilities that can accommodate passenger pick-up and drop-off by motor vehicles and short-term loading by moving vans or small delivery trucks. The Cambridge Traffic, Parking, and Transportation Department shall certify to the Superintendent of Buildings that the AHO Project is designed to reasonably accommodate such activity without causing significant hazard or congestion. The Cambridge Director of Traffic, Parking, and Transportation shall have the authority to promulgate regulations for the implementation of the provisions of this Paragraph.~~
-

Delete Section 11.207.6.5.

~~11.207.6.5 Transportation Demand Management~~

~~An AHO Project not providing off-street parking at a ratio of 0.4 space per dwelling unit or more shall provide, in writing, to the Community Development Department a Transportation Demand Management program containing the following measures, at a minimum:~~

- ~~(a) Offering either a free annual membership in a Public Bicycle Sharing Service, at the highest available tier where applicable, or a 50% discounted MBTA combined subway and bus pass for six months or pass of equivalent value, to up to two individuals in each household upon initial occupancy of a unit.~~
 - ~~(b) Providing transit information in the form of transit maps and schedules to each household upon initial occupancy of a unit, or providing information and a real-time transit service screen in a convenient common area of the building such as an entryway or lobby.~~
-

Amend Section 11.207.7.1, Paragraph (b) to read as follows:

- (b) The following design standards shall apply to new construction and to additions to existing structures where such construction creates 25,000 or more square feet of GFA. Except as otherwise provided, an existing building that is altered or moved to accommodate an AHO Project shall not be subject to the following standards, provided that such alterations do not create a condition that is in greater nonconformance with such standards than the existing condition.
-

Delete Section 11.207.7.4, Paragraph (a) as follows:

- (a) ~~[Deleted] The elevation at floor level of the Ground Story shall be at the mean Grade of the abutting public sidewalk, or above such mean Grade by not more than four feet. Active non-residential uses at the Ground Story shall be accessible directly from the sidewalk without requiring use of stairs or a lift. The requirements of this paragraph shall not apply if it is determined by the City Engineer that a higher Ground Story elevation is necessary for the purpose of flood protection.~~
-

Delete Section 11.207.7.4, Paragraph (e) as follows:

- (e) ~~[Deleted]Ground Stories shall be designed to accommodate at least one space, with a total frontage equaling at least fifty percent (50%) of the existing retail frontage, for an active non-residential use, which may include retail or consumer establishments as well as social service facilities supporting the mission of the owner of the AHO Project, on sites that are located in a Business base zoning district, and where the project site contains or has contained a retail and or consumer service use at any point within the past two years prior to application for a building permit for an AHO Project.~~
-

Amend Section 11.207.7.4, Paragraph (f) to read as follows:

- (f) ~~Private living spaces within dwelling units, including bedrooms, kitchens, and bathrooms, may only be contained within Stories Above Grade. New habitable space may be created within Stories Below Grade only if the Flood Resilience Standards of Section 22.70 of this Zoning Ordinance are met.~~ may only contain portions of dwelling units providing entries, exits, or mechanical equipment, or common facilities for residents of the building, such as lobbies, recreation rooms, laundry, storage, parking, bicycle parking, or mechanical equipment.
-

Amend Section 11.207.8 to read as follows:

11.207.8 Advisory Design Consultation Procedures.

No special permit shall be required for an AHO Project. However, an AHO Project shall be subject to the non-binding design consultation procedures in Section 19.40 of this Zoning Ordinance as set forth below:

~~Prior to application for a building permit, the developer of an AHO Project shall comply with the following procedure, which is intended to provide an opportunity for non-binding community and staff input into the design of the project.~~

- (a) An AHO Project that would otherwise require a Project Review Special Permit shall instead be subject to the Planning Board Advisory Consultation procedure set forth in Section 19.47.
- (b) An AHO Project that exceeds the height limitations of the underlying district, but does not otherwise meet the size threshold for a Planning Board Advisory Consultation set forth in Section 19.47, shall nonetheless be subject to a Planning Board Advisory Consultation except that the developer may waive the preliminary design consultation and submit all required materials to be reviewed at a single final consultation session.
- (c) Except as set forth in (a) and (b) above, an AHO Project shall be subject to Section 19.40 to the extent that a review threshold set forth in that section has been met.
- (d) The intent of this non-binding review process is to advance the City's desired outcomes for the form and character of AHO Projects. To promote the City's goal of creating more affordable housing units, AHO Projects are permitted to have a greater height, scale, and density than other developments permitted by the zoning for a given district. This procedure is intended to promote design outcomes that are compatible with the existing neighborhood context or with the City's future planning objectives for the area.
- (~~e~~) The City's "Design Guidelines for Affordable Housing Overlay," along with the Citywide Urban Design Objectives in Section 19.30 and other design objectives and guidelines established for the part of the city in which the AHO Project is located, are intended to inform the design of AHO Projects and to guide the Planning Board's consultation and report ~~as set forth below~~ where required. It is intended that designers of AHO Projects, City staff, the Planning Board, and the general public will be open to creative variations from any detailed provisions set forth in such objectives and guidelines as long as the core values expressed are being served.
- (~~c~~) ~~At least two community meetings shall be scheduled at a time and location that is convenient to residents in proximity to the project site. The Community Development Department (CDD) shall be~~

- ~~notified of the time and location of such meetings, and shall give notification to abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the lot on which the AHO Project is proposed and to any individual or organization who each year files with CDD a written request for such notification, or to any other individual or organization CDD may wish to notify.~~
- (i) ~~The purpose of the first community meeting shall be for the developer to share the site and street context analysis with neighborhood residents and other interested parties prior to building design, and receive feedback from community members.~~
- (ii) ~~The purpose of the subsequent community meeting(s) shall be to present preliminary project designs, answer questions from neighboring residents and other interested members of the public, and receive feedback on the design. The date(s), time(s), location(s), attendance, materials presented, and comments received at such meeting(s) shall be documented and provided to CDD.~~
- (d) ~~Following one or more such community meeting(s), the developer shall prepare the following materials for review by the Planning Board. CDD shall review to certify that the submitted written and graphic materials provide the required information in sufficient detail. All drawings shall be drawn to scale, shall include a graphic scale and north arrow for orientation, and shall provide labeled distances and dimensions for significant building and site features.~~
- (i) ~~A context map indicating the location of the project and surrounding land uses, including transportation facilities.~~
- (ii) ~~A context analysis, discussed with CDD staff, including existing front yard setbacks, architectural character, and unique features that inform and influence the design of the AHO Project.~~
- (iii) ~~An existing conditions site plan depicting the boundaries of the lot, the locations of buildings, open space features, parking areas, trees, and other major site features on the lot and abutting lots, and the conditions of abutting streets.~~
- (iv) ~~A proposed conditions site plan depicting the same information above as modified to depict the proposed conditions, including new buildings (identifying building entrances and uses on the ground floor and possible building roof deck) and major anticipated changes in site features.~~
- (v) ~~A design statement on how the proposed project attempts to reinforce existing street/context qualities and mitigates the planned project's greater massing, height, density, &c.~~
- (vi) ~~Floor plans of all proposed new buildings and existing buildings to remain on the lot.~~
- (vii) ~~Elevations and cross-section drawings of all proposed new buildings and existing buildings to remain on the lot, depicting the distances to lot lines and the heights of surrounding buildings, and labeling the proposed materials on each façade elevation.~~
- (viii) ~~A landscape plan depicting and labeling all hardscape, permeable, and vegetated areas proposed for the site along with other structures or appurtenances on the site.~~
- (ix) ~~Plans of parking and bicycle parking facilities, as required by Section 6.50 of this Zoning Ordinance.~~
- (x) ~~Materials palettes cataloguing and depicting with photographs the proposed façade and landscape materials.~~
- (xi) ~~Existing conditions photographs from various vantage points on the public sidewalk, including photos of the site and of the surrounding urban context.~~
- (xii) ~~Proposed conditions perspective renderings from a variety of vantage points on the public sidewalk, including locations adjacent to the site as well as longer views if proposed buildings will be visible from a distance.~~
- (xiii) ~~A dimensional form, in a format provided by CDD, along with any supplemental materials, summarizing the general characteristics of the project and demonstrating compliance with applicable zoning requirements.~~
- (xiv) ~~A brief project narrative describing the project and the design approach, and indicating how the project has been designed in relation to the citywide urban design objectives set forth in Section~~

