



# CAMBRIDGE CITY COUNCIL

Dennis Carlone  
*City Councilor*

Please share with my colleagues and the general public my comments and questions, and zoning recommendations for the proposed Affordable Housing Overlay submitted on April 25, 2019. Note that my zoning recommendations are in red type and comments/questions in italic red type. These are all notes and not meant to be misconstrued as formal amendments at this time.

My goals are to raise issues not specifically highlighted previously, such as actual densities, modify setbacks and transitions, give greater certainty on the design and massing of new structures within existing contexts, and site location preferences. It is my hope that such a detailed analysis will generate a more focused and meaningful discussion at the August 1st Ordinance hearing on the petition.

Dennis Carlone  
Cambridge City Council.

**Affordable Housing Overlay – AS REFERRED BY HOUSING COMMITTEE ON APRIL 25, 2019 DC Edits**

[Note: Recommended additions to zoning text are in red type; comments are in *italic red type*]

**ADD NEW DEFINITIONS TO ARTICLE 2.000:**

*Affordable Housing Overlay (AHO)*. A set of modified development standards set forth in Section 11.207.3 of this Zoning Ordinance intended to allow increases in density [*2.5 to 4 times – must calculate each district impact – state the economic analysis and goal*], limited increases in height [*not true: petition’s 45’ to 70’ is an increase of 56%*], and relaxation of certain other zoning limitations [*setbacks, unit per square foot of site, transitions – what else?*] for residential developments in which all units are made permanently affordable to households earning up to 100% of area median income.

*Affordable Housing Overlay (AHO) Dwelling Unit*. A dwelling unit within an AHO Project for which occupancy is restricted to an AHO Eligible Household and whose rent or initial sale price is established by the provisions of Section 11.207.3 of this Zoning Ordinance.

*Affordable Housing Overlay (AHO) Eligible Household*. A household whose gross household income does not exceed the amounts set forth in Section 11.207.3 of this Zoning Ordinance.

*Affordable Housing Overlay (AHO) Project*. The construction of a new building or buildings and/or the modification of an existing building or buildings resulting in single-family, two-family, townhouse, or multifamily dwellings within which each dwelling unit is an AHO Dwelling Unit subject to the standards and restrictions set forth in Section 11.207 of this Zoning Ordinance.

*Grade*. The mean finished ground elevation of a lot measured either around the entire perimeter of the building or along any existing wall facing a public street, which ground elevation is maintained naturally without any structural support.

*Permeable Parking*. [*Definition must be added*]

*Story*. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

*Story Above Grade*. A story whose highest point is more than 4 feet above the Grade.

**CREATE NEW SECTION:**

**11.207 AFFORDABLE HOUSING OVERLAY**

1. Purpose and Intent

The purpose of this Section is to promote the public good by supporting the development of housing that is affordable to households earning up to 100% of area median income. The intent of this Section is to allow increases in density, limited increases in height, and relaxation of certain other zoning limitations for residential developments in which all units are made permanently affordable to households earning up to 100% of area median income (referred to as “AHO Projects,” as defined in Article 2.000 of this Zoning Ordinance); to incentivize the reuse of existing buildings in order to create AHO Projects that are **more compatible with established neighborhood character**; to promote the city’s urban design objectives (*Article 19.30*), [*19.46 Areas of Special Planning Concern, 19.51 Applicability, are there any others of note?*] while enabling AHO Projects to be permitted as-

of-right, subject to non-binding advisory design consultation procedures **and the results of design review process shall inform funding decisions by the principal public funder, the Cambridge Affordable Housing Trust**; and to apply such standards throughout the City, to promote city planning goals of achieving greater socioeconomic diversity and a more equitable distribution of affordable housing **and related support services** citywide.

2. Applicability

(a) The provisions set forth in this Section shall apply to AHO Projects, as defined in Article 2.000 of this Zoning Ordinance, in all zoning districts except Open Space Districts.