- ~~19.30 of the Zoning Ordinance, any design guidelines that have been established for the area, and the "Design Guidelines for Affordable Housing Overlay."~~
- ~~(xv) Viewshed analysis and shadow studies that show the impact on neighboring properties with existing Solar Energy Systems.~~
- ~~(xvi) An initial development budget that shows anticipated funding sources and uses including developer fee and overhead.~~
- ~~(e) Within 65 days of receipt of a complete set of materials by CDD, the Planning Board shall schedule a design consultation as a general business matter at a public meeting and shall give notification to abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the lot on which the AHO Project is proposed and to any individual or organization who each year files with CDD a written request for such notification, or to any other individual or organization CDD may wish to notify. The materials shall be made available to the public in advance, and the Planning Board may receive written comments prior to the meeting from City staff, abutters, and members of the public.~~
- ~~(f) At the scheduled design consultation, the Planning Board shall hear a presentation of the proposal from the developer and oral comments from the public. The Board may ask questions or seek additional information from the developer or from City staff.~~
- ~~(g) The Planning Board shall evaluate the proposal for general compliance with the requirements of this Section, for consistency with City development guidelines prepared for the proposal area and the "Design Guidelines for Affordable Housing Overlay," for appropriateness in terms of other planned or programmed public or private development activities in the vicinity, and for consistency with the Citywide Urban Design Objectives set forth in Section 19.30. The Board may also suggest specific project adjustments and alterations to further the purposes of this Ordinance. The Board shall communicate its findings in a written report provided to the developer and to CDD within 20 days of the design consultation.~~
- ~~(h) The developer may then make revisions to the design, in consultation with CDD staff, and shall submit a revised set of documents along with a narrative summary of the Planning Board's comments and changes made in response to those comments.~~
- ~~(i) The Planning Board shall review and discuss the revised documents at a second design consultation meeting, which shall proceed in accordance with Paragraphs (c) and (d) above. Following the second design consultation, the Planning Board may submit a revised report and either the revised report or if there are no revisions the initial report shall become the final report (the "Final Report"). Any additional design consultations to review further revisions may occur only at the discretion and on the request of the developer or the Cambridge Affordable Housing Trust.~~
- ~~(j) The Final Report from the Planning Board or other applicable report required by the procedures of Section 19.40 shall be provided to the Cambridge Affordable Housing Trust in addition to the Superintendent of Buildings to certify compliance with the procedures set forth herein.~~

Amend Section 11.207.9, Paragraph (b) to read as follows:

- (b) The Housing Department or Community Development Department may develop standards, design guidelines, and procedures appropriate to and consistent with the provisions of this Sections 11.207 and the above regulations.

Amend Section 11.207.11 to read as follows:

11.207.11 Review of Affordable Housing Overlay.

- (a) Annual Report. ~~CDD~~The Housing Department shall provide an annual status report to the City Council, beginning eighteen (18) months after ordination and continuing every year thereafter. The report shall contain the following information:

- (i) List of sites considered for affordable housing development under the Affordable Housing Overlay, to the extent known by ~~CD~~the Housing Department, including site location, actions taken to initiate an AHO Project, and site status;
 - (ii) Description of each AHO Project underway or completed, including site location, number of units, unit types (number of bedrooms), tenure, and project status; and
 - (iii) Number of residents served by AHO Projects.
- (b) Five-Year Progress Review. Five (5) years after ordination, ~~CD~~the Housing Department shall provide to the City Council, Planning Board and the Affordable Housing Trust, for its review, a report that assesses the effectiveness of the Affordable Housing Overlay in increasing the number of affordable housing units in the city, distributing affordable housing across City neighborhoods, and serving the housing needs of residents. The report shall also assess the effectiveness of the Advisory Design Consultation Procedure in gathering meaningful input from community members and the Planning Board and shaping AHO Projects to be consistent with the stated Design Objectives. The report shall evaluate the success of the Affordable Housing Overlay in balancing the goal of increasing affordable housing with other City planning considerations such as urban form, neighborhood character, environment, and mobility. The report shall discuss citywide outcomes as well as site-specific outcomes.

Amendments to Article 15.000.

Amend Section 15.36(2) to read as follows:

- (2) The ~~Public Advisory Consultation Large Project~~ Procedure (Section 19.43-~~3~~) shall be modified so that the required consultation session shall occur within fourteen (14) days of the submission of the required documents and the required written comments shall be issued within fourteen (14) days of that session;

Amend Section 15.37 to read as follows:

15.37For those portions of the District along Massachusetts Avenue located within the Central Square Overlay District, notwithstanding anything set forth in Section 20.300, ~~Public Advisory Consultation~~the Large Project Review shall be undertaken by the Planning Board. Where applicable, the Planning Board shall be guided by the objectives and criteria contained in the publications "Central Square Action Plan", City of Cambridge, November 1987, and "Central Square Development Guidelines", June 1989, and by any additional relevant zoning or planning studies subsequently undertaken by or on behalf of the City. To the extent any provision in these documents is in conflict with the Design Guidelines for the Cambridgeport Revitalization Development District ("CRDD"), the Planning Board shall determine which guideline is most appropriate to be considered in the ~~Large Project Development~~Public Advisory Consultation.

Amendments to Article 17.000.

Amend Section 17.16 to read as follows:

17.16Special District 1 shall be considered an area of special planning concern and shall be subject to the ~~applicable Development Consultation Procedure, Section 11.40~~development review procedures as set forth in Article 19.000 of this Zoning Ordinance.

Amend Section 17.36.5 to read as follows:

17.36.5Area of Special Planning Concern. Special District 3 shall be considered an area of Special Planning Concern. All development within the District shall comply with the Development Consultation Procedures~~development review procedures~~ as specified in ~~Section 11.40~~Article 19.000, except as modified below:

1. ~~The Planning Board shall conduct the Large Project Procedure in lieu of the Community Development Department.~~
 2. The Large Project Public Advisory Consultation Procedure shall be modified so that the Community Development Department shall have ten (10) business days to certify that an application is complete, ten (10) business days from certification to hold a public meeting, and ten (10) business days thereafter to make a report.
 3. In reviewing a proposal the Planning Board shall be guided by the provisions of the Design Guidelines for Special District 3.
-

Amend Section 17.36.6 to read as follows:

17.36.6Traffic Study. Before issuance of any building permit for construction of GFA within Special District 3, a Traffic Study shall be prepared and made available to the Planning Board for the Large Project Procedure~~applicable development review procedure as established in Article 19.000~~. The traffic study may be prepared for the total amount of development allowed in the District when the first building permit is requested and shall be applicable to all future building permits issued in the district except that traffic data shall be updated at least every five (5) years after the initial submission of the study whenever a new building permit is sought. The Traffic Study shall include the following elements.

Amend Section 17.37.1 to read as follows:

1. Certification from ~~the Planning Board~~the Community Development Department that ~~the Large Project Procedure~~the applicable development review procedure has been applied and conducted in accordance with Article 19.000 of the Zoning Ordinance, and that all other requirements of the District have been met~~has been held~~.
-

Amend Section 17.306.a to read as follows:

17.306*Other Provisions.* The following additional provisions shall apply.

- (a) Special District 12 shall be considered an Area of Special Planning Concern, subject to the Development Consultation Procedure~~specified in Section 19.40~~applicable development review procedures as set forth in Article 19.000 of this Ordinance.
-

Amend Section 17.507 to read as follows:

17.507*Other Provisions.* The following additional provisions shall apply.

- (a) Special District 14 shall be considered an Area of Special Planning Concern, subject to the Development Consultation Procedure~~specified in Section 19.40~~applicable development review procedures as set forth in Article 19.000.
-

Amendments to Article 19.000.

Amend Sections 19.22 and 19.23 to read as follows, leaving subsection 19.23.1 and subsequent subsections unchanged:

19.22*Applicable Zoning Districts.* The Project Review Special Permit shall apply to construction and changes of use located in the following zoning districts.

Multifamily Housing Zoning Petition – Part Two

- (1) All Office, Business, and Industrial Districts, any PUD district, and NP districts, and any Special District for which an office, business or industrial district serves as the underlying base regulation (SD-1, SD-3, SD-5, SD-7, SD-8 and SD-11), but excluding the MXD district.
- (2) Residence C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, and C-3B districts, and any Special District for which any one of these residence districts serves as the underlying base regulation (SD-2, SD-6, SD-12 and SD-13) and SD-14. A Project Review Special Permit in these districts shall be required only where the construction or portion of the construction is located within one hundred (100) feet of a public way unless the uses proposed in the building are subject to the thresholds established in Table 1.

19.23 Special Permit Threshold. In all applicable zoning districts, A-a Project Review Special Permit shall be required for new building construction or change of use (pursuant to Subsection 19.23.1 below) of fifty thousand (50,000) gross square feet or more, in all applicable zoning districts [except that in a Business A, Business A-1, and Business A-2 districts a Project Review Special Permit shall be required for new building construction of twenty thousand (20,000) gross square feet or more], or for building construction of less than fifty thousand square feet [or twenty thousand square feet in the BA, BA-1, and BA-2 Districts] where a Table I threshold has been met, on a lot or combination of contiguous lots held in common ownership at any time after September 15, 2000. In a Business A, Business A-1, or Business A-2 district, a Project Review Special Permit shall also be required for new building construction of 20,000 square feet or more of non-residential Gross Floor Area (GFA), though a Traffic Study shall not be required if a Table I threshold is not met. Where a mix of uses is proposed the threshold shall be determined by the application of the Mixed Use Formula set forth in Table 1.

Notwithstanding the provisions of this Section 19.23 set forth above, the Project Review Special Permit requirement shall not apply to existing gross floor area on a lot built and occupied prior to the effective date of this Article 19.000 that is demolished and subsequently rebuilt as part of a building project, provided (1) there is no change of use, (2) the reconstruction commences within two years of the start of demolition of the building, and (3) the standards of Section 19.50 are met.

Where a threshold is set forth below in square feet (“sf”) it shall refer to the total GFA calculated pursuant to Section 5.25 but shall exclude GFA in parking facilities, except as otherwise noted. Where reference is made in this Section 19.23 to Gross Floor Area thresholds as set forth in Table 1, the term shall also encompass any other measure of quantity enumerated in the Table (e.g. dwelling units, beds, acres, parking spaces).

**Table 1
Thresholds for Required Traffic Study by Land Use Type**

Land Use Category	Threshold
Standard Threshold: All Land Uses Set forth in Tables 4.30 and 4.56 except as enumerated below.	50,000 sf**
<u>Residences: All uses in Section 4.31, a-j</u>	<u>75,000 sf</u>
Transportation Communication & Utility Uses: Section 4.32	
a. Bus or railroad passenger station	Required
b. Automobile parking lot or parking garage for private passenger cars	150 parking spaces
c. Railroad freight terminal, railroad yards and shops	50 acres
d. Truck or bus terminal, yard or building for storage or servicing of trucks, trailers, or buses; parking lot for trucks	Required
Institutional Uses: Section 4.56 (See also Section 4.33)	
a. Religious purposes	
[1.] Social or recreation center	40,000 sf
[2.] Other use with religious purpose	40,000 sf
[b.] Educational purposes	
1. Preschool, day care center, kindergarten	25,000 sf

Multifamily Housing Zoning Petition – Part Two

	2. Primary school	40,000 sf
	3. Secondary school	40,000 sf
	4. College or university athletic facility, auditorium, theatre, library, museum or similar facility, any of which is customarily accessible to the general public on a paid admission fee or other basis	Creation of 150 new parking spaces or the relocation of 250 existing parking spaces or any combination thereof. ^{1,2}
	5. College or university laboratory or research facility customarily involving radioactive materials and other controlled substances, high intensity electromagnetic radiation or chemical or biological processes which could entail a high level of danger to the public health	
	6. Other college or university facility	
	Dining halls, canteens and similar eating areas	
	Administrative faculty and staff offices, teaching facilities, service facilities, and facilities not specified above	
	1. The addition to or relocation of parking spaces in the inventory of institutional parking in existence as of September 15, 2000 (see Section 6.32.2) in association with the construction of a new building.	
	2. Relocation shall mean the construction of parking spaces at a new location, where the distance between that entrance at the new location most proximate to the closest entrance at the old location is 1,000 feet or more.	
	7. Vocational or other schools	40,000 sf
	e. Health Care Facilities	
	1. Hospital	35,000 sf
	2. Infirmary	25,000 sf
	3. Nursing home, convalescent home	250 beds
	4. Clinic not affiliated with any other institution	25,000 sf
	5. Clinic affiliated with a hospital or accredited university medical school	25,000 sf
	6. Clinic connected to a community center	25,000 sf
	7. Other health care facilities	25,000 sf
	f. Social Service Facilities	
	1. Social service center	40,000 sf
	2. Community Center	40,000 sf
	g. Local Government	
	[1.] Fire or police station	Not Required
	[2.] Public parks, playgrounds or public recreation buildings	400 acres
	i. Other Institutional Uses	
	[1.] Cemetery	100 acres
	[2.] Other institutional use	40,000 sf
	Office and Laboratory Uses: Section 4.34	
	a. Office of a physician, dentist or other medical practitioner not located in a clinic listed under Subsection 4.33(d)	25,000 sf
	[b.] Bank, trust company or similar financial institution	25,000 sf
	Retail or Consumer Service Establishments: Section 4.35	
	25,000 sf	
	Outdoor Retail or Consumer Service Establishments: Section 4.36	
	a. Open-Lot Retail Sales Establishment	25,000 sf
	b. Drive-In Food Service Establishments	Required
	c. Drive-In Consumer Service Establishments	Required
	d. Outdoor Entertainment and Recreation Facility	300 seats
	e. Drive-In Theater	300 seats

	f. Outdoor Auto Sales Facility	25,000 sf
	g. Auto Service Station	5 fueling positions
	h. Auto Wash	Required
Light Industry, Wholesale Business and Storage: Section 4.37		
	[a.] Auto body or paint shop	25,000 sf
	[b.] Automotive repair garage not including [1.] above	25,000 sf