(b) An AHO Project shall meet all of the standards set forth in this Affordable Housing Overlay, or else it shall be subject to the requirements otherwise applicable in the zoning district.

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, in accordance with standards and procedures related to selection, asset limits, and marketing established by the Community Development Department.

(ii) AHO Dwelling Units shall be created and conveyed subject to recorded covenants approved by the Community Development 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 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 the Community Development 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 the Community Development 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 the Community Development Department, to determine continued eligibility and rent, in accordance with policies, standards, and procedures established by the Community Development 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 the Community Development 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 by 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 the Community Development 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 the Community Development Department shall not be required to comply with the Inclusionary Housing Requirements set forth in 11.203 of this Zoning Ordinance.

#### 4. Use

(a) In all zoning districts, an AHO Project may contain single-family, two-family, townhouse, or multifamily dwellings as-of-right. Townhouse and Multifamily Special Permit procedures shall not apply.

(b) An AHO Project may contain active non-residential uses on the ground floor as they may be permitted as-of-right in the base zoning district or the overlay district(s) that are applicable to a lot, which for the purpose of this Section shall be limited to Institutional Uses listed in Section 4.33, Office Uses listed in Section 4.34, and Retail and Consumer Service uses listed in Section 4.35. **All such ground floor uses shall** ~~that~~ provide services to the general public.

#### 5. Development Standards

## 5.1 General Provisions

- (a) For the purposes of this Section, the phrase “District Development Standards” shall refer to the development standards of the base zoning district as they may be modified by the development standards of all overlay districts that are applicable to a lot, but not the standards set forth within this Affordable Housing Overlay, and shall include standards that are permitted as-of-right or allowable by special permit.
- (b) For an AHO Project, the following development standards shall apply as-of-right in place of the more restrictive District Development Standards, except as otherwise stated. Where the District Development Standards for any type of use are less restrictive than the standards set forth below, such less restrictive development standards shall apply as-of-right to an AHO Project.
- (c) An AHO Project that conforms to the following development standards shall not be subject to other limitations that may be set forth in Article 5.000 or other Sections of this Zoning Ordinance, including limitations on Floor Area Ratio (FAR) and lot area per dwelling unit, except as otherwise stated in this Section.

## 5.2 Dimensional Standards for AHO Projects

### 5.2.1 Building Height and Stories Above Grade

- (a) Where the District Dimensional Standards allow a maximum building height of 40 feet or less, an AHO Project shall contain no more than four Stories Above Grade and shall have a maximum height of 45 feet, as measured from existing Grade. For AHO Projects containing active non-residential uses on the ground floor, the maximum height may be increased to ~~50~~ 47 feet but the number of Stories Above Grade shall not exceed four stories.
- (b) Where the District Dimensional Standards allow a maximum building height of more than 40 feet up to 45 feet, an AHO Project shall contain no more than five stories Above Grade and shall have a maximum height of 55 feet, as measured from existing Grade. For AHO Projects containing active non-residential uses on the ground floor, the maximum height may be increased to 60 feet but the number of Stories Above Grade shall not exceed five stories.
  - (i) Portions of buildings that are within 35 feet of a district whose District Dimensional Standards allow a maximum building height of 35 feet or less shall be reduced to a maximum of four Stories Above Grade and a maximum height of 47 feet, as measured from existing Grade, except where the building abuts a non-residential use.
- (c) Where the District Dimensional Standards allow a maximum building height of 50 feet or more than ~~\_\_\_~~ feet, an AHO Project shall contain no more than seven Stories Above Grade and shall have a maximum height of 80 feet, as measured from existing Grade, except as further limited below.
  - (i) Portions of buildings that are within 35 feet of a district whose District Dimensional Standards allow a maximum building height of 40 feet or less shall

be reduced to a maximum of five Stories Above Grade and a maximum height of 60 feet, as measured from existing Grade, except where the building abuts a non-residential use.

(d) Each Story Above Grade shall have a minimum height of 10 feet.