~~**Gross Floor Area exclusive of GFA in parking facilities, except as noted.~~

Mixed Use Formula

Where it is proposed to include a mix of uses in a new development, or substitute a mix of uses for an existing use in an existing building, a special permit shall not be required under the provisions of Section 19.20 if:

$$(GFA \div \text{Threshold } a) + (GFA \div \text{Threshold } b) + (GFA \div \text{Threshold } c) \leq 1$$

Where "GFA" is the proposed Gross Floor Area (or other indicated quantity measure) for a use denoted by a subscript and where "Threshold" is the Threshold for that use in Table 1.

Amend Section 19.40 and subsequent subsections, including the creation of a new subsection 19.47, to read as follows:

19.40 CITYWIDE ADVISORY DEVELOPMENT CONSULTATION PROCEDURES

19.41 *General Purpose.* This Section 19.40 provides the opportunity for City staff and the general public (1) to review and comment on development proposals prior to the formulation of final plans and before the issuance of a building permit and (2) to determine compliance with the zoning requirements applicable to the development. Each application for a building permit for one of the categories of development specified in Sections 19.42 and 19.43 shall be accompanied by a written certification from the Cambridge Community Development Department (CDD) indicating that the applicant has participated in the Development Consultation Procedure specified in this Section 19.40, for the proposal for which the permit is being sought. In each instance where the application for a building permit occurs more than six (6) months after the consultation session, ~~the Community Development Department~~CDD shall additionally certify to the Superintendent of Buildings whether the plans submitted for a building permit are consistent with those reviewed at the consultation session, and if not how they differ. Unless otherwise indicated elsewhere in the Zoning Ordinance, the Community Development Department shall conduct the consultation session. No certification pursuant to provisions of this Section 19.40 shall be deemed to be in lieu of the responsibility of the Superintendent of Buildings to enforce all provisions of the Zoning Ordinance - each Certificate of Compliance is advisory to the applicant and the Superintendent of Buildings. The failure of CDD to hold the consultation session or to issue the Certificate of Compliance within the review time periods specified in this Section ~~19.42.3~~ shall not prevent an applicant for a building permit from receiving such permit after such time period has expired.

19.41.1 Types of Advisory Development Consultations

- a. Staff Advisory Consultations are intended for City staff from CDD and other departments with relevant expertise to discuss requirements and City standards that will be applicable to the project and to provide non-binding comments on the project’s conformance with the Citywide Urban Design Objectives and design objectives specific to an area. The process is informal with few requirements for submission.
- b. Public Advisory Consultations are intended for members of the public to learn about a proposed development and provide non-binding input directly to the developer, sometimes through an

appointed Advisory Committee which makes a report. The process is more structured with requirements for materials submission, scheduling and notification.

c. Planning Board Advisory Consultations are intended to provide a forum for input from the public, city staff, and the Planning Board through a process similar to a special permit hearing but not resulting in an approval or denial of permits for the proposed development.

~~19.41.1 Purpose of the Small Project Review Procedure. In zoning districts designated as Areas of Special Planning Concern, the advisory Small Project Review is intended to provide an informal forum within which the small details of a proposal can be reviewed by city staff. Small, incremental changes to a building, a streetscape, or a neighborhood can over time significantly alter the character and quality of the urban environment. This procedure provides an opportunity for city staff to influence the design of such small details in order to encourage that the changes are consistent with city urban design objectives, individually and as they accumulate overtime.~~

~~19.41.2 Purpose of the Large Project Review Procedure. In zoning districts designated as Areas of Special Planning Concern, the advisory Large Project Review serves the same purpose as the Small Project Review for somewhat larger changes in the environment with somewhat greater impacts on the public realm. The Large Project Procedure provides the opportunity for abutters and the general public, as well as city staff, to review and make comment on the proposal at the consultation session.~~

~~19.42 Small Project Review Staff Advisory Consultation Procedure.~~

~~19.42.1 Applicability of Small Project Review Staff Advisory Consultation Procedure.~~

a. For those zoning districts identified in Section 19.46 as Areas of Special Planning Concern, the following types of development proposals shall be subject to the Small Project Development Staff Advisory Consultation Procedure (unless the regulations for an individual Area of Special Planning Concern provide for specific exceptions or additional types):

- (1) Construction of any new building having a gross floor area of less than two thousand (2,000) square feet devoted to uses other than Residences listed in Section 4.31 a-j;
- (2) Construction of any other new structure having a floor area of less than two thousand (2,000) square feet devoted to uses other than Residences listed in Section 4.31 a-j;
- (3) Any exterior building alteration increasing gross floor area by one hundred (100) square feet or more; or
- (4) Construction of five or more parking spaces, whether on grade or in a structure;
- ~~(5) Erection of a sign;~~
- ~~(6) Any other exterior building alteration facing a street but not including painting, brick repointing or masonry repairs, building cleaning, gutter replacement or similar routine repair, replacement, or maintenance.~~

b. Where a Staff Advisory Consultation is not required by Paragraph b. above, it shall be required if the development is subject to the Building and Site Plan Requirements in Section 19.50.

c. A Staff Advisory Consultation may be requested voluntarily for any development proposal, and is strongly encouraged for any development before requesting a Public or Planning Board Advisory Consultation procedure and before applying for any special permit from the Planning Board.

~~19.42.2 Application Request for a Small Project Review Staff Advisory Consultation. Prior to application for a building permit, the applicant shall contact the Community Development Department CDD and request a development consultation session. Upon making such a request, the applicant shall present for review such written or graphic materials necessary to give a reasonably complete, though not necessarily detailed, indication of the nature and scope of the development proposal. For projects that involve the construction of a new building or an addition to a building on a new foundation, for advisory purposes only, the materials~~

should include those required by the Flood Resilience standards set forth in Section 22.80 and the Green Factor standards set forth in Section 22.90. For projects that involve an increase in the amount or area of surface parking, or a decrease in the amount of open space provided, the materials should include those required by the Green Factor standards set forth in Section 22.90. The consultation session shall occur no later than five-ten working-business days after the request for such a consultation, unless a longer timeframe is mutually agreed to by the developer and CDD.

19.42.3~~Conduct of the Small Project Review~~ Completion of the Staff Consultation. In most cases ~~the Community Development Department CDD and other City staff person will~~ provide feedback during the consultation session and will discuss with the developer if further review will be needed to determine compliance with applicable standards~~complete the review and issue the certification of the compliance with this Section 19.42 at the end of the consultation session. However, if questions arise during the session suggesting the need for advice and assistance of other city departments or others, the development proposal materials may be kept for further review.~~

~~However~~Where the Staff Advisory Consultation is required, the final staff comments and the issuance of the Certificate of compliance shall be made within ~~five (5)~~ten business days of the consultation session, unless a longer timeframe is mutually agreed to by the developer and CDD.