### 5.2.2 Density

(a) *[Floor Area Ratios - City analysis currently indicates that the allowable square footage must be **multiplied** by 2.5 (existing higher density districts) to **4.0** (existing lower density districts) to make affordable housing economically viable in our existing housing and commercial market. As in all petitions, staff must provide their economic and urban design analysis for Council and Planning Board to fully understand the district-by-district issues and recommendations.]*

### 5.2.3 Yard Setbacks

(a) For the purpose of this Section, the applicable District Dimensional Standards shall not include yard setback requirements based on a formula calculation as provided in Section 5.24.4 of the Zoning Ordinance, but shall include non-derived minimum yard setback requirements set forth in Article 5.000 or other Sections of this Zoning Ordinance.

~~(b) An AHO Project shall use the average front yard setback of existing, adjacent buildings (two on each side but not including corner lots) above two (2) stories high or as called out in zoning, whichever is less. Corner lots shall have a minimum front yard setback of 10 feet, except where the District Dimensional Standards establish a less restrictive requirement. However, the front yard setback may be reduced to the average of the front yard setbacks of the pre-existing buildings on the lots adjacent thereto on either side, if such average is less than the front yard setback otherwise required.~~

(c) An AHO Project shall have a minimum side yard setback of 7.5 feet **but the sum of the new project setback and the existing adjacent property setback add up to a minimum of 20 feet. However, if** the District Dimensional Standards establish a less restrictive requirement **that dimension will be the required setback.**

(d) An AHO Project shall have a minimum rear yard setback of 20 feet **but the sum of the new project setback and the existing adjacent residential property setback add up to a minimum of 40 feet** ~~except where the District Dimensional Standards establish a less restrictive requirement.~~ *[Comment on crossed-out words: This is housing, no minimum rear yard setback?]*

(e) Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than 3.5 feet from the principal exterior wall plane, and unenclosed steps, unroofed porches and the like which do not project more than ten (10) feet beyond the line of the foundation wall and which are not over four (4) feet above Grade, may extend beyond the minimum yard setback.

- (f) Bicycle parking spaces, whether short-term or long-term, and appurtenant structures such as coverings, sheds, or storage lockers *[of what maximum size]* may be located within a required yard setback.

#### 5.2.4 Open Space

- (a) Except where the District Dimensional Standards establish a less restrictive requirement or as otherwise provided below, the minimum percentage of open space to lot area for an AHO Project shall be 30%. However, the minimum percentage of open space to lot area may be reduced to no less than 15% if at least one of the following criteria is met:
  - (i) An area commensurate with such reduction is used to provide off-street surface parking spaces on the lot along with necessary driveways and access aisles.
  - (ii) The AHO Project includes the preservation and protection of an existing building included on the State Register of Historic Places. *[Share related information]*
- (b) 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 of this Zoning Ordinance. Private Open Space shall exclude parking and driveways for automobiles. *[15' x 15' is meaningful, should be included if at all possible, at least in the 20 foot rear yard setback]*
- (c) At least half of the required open space shall meet the definition of Permeable Open Space as set forth in this Zoning Ordinance.
- (d) All of 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. Open space may be located at higher levels, such as balconies and decks, but shall not count toward meeting the required Private Open Space for the purpose of this Affordable Housing Overlay.
- (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, but shall not be considered Permeable Open Space.

#### 5.3 Standards for Existing Buildings

A building that is in existence as of the effective date of this Ordinance and does not conform to the standards set forth above in this Affordable Housing Overlay may be altered, reconstructed, extended, and/or enlarged for use as an AHO Project as-of-right in accordance with the standards set forth below. Except as otherwise stated, the following standards shall apply to development contained within the envelope of the existing building, and enlargements or additions occurring outside the envelope of the existing building shall conform to the standards for new construction set forth above.

- (a) The modifications to a nonconforming structure allowed as-of-right or by special permit in Article 8.000 of this Zoning Ordinance shall be allowed as-of-right for an AHO Project.