~~The failure of the Community Development Department to hold the consultation session or to issue the Certificate of Compliance within the review time periods specified in this Section 19.42.3 shall not prevent an applicant for a building permit from receiving such permit after such time period has expired. The specified review period may be extended by mutual agreement of the applicant and the Community Development Department.~~

19.43~~Large Project Review~~Public Advisory Consultation Procedure.

19.43.1Applicability of Large Project Review Public Advisory Consultation Procedure. For those zoning districts identified in Section 19.46 as Areas of Special Planning Concern, any development proposal involving the construction of a new building or new structure or an alteration of an existing building or structure that increases s the gross floor by two thousand (2,000) square feet but ~~less than twenty-five thousand (25,000) square feet~~does not require a Planning Board Advisory Consultation or a special permit from the Planning Board.

19.43.2Application for a Large Project Review Public Advisory Consultation. Prior to application for a building permit, the applicant shall submit the following materials to ~~the Community Development Department~~CDD for its review. The written and graphic materials listed below shall give a reasonably complete indication of the nature and scope of the development proposal. Each of the following shall be submitted as appropriate to the proposal:

- (1) A site plan indicating the general location and boundaries of the lot, major anticipated changes in natural features, existing and proposed buildings, publicly beneficial open space and/or useable beneficial open space and/or private open space, existing and proposed curb cuts, off street parking areas, loading and service facilities, and generalized landscaping scheme or other anticipated treatment of open spaces.
- (2) Cross section(s), generalized floor plans and other diagram(s) indicating the anticipated locations of various land uses within the building and on the site and major pedestrian pathways.
- (3) Architectural elevations or sketches indicating anticipated facade treatment along public ways including the proposed entrances, fenestration, and signage.
- (4) A summary indicating compliance with applicable zoning requirements.
- (5) For projects that involve the construction of a new building or an addition to a building on a new foundation, materials identified in the Flood Resilience standards set forth in Section 22.80 shall be submitted to CDD for review and approval. If Section 22.80 is not applicable to the project, the materials shall nonetheless be provided for advisory purposes.

- (6) For projects that involve the construction of a new building, enlargement of an existing building footprint, increase in the amount or area of surface parking, or decrease in the amount of open space provided, materials identified in the Green Factor standards set forth in Section 22.90 shall be submitted to CDD for review and approval. If Section 22.90 is not applicable to the project, the materials shall nonetheless be provided for advisory purposes.

19.43.3 Conduct of the ~~Large Project Review~~Public Advisory Consultation. Abutters and representatives of various agencies and interest groups shall be invited to participate in a consultation session for ~~Large Project~~ proposals submitted for review in accordance with Section 19.43.2. Where an advisory committee has been established in this Zoning Ordinance for the area where the proposal is located (for example, the Harvard Square Overlay District or Central Square Overlay District), the consultation session shall be held at a public meeting of that advisory committee. Otherwise, The Community Development Department~~CDD~~ shall schedule a public meeting and give notification of any scheduled development consultation to each abutting property owner and to any individual or organization who each year files with ~~the Community Development Department~~CDD a written request for such notification, or to any other individual or organization ~~the Department~~CDD may wish to notify.

Within ~~ten-twenty (10-20)~~ business days of submittal of the application documents, or at a regularly scheduled meeting of an advisory committee if applicable, the Department will schedule and hold a consultation session with the applicant or ~~his designee~~the applicant's representatives and any parties listed in this Section 19.43.3. Within ten (10) days of the consultation session, ~~the Community Development Department~~CDD shall issue to the applicant written comments on the development proposal as expressed by City staff and others in attendance, which shall constitute the Certificate of Compliance. Timeframes may be extended by mutual agreement of the applicant and CDD.

~~The Community Development Department~~CDD may seek the advice and assistance of other City departments and of the organizations given notice of the consultation procedure in reviewing a development proposal.

~~The failure of the Community Development Department to hold the consultation session or to issue the Certificate of Compliance within the review time period specified in this Section 19.43.3 shall not prevent an applicant for a building permit from receiving such permit after such time period has expired. The specified review period may be extended by mutual agreement of the applicant and the Community Development Department.~~

19.43.4 Review Criteria and Required Findings of the ~~Large Project Review~~Public Advisory Consultation Procedure. In reviewing each application, ~~the Community Development Department~~CDD shall:

- (1) Evaluate the proposal for general compliance with zoning requirements, for consistency with City development guidelines prepared for the proposal area, for appropriateness in terms of other planned or programmed public or private development activities in the vicinity and for consistency with the Citywide Urban Design Objectives set forth in Section 19.30. The Department shall consider the proposal in terms of the specific and general impact of the use and/or dimensions proposed therein on the area of special planning concern and on adjacent neighborhoods and shall further take account of the following considerations: scale, bulk, density, aesthetic qualities, land use, traffic impacts and other functional characteristics; parking and loading; and impact on public services and facilities.
 - (a) Additional Criteria in Business A-4 District Ground Floor Retail uses of less than 2,000 square feet which will serve as an amenity for the surrounding residential neighborhood should be included in any building greater than 20,000 square feet.
- (2) Make recommendations in a written report to the applicant including general approval or disapproval of the proposal and in connection therewith may suggest specific project adjustments and alterations to further the purposes of this Ordinance.

19.44 The Memorandum of Understanding ("MOU") dated October 5, 2015, signed by Eric Hoagland on behalf of Observatory Hill Apartments, LLC (the "LLC"), acting on behalf of the LLC as developer of the proposed

development at 253 Walden Street, identified as Map 272, Lot 17 in the records of the City of Cambridge (the "Project"), and the Neighborhood Review Committee ("NRC"), consisting of residents of the surrounding community, is incorporated by reference hereto and shall be binding upon the Project as set forth in the MOU. The issues of any building permit or certificate of occupancy for the Project shall be conditioned upon certification by the Commissioner of Inspectional Services that the Project is in compliance with all provisions of the aforementioned MOU.

19.45 ~~Waiver of Procedures. Where a special permit issued by the Planning Board is required for a proposed development, no separate Small or Large Project Review Procedure shall be required under the provisions of this Section 19.40. [Deleted]~~

19.46 *Areas of Special Planning Concern.* The following zoning districts shall be considered Areas of Special Planning Concern: Business A-1 and Business A-2 and Business A-4 Districts, the Parkway Overlay District, the Kirkland Place Overlay District, the Harvard Square Overlay District, the Central Square Overlay District, The Cambridgeport Revitalization Development District, the Massachusetts Avenue Overlay District, Special District 12, Special District 13, Special District 14 and the Memorial Drive Overlay District, Prospect Street Overlay District and the Alewife Overlay Districts.