- (b) Gross floor area may be added or reconstructed within the interior of the existing building, provided that the resulting number of Stories Above Grade is not more than the greater of the existing number of Stories Above Grade, the maximum number of stories permitted for new construction as set forth above, or the existing height of the building divided by 10 feet.
- (c) Insulation may be added to the exterior of an existing exterior wall to improve energy efficiency, provided that the resulting exterior plane of the wall shall either conform to the yard setback standards for an AHO project set forth above or shall not intrude more than eight (8) inches further into the existing yard setback.
- (d) An existing building may be moved to a new location on a lot, provided that the resulting height of the building above Grade at its new location shall be no greater than the height above Grade at its existing location, or the maximum building height permitted for an AHO Project as set forth above, whichever is greater, and also provided that the resulting yard setbacks shall not increase any nonconformance with the required yard setbacks set forth above for an AHO Project.
- (e) Where the existing amount of open space on the lot does not conform to the standards for an AHO Project set forth above, the existing amount of open space shall be the required amount. However, permitted alterations to the structure or lot including but not limited to moving the building footprint, installing exterior insulation, installing bicycle parking, or installing exterior features to improve accessibility may displace existing open space so long as such open space is reestablished elsewhere on the site to the extent possible and the total amount of open space is not decreased from the existing condition by more than 5% or 100 square feet, whichever is greater.

## 6. Parking and Bicycle Parking

The limitations set forth in Article 6.000 of this Zoning Ordinance shall be modified as set forth below for an AHO Project.

### 6.1 Required Off-Street Accessory Parking

- (a) Off-street parking shall be required at a minimum ratio of 0.4 space per AHO Dwelling Unit, except as further modified below.
- (b) Off-street parking shall not be required for an AHO Project on a lot that is located, in whole or in part, within one half-mile of a public rapid transit station or within one quarter-mile of a bus stop with a scheduled peak hour frequency of at least six buses per hour during 7:00 to 9:00 AM and 4:00 to 6:30 PM on weekdays.
- (c) The requirement for off-street parking spaces shall be waived for AHO Dwelling Units created within existing buildings in existence as of the effective date of this Ordinance. In addition, the requirement for off-street parking spaces shall be waived for any new construction, in the form of additions or stand-alone buildings, of an AHO Project on a lot that also includes the preservation and protection of a building included on the State Register of Historic Places.



- (d) Where the number of off-street parking spaces required by this Affordable Housing Overlay would otherwise be four spaces or fewer, the requirement to provide off-street parking spaces shall be waived.

#### 6.2 Accessory Parking Provided Off-Site

- (a) Off-street parking facilities may be shared by multiple AHO Projects, provided that the requirements of this Section are met by all AHO Dwelling Units served by the facility and the facility is within 1,000 feet of all AHO Projects that it serves.
- (b) Off-street parking facilities for an AHO Project may be located within existing parking facilities located within 1,000 feet of the AHO Project and in a district where parking is permitted as a principal use or where the facility is a pre-existing nonconforming principal use parking facility, provided that the owner of the AHO Project shall provide evidence of fee ownership, a long-term lease agreement or renewable short-term lease agreement, recorded covenant, or comparable legal instrument to guarantee, to the reasonable satisfaction of the Superintendent of Buildings, that such facilities will be available to residents of the AHO Project.

#### 6.3 Modifications to Design and Layout Standards for Off-Street Parking

- (a) Notwithstanding Section 6.43.2, parking spaces may be arranged in tandem without requiring a special permit, provided that no more than two cars may be parked within any tandem parking space.
- (b) Notwithstanding Section 6.43.6, owners of adjacent properties may establish common driveways under mutual easements without requiring a special permit.
- (c) Notwithstanding Paragraph 6.44.1(a), on-grade open parking spaces may be located within 10 feet but not less than 5 feet *[A significant health concern for some, that's why it is in zoning –currently allowed by Special Permit – Will speak with Inspectional Services]* from a building wall on the same lot or an adjacent lot at the basement or first story without requiring a special permit, provided that such parking spaces are screened from buildings on abutting lots by a fence ~~or dense plantings~~.
- (d) Notwithstanding Paragraph 6.44.1(b), on-grade open parking spaces and driveways may be located within 5 feet of a side or rear property line without requiring a special permit, provided that screening is provided in the form of a fence ~~or dense plantings~~ at the property line, unless such screening is waived by mutual written agreement of the owner of the lot and the owner of the abutting lot.