19.47 *Planning Board Advisory Consultation Procedure*

19.47.1 *Applicability of Planning Board Advisory Consultation Procedure.*

- a. The Planning Board Advisory Consultation Procedure shall be required as set forth below, except it shall not be required for any development requiring a special permit from the Planning Board.
- b. The Planning Board Advisory Consultation Procedure shall be required for new construction of at least 50,000 square feet of GFA in those districts where the Project Review Special Permit is applicable pursuant to Section 19.22. In the case of a change of use, as described in Section 19.23.1, projects containing at least 50,000 square feet of GFA devoted to a new use shall require a Planning Board Advisory Consultation Procedure only to review proposed changes to the exterior of the building, including but not limited to changes to the site design or roof layout.
- c. The Planning Board Advisory Consultation may be required in other instances as set forth elsewhere in this Zoning Ordinance.

19.47.2 *Preliminary Consultation*

- a. The developer shall request a preliminary consultation by submitting the following plans and other documents to the Planning Board for review. Meeting with CDD staff is strongly encouraged before preparing materials. All drawings shall be drawn to scale and shall include a graphic scale and north arrow for orientation. For the preliminary consultation, the submitted plans do not need to be detailed but must sufficiently describe the proposed layout of buildings and major site features, the height and massing of proposed buildings in relation to surrounding buildings, and circulation routes through the site for pedestrians, bicycles, and motor vehicles.
 1. A preliminary dimensional form, in a format provided by CDD, along with any supplemental materials, summarizing the dimensional characteristics of the project (such as height, Gross Floor Area, dwelling units, parking, and bicycle parking) and demonstrating compliance with applicable zoning requirements. Figures may be approximate for the preliminary consultation but must be accurate for the final consultation.
 2. A brief project narrative describing the project and the design approach, and indicating how the project has been designed in relation to the citywide urban design objectives set forth in Section 19.30 of the Zoning Ordinance and any design guidelines that have been established for the area and for the type of project.
 3. A context map indicating the location of the project and surrounding land uses, including transportation facilities.

4. Existing conditions photographs and narrative information describing the site and the context of surrounding lots including building heights, setbacks, architectural character, and unique features that inform and influence the design of the project.
 5. An existing conditions site plan depicting the boundaries of the lot, the locations of buildings, open space features, parking areas, trees, landscape/hardscape, and other major site features on the lot and abutting lots, and the conditions of abutting streets.
 6. A proposed conditions site plan depicting the same information above as modified to depict the proposed conditions, including new buildings (with one version showing a plan of building entrances and uses on the ground story, and a second version showing a plan of building roofs) and major anticipated changes in site features including but not limited to parking and bicycle parking locations.
 7. Elevation drawings of all proposed new buildings and/or existing buildings on the site that are within the scope of the proposal, depicting the ground story elevations and heights of proposed and existing buildings (including portions of buildings that abut the site) and the locations of entrances and window openings.
 8. Proposed conditions perspective renderings from a variety of vantage points on the public sidewalk and from public open space, including locations adjacent to the site as well as longer views if proposed buildings will be visible from a distance.
 9. Example photographs and specifications of surface materials being considered for use on different portions of building façades.
 10. A statement of intent describing applicable development standards in this Zoning Ordinance and how they are proposed to be met, including but not limited to sustainable development standards in Article 22.000 and affordable housing standards in Section 11.200.
 11. A summary of community engagement efforts as described below.
- b. In the process of preparing plans and materials, the developer shall conduct a process to inform members of the surrounding community about the proposal and receive advisory feedback.
1. The community engagement shall include, at a minimum, one in-person opportunity and one virtual opportunity for community members to ask questions and provide input, which could be conducted at separate times or simultaneously in a hybrid meeting format.
 2. The developer shall create a notification in physical and digital formats that includes the location of the project, a general description of the project, the date, time, location, and other information necessary for people to attend engagement events, and contact information (telephone and e-mail, at minimum) for the developer.
 3. The developer shall provide the notification to CDD. CDD shall provide the developer with a list of abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the lot and to any individual or organization who each year files with CDD a written request for such notification. The developer shall provide notification to those parties at least two weeks in advance of any meeting or event and is expected to reach out to other individuals and groups within the community surrounding the site to reach a diverse range of community members with an interest in the proposal. The developer shall also post a notification at a physical location on or near the site that is visible and legible from the public sidewalk.
 4. The preliminary submission to the Planning Board shall include a description of what outreach was conducted, what feedback was received, and how it informed the design approach.
- c. CDD shall review the submitted written and graphic materials to certify that they provide the required information in sufficient detail for the preliminary consultation. Within 65 days of receipt of a complete set of materials, or longer if the developer and CDD mutually agree in writing to a longer timeframe, CDD shall schedule a preliminary consultation as a general business matter at a regular

- public meeting of the Planning Board and shall send written notification to abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the lot on which the project is proposed and to any individual or organization who each year files with CDD a written request for such notification, and to any other individual or organization CDD may wish to notify. The submitted materials shall be made available to the public in advance. Members of the public may send written comments to the Planning Board in advance of the consultation in accordance with the Planning Board’s rules for written comment.
- d. The developer shall prepare a physical or digital massing model of the proposal to be presented at the scheduled consultation. The purpose of the model is to illustrate the scale and massing of new buildings in relation to nearby buildings, streets and open spaces. The developer shall consult with CDD staff to determine the appropriate scale and extent of the model given the characteristics of the site and of the proposal. CDD may determine that a model is not required if it does not propose any new construction or significant enlargement of a building or otherwise does not represent a significant change from existing conditions in terms of the scale or height of buildings.
- e. At the scheduled consultation, the Planning Board shall hear a presentation of the proposal from the developer and oral comments from the public in accordance with the Planning Board rules. The Board may ask questions or seek additional information from the developer or from City staff.
- f. The Planning Board shall evaluate the proposal for general compliance with the requirements of the zoning district and for consistency with the Citywide Urban Design Objectives set forth in Section 19.30 and other plans or guidelines established by the City that are applicable to the development. The Board may also suggest improvements to the proposal to further the purposes of this Ordinance.
- g. The Planning Board shall conclude the session by making a preliminary report to the developer with comments and suggestions to be discussed at a final consultation. The written report shall be provided to the developer within 20 business days of the preliminary consultation.

19.47.3 Final Consultation

- a. To request a final consultation, after receiving the preliminary report, the developer shall provide revised versions of the materials provided for the preliminary consultation at a level of design development sufficient to verify that applicable standards are being met and to accurately represent the project’s final design. Plans shall include labeled distances and dimensions of significant building and site features. The following specific materials shall be included in addition to those listed above, or in place of those materials where they provide greater detail.
1. Narrative information describing the feedback received in the preliminary report and how the revised proposal has incorporated that feedback.
 2. Floor plans of all proposed new buildings and/or remaining existing buildings proposed to be altered.
 3. Elevations and cross-section drawings of all proposed new buildings and/or remaining existing buildings proposed to be altered, depicting the distances to lot lines and the heights of surrounding buildings, and labeling the proposed materials on each façade elevation.
 4. A landscape plan depicting and labeling all hardscape, permeable, and vegetated areas proposed for the site along with other structures or appurtenances on the site and locations of light fixtures.
 5. Plans of parking and bicycle parking facilities, as required by Section 6.50 of this Zoning Ordinance.
 6. Materials palettes cataloguing and depicting with photographs the proposed façade and landscape materials.
 7. Shadow studies that show the impact on neighboring properties and public spaces.
 8. Materials required to verify compliance with applicable sustainable development standards in Article 22.000, as would be required at the special permit stage of review.