#### 6.4 Modifications to Bicycle Parking Standards

- (a) Notwithstanding Section 6.104, long-term or short-term bicycle parking spaces may be located anywhere on the lot for an AHO Project or on an adjacent lot in common ownership or under common control.

- (b) Notwithstanding Section 6.107.5, up to 20 long-term bicycle parking spaces may be designed to meet the requirements for Short-Term Bicycle Parking Spaces, so long as they are covered from above to be protected from precipitation
- (c) The requirement for short-term bicycle parking shall be waived where only four or fewer short-term bicycle parking spaces would otherwise be required.
- (d) The number of required bicycle parking spaces shall be reduced by half, up to a maximum reduction of 28 spaces, where a standard-size (19-dock) Public Bicycle Sharing Station is provided on the lot or by the developer of the AHO Project on a site within 500 feet of the lot, with the written approval of the City if located on a public street or other City property, or otherwise by legally enforceable mutual agreement with the owner of the land on which the station is located as approved by the Community Development Department. If additional Public Bicycle Sharing Station docks are provided, the number of required bicycle parking spaces may be further reduced at a rate of 0.5 bicycle parking space per additional Public Bicycle Sharing Station dock, up to a maximum reduction of half of the required number of spaces.
- (e) For AHO Dwelling Units created within an existing building, bicycle parking spaces meeting the standards of this Zoning Ordinance shall not be required but are encouraged to be provided to the extent practical given the limitations of the existing structure. Bicycle parking spaces shall be provided, as required by this Zoning Ordinance, for dwelling units in an AHO Project that are constructed fully outside the envelope of the existing structure.

#### 6.5.1 Transportation Demand Management

An AHO Project whose parking requirements are waived pursuant to the provisions of this Section 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 three 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.

## 7 Site Selection

Due to the above regulations, each site will offer different opportunities and constraints for the affordable housing developer as well as impacts on the abutting neighbors. The priority of site selection shall be organized by the degree that the selected location enhances affordable housing renters' mobility, social interaction, and retail/services access, as well as generates a greater number of units. Therefore, Priority 1 locations are in or immediately adjacent to city squares and smaller neighborhood retail/service districts (BA, BA-1, BA-2). Priority 2 sites are those that the city already controls or owns (empty lots, parking lots, storage areas, etc.). The next three priorities are

in lower density neighborhoods: Priority 3 is on major streets and avenues, especially those with mass transit access; Priority 4 are corner locations (traditional locations for most apartment buildings in residential neighborhoods); and Priority 5 are residential properties that are not on corners.

## 8 Building and Site Design Standards for New Development

### 8.1 General Provisions

- (a) The following design standards shall apply to all AHO Projects. Except where otherwise stated, the Project Review requirements set forth in Article 19.000 of this Zoning Ordinance and any design standards set forth in Section 19.50 or elsewhere in the Zoning Ordinance shall not apply if the following standards are met; however, the design standards specific to the project area are encouraged to be met to the extent possible if they are not in conflict with the purpose of this Section.
- (b) The following design standards shall apply to new construction and to additions to existing structures. 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 *[not exterior character?]*, provided that such alterations do not create a condition that is in greater nonconformance with such standards than the existing condition.
- (c) *Character of street – Since each potential AHO site and its surrounding context is different from street to street; an analysis of both the common and diverse characteristics of each site’s street architectural and urban qualities is required prior to the design phase. If a particular street has a diverse collection of building types, and setbacks, heights, density, etc. vary significantly, a new AHO building will more easily fit in. However, if the street has fairly consistent, architectural and urban design characteristics, a new AHO project shall incorporate as many of those qualities as possible into its design.*