- b. CDD shall review the submitted written and graphic materials to certify that they provide the required information in sufficient detail for the final consultation. Within 65 days of receipt of a complete set of materials, or longer if the developer and CDD mutually agree in writing to a longer timeframe, CDD shall schedule a final consultation as a general business matter at a regular public meeting of the Planning Board. CDD shall provide notification, and written comments may be submitted in advance, in accordance with the same procedures as the preliminary consultation.
- c. At the final consultation, the Planning Board shall hear a presentation of the proposal from the developer, focusing on changes and additional details provided since the preliminary consultation, and oral comments from the public. A massing model, revised to reflect any design changes, will again be made available for review. The Board may ask questions or seek additional information from the developer or from City staff.
- d. The Planning Board shall evaluate the revised design for general compliance with the requirements of the zoning district and for consistency with the Citywide Urban Design Objectives set forth in Section 19.30 as well as any other plans or guidelines established by the City that are applicable to the development. The Board may also suggest specific project adjustments and alterations to further the purposes of this Ordinance.
- e. The Planning Board shall conclude the final consultation by making a final report to the developer with general comments and suggestions for further design improvements, if any, to be considered before seeking a building permit. The written report shall be provided to the developer within 20 business days of the design consultation and shall be provided to the Superintendent of Buildings to certify that the procedural requirements have been met before issuance of a building permit.

Amend Section 19.51.1 to read as follows:

19.51.1 Applicable Zoning Districts. This Section 19.50 shall apply in the following zoning districts:

- (1) All Office, Business, and Industrial Districts and NP districts, and any Special District for which an office, business or industrial district serves as the underlying base regulation (SD-1, SD-3, SD-5, SD-7, SD-8, and SD-11).
- (2) Residence C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, and C-3B districts, and any Special District for which any one of these residence districts serves as the underlying base regulation (SD-2, and SD-6) for a building or portion of a building within one hundred (100) feet of a public street.

Amend Section 19.52 to read as follows:

19.52 ~~Heights, and~~ Setbacks and Building Façades. The provisions of this Section 19.52 shall not apply to Special District 8.

- (1) For development on a lot abutting a lot in a residential zoning district having a more restrictive height limit, the cornice line of the principal wall plane facing the residential zoning district line shall not exceed by more than twenty (20) feet at any point the maximum height permitted in the residential zoning district. Any portion of the building rising above the cornice line shall be located below a forty-five (45) degree bulk control plane starting at ground level at the zoning district line, subject to the following provisions.
 - (a) Where the zoning district line lies within a lot, the bulk control plane shall begin at the lot line in the residential zoning district that divides the subject lot (including any intervening lots held in identical ownership but not part of the development lot and such lots located across the street) from another lot in different ownership.
 - (b) Where the zoning district line occurs within a public street, the provisions of this Section 19.52 shall apply but the bulk control plane shall be measured from the centerline of the street regardless of the location of the zoning district line.

- (2) For development on a lot abutting a residential zoning district having more restrictive yard requirements, the yard requirements of the residential district shall apply to any portion of the development rising above the bulk control plane set forth in Paragraph (1) above. As in (1) above, where the zoning district line lies within a lot, the bulk control plane shall begin at the lot line in the residential zoning district that divides the subject lot (including any intervening lots held in identical ownership but not part of the development lot) from another lot in different ownership. This Paragraph (2) shall not apply where the zoning district line lies within or across a street.
 - (3) A building footprint exceeding two hundred and fifty (250) feet in length, measured parallel to the street, shall contain a massing recess extending back at least fifteen (15) feet in depth measured from and perpendicular to the front lot line and at least fifteen (15) feet in width measured parallel to the front lot line so that the maximum length of unbroken façade is one hundred fifty (150) feet.
 - (4) For portions of buildings containing residential uses, building façades shall incorporate architectural elements that project or recess by at least two feet from the adjacent section of the façade. Such projecting or recessed elements shall occur on an average interval of 40 linear horizontal feet or less for portions of the façade directly facing a public street, and on an average interval of 80 linear horizontal feet or less for other portions of the façade. Such projecting or recessed elements shall not be required on the lowest Story Above Grade or on the highest Story Above Grade, and shall not be required on the highest two Stories Above Grade of a building containing at least six Stories Above Grade. The intent is to incorporate elements such as bays, balconies, cornices, shading devices, or similar architectural elements that promote visual interest and residential character, and to allow variation at the ground floor and on upper floors where a different architectural treatment may be preferable.
-

Amend Section 19.56, Paragraph (1) to read as follows:

- (1) The actively used area shall have a depth of at least 20 feet, or the depth of the building if less. If the area is occupied by uses other than Residences or Dormitories, the height of the Ground Story for that portion of the building shall be at least fifteen (15) feet and the depth shall be at least thirty-five (35) feet on average measured from the portion of the façade that is nearest to the front lot line in a direction perpendicular to the street, and measured toward at least one street in instances where the space abuts two or more streets.
-

In Section 19.56, create a new Paragraph (5) to read as follows:

- (5) The façade of a Ground Story facing a public street shall consist of expanses no longer than twenty-five (25) feet in length, measured parallel to the street, which contain no transparent windows or pedestrian entryways.
-

Amendments to Article 20.000.

Amend Section 20.11.4 to read as follows:

20.11.4Review Process. The Hammond and Gorham Streets Transition Overlay District shall be considered an area of special planning concern. Development proposals shall be subject to the applicable development review procedures as set forth in Article 19.000 of this Zoning Ordinance listed in Sections 19.42 and 19.43 shall be subject to the Development Consultation Procedure specified in those Sections.

Amend Section 20.12.4 to read as follows:

20.12.4The Kirkland Place Transition Overlay District shall be considered an area of special planning concern and shall be subject to the applicable development review procedures as set forth in Article 19.000 of this Zoning Ordinance.

~~Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 19.40.~~

Amend Sections 20.53.1 and 20.53.2 to read as follows:

20.53.1The Harvard Square Overlay District shall be considered an area of special planning concern. Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Article 19.40 except that any Large Project Review~~Public Advisory Consultation~~ (new buildings of 2,000 square feet or more) shall be conducted by the Harvard Square Advisory Committee using procedures specified in Subsection 20.54.1 of this Section 20.50.

20.53.2Criteria for Advisory Development Consultations~~Review~~ and Review of Applications for Special Permits and Variances. In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority or the Harvard Square Advisory Committee shall be guided by the objectives and criteria contained in the publication Harvard Square Development Guidelines [Document compiled from the Guidelines for Development and Historic Preservation as contained in the Final Report of the Harvard Square Neighborhood Conservation District Study Committee, dated November 29, 2000 and the Harvard Square Development Guidelines, 1986], in addition to the requirements of Sections 10.30 (Variances) and 10.40 (Special Permits) and this Section 20.50. These guidelines are also intended to assist in shaping any contemplated physical change within the Harvard Square Overlay District

Amend Section 20.54.1, Paragraph 2. to read as follows:

2. Responsibilities. The Committee shall undertake all Large Project Reviews~~Public Advisory Consultations~~ and shall receive all applications for variances and special permits for activities within the Harvard Square Overlay District for review and comment. In addition, the Committee may comment on any preliminary proposal for which any public agency or private interest has planned for the Overlay. The Committee shall meet on an approximately monthly basis or with as much frequency as is needed to address pertinent issues in the Harvard Square Overlay District, with the schedule to be determined at the discretion of the Chair.
-

Amend Section 20.54.1, Paragraph 3. Subparagraph a. to read as follows:

- a. Within six (6) months preceding any application for (1) a building permit for any project subject to Large Project Development Consultation Review~~the Public Advisory Consultation Procedure~~ or (2) a special permit or variance for any project within the Harvard Square Overlay District, the graphic and other material required in Section 19.43.2 - Application for a Large Project Review~~Public Advisory Consultation~~ shall be submitted to the Harvard Square Advisory Committee for their review and comment.
-

Amend Section 20.68 to read as follows and delete Subsection 20.68.1:

20.68~~Development Consultation Procedure.~~ The Parkway Overlay District shall be considered an area of special planning concern and shall be subject to the applicable development review procedures as set forth in Article 19.000 of this Zoning Ordinance. ~~Except as modified by Subsection 20.68.1, development proposals listed in Subsection 19.42 shall be subject to the development consultation procedure.~~

20.68.1~~Development proposals requiring a special permit or exempted under Subsections 20.63.2, 20.63.3, or 20.63.4 shall not be subjected to the development consultation procedure. [Deleted]~~

Amend Section 20.69.2 to read as follows:

20.69.2Notwithstanding any other provisions in either the Parkway Overlay District and/or the base zoning district, any building within the Concord Avenue Parkway Subdistrict containing greater than twenty-five thousand (25,000) square feet ~~in of non-residential~~ floor area shall require a special permit under this paragraph. When determining whether to grant a special permit under this paragraph, the Planning Board shall require compliance with the following criteria, in addition to the general special permit criteria set forth in section 10.43:

Amend Section 20.811 to read as follows:

20.811The Memorial Drive Overlay District shall be considered an area of special planning concern subject to the provisions of [section 19.40](#)[Article 19.000](#).

Amend Section 20.93.1 to read as follows:

20.93.1The Alewife Overlay Districts shall be considered areas of special planning concern [and shall be subject to the applicable development review procedures as set forth in Article 19.000 of this Zoning Ordinance](#). ~~Development proposals listed in Subsection 19.42 and 19.43 – Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Article 19.40.~~

Amend Section 20.111 to read as follows:

20.111The Massachusetts Avenue Overlay District shall be considered an area of special planning concern [and subject to the applicable requirements of Article 19.000](#). ~~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.~~

Amend Section 20.204.2 to read as follows:

20.204.2Minimum Green Area Open Space in the Prospect Street Overlay District. If such Open Space is not required under the applicable base zoning district for some or all permitted uses, a minimum of 15% Green Area Open Space shall be required. This Green Area Open Space may serve to help meet the requirement for [Private](#) Open Space in any applicable base zoning district provided all dimensional standards for [Private](#) Open Space are met. Notwithstanding the definition of Green Area Open Space in Article 2.000, Definitions, a paved expansion of three (3) feet wide or less of the adjacent public sidewalk devoted exclusively to pedestrian use, as permitted in Section 20.204.32, may serve to help meet this Green Area Open Space requirement.

Amend Section 20.208 to read as follows:

20.208*Area of Special Planning Concern.* The Prospect Street Overlay District shall be considered an area of special planning concern [and subject to the applicable requirements of Article 19.000](#). ~~Notwithstanding the provisions in Section 19.43.1 – Applicability of Large Project Review~~[Public Advisory Consultation Procedure](#), ~~in the Prospect Street Overlay District the Large Project Review~~[Public Advisory Consultation Procedure](#) shall apply to any development proposal containing Gross Floor Area of two thousand (2,000) square feet or more but less than fifty thousand (50,000) square feet, unless such development is exempt by virtue of the provisions of Section 19.45.

For parcels that fall within both the Prospect Street Overlay District and the Central Square Overlay District, this ~~Large Project Review Consultation~~[Public Advisory Consultation](#) shall be conducted by the Central Square Advisory Committee.

Before issuance of any special permit for development proposed within the Prospect Street Overlay District that is subject to the ~~Large Project Review~~[Public Advisory Consultation](#) Procedure or any special permit required in this Section 20.200, ~~Section 11.10 – Townhouse Development, Section 4.26 – Multifamily Special Permit~~, and Section 19.20 - Project Review, the Planning Board shall determine that the proposal is [consistent](#) with the Prospect Street Design Guidelines.

Amend Section 20.301.1 to read as follows:

20.303.1The Central Square Overlay District shall be considered an area of special planning concern [and shall be subject to the applicable development review procedures as set forth in Article 19.000 of this Zoning](#)

Ordinance. Development proposals listed in Subsection 19.42 and 19.43, Development Consultation Procedures, shall be subject to the Development Consultation Procedures specified in Article 19.000 except that any ~~Large Project Review~~Public Advisory Consultation ~~(new buildings of two thousand (2,000) square feet or more)~~ shall be conducted by the Central Square Advisory Committee using procedures as specified in Subsection 20.304.1 of this Section 20.300.

Amend Section 20.304.1, Paragraph 2. to read as follows:

2. Responsibilities. The Committee shall undertake all ~~Large Project Reviews~~Public Advisory Consultations and shall receive all applications for variances and special permits for activities within the Central Square Overlay District for review and comment. In addition, the Committee may comment on any preliminary proposal, for which any public agency or private interest may wish to receive advice and recommendations.
-

Amend Section 20.304.1, Paragraph 3. Subparagraph a. to read as follows:

- a. Within the six (6) months preceding any application for (1) a building permit for any project subject to a ~~Large Project Development Consultation Review~~Public Advisory Consultation Procedure or (2) a special permit or variance for any project within the Central Square Overlay District, the graphic and other material required in Section 19.43 - ~~Large Project Review~~Public Advisory Consultation Procedure shall be submitted to the Central Square Advisory Committee for their review and comment.
-

Amend Section 20.304.4, Paragraph 2. to read as follows:

2. ~~Private~~ Open Space. Open Space shall be provided as required in the Base Zoning District, however the Planning Board may allow, by Special Permit, the reduction of required Open Space, and permit such Open Space to be located at levels other than at grade if the applicant can demonstrate that the urban design objectives as set forth in the Central Square Overlay District can be met.
-

Amend Sections 20.1100.8.2 through 20.1100.8.3.2 to read as follows:

- ~~8.2~~Small Project ReviewStaff Advisory Consultation. In addition to the provisions of Section 19.42.1, the ~~Small Project Review~~Staff Advisory Consultation procedure shall be required of any project that includes the rehabilitation of at least 2,000 square feet of GFA within an existing building to accommodate a new use.
- ~~8.3~~Large Project ReviewPublic Advisory Consultation. A ~~Large Project Review~~Public Advisory Consultation ~~development consultation~~ shall be required for any development proposal involving the construction of a new building or new structure or an alteration of an existing building or structure that increase the gross floor area by two thousand (2,000) square feet but is not seeking a special permit.
- ~~8.3.1~~The ~~Large Project Review~~Public Advisory Consultation procedure shall be conducted by the Planning Board.
- ~~8.3.2~~Before applying for a development consultation with the Planning Board, applicants for the ~~Large Project Review~~Public Advisory Consultation Procedure shall first consult with Community Development Department staff to discuss the procedure and to receive advisory input on the proposal.