### 8.2 Site Design and Arrangement

- (a) The area directly between the front lot line and the principal wall plane of the building nearest to the front lot line shall match *its street context and* consist of ~~any combination~~ of landscaped area, hard-landscaped area accessible to pedestrians and bicyclists, and usable spaces such as uncovered porches, patios, or balconies. Parking and other motor vehicle uses, including service and loading facilities, shall not be located within such area, except for driveway access which shall be limited to a total of thirty (30) feet of width for any individual driveway for each one hundred (100) feet of lot frontage.
- (b) Pedestrian entrances to buildings shall be visible from the street, except where the building itself is not visible from the street due to its location. All pedestrian entrances shall be accessible by way of access routes that are separated from motor vehicle access drives.
- (c) A building footprint exceeding ~~250~~ 150 feet in length, measured parallel to the street, shall contain portions that are set back by at least 40 feet in depth measured from and perpendicular to the front lot line and at least ~~40~~ 30 feet in width measured parallel to the front lot line. *[Depending on type of street? – corridor vs. residential]*

### 8.3 Building Facades

- (a) At least ~~15%~~ **20%** of the area of building façades facing a public street or public open space shall consist of clear glass windows. For buildings located in a Business A (BA), Business A-2 (BA-2), Business B (BB) or Business C (BC) zoning district, this figure shall be increased to ~~25%~~ **30% residential, and 70% retail/active use on the first floor.**
- (b) 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.
- (c) ~~To provide additional visual interest to the facade, for window openings above the ground floor facing a public street or public open space, the developer is encouraged to include architectural elements that provide depth and/or surface relief such as recessed or projecting window surfaces, sills, sun shades, or shutters.~~ ***[Must be made stronger from a zoning and design point-of-view. See Overlay Design Consultation Objectives, on page 9]***

### 8.4 Ground Floors

- (a) The elevation at floor level of the ground floor of a building, meaning the lowest story above Grade, shall be at the mean Grade of the abutting public sidewalk, or above such mean Grade by not more than four feet. Where active non-residential uses are provided at the ground floor, the ground floor 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 floor elevation is necessary for the purpose of flood protection.
- (b) Where structured parking and **/or bicycle storage** is provided within the ground floor of a building, the portion of the building immediately behind the front wall plane shall consist of residential units, common areas, or other populated portions of the building in order to screen the provided parking **/bicycle storage** over at least ~~50%~~ **75%** of the length of the facade measured parallel to the street **or on the principal street if on a corner site.**
- (c) The facade of a ground floor facing a public street shall consist of expanses no longer than 25 feet in length, measured parallel to the street, which contain no transparent windows or pedestrian entryways.
- (d) If the ground floor is designed to accommodate active non-residential uses, the following additional standards shall apply:

- (i) the height of the lowest story above Grade for that portion of the building containing active non-residential uses shall be at least 15 feet;
  - (ii) the depth of the space designed for active non-residential uses shall be at least ~~35~~ 40 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 to at least one street in instances where the space abuts two or more streets; and
  - (iii) that portion of the ground floor façade containing active non-residential uses shall consist of at least 50% (office/service) to 70% (retail) transparent glass windows.
- (e) Ground floors shall be designed to accommodate at least one space (50% of existing frontage) for an active non-residential use on sites that are located in a Business base zoning district, and where the project site and at least one of the lots abutting the project site contains or has contained a retail and consumer service use at any point within the past two years. Each proposed project's non-residential frontage length and its context shall be separately evaluated.

#### 8.5 Mechanical Equipment, Refuse Storage, and Loading Areas

All mechanical equipment, refuse storage, or loading areas serving the building or its occupants that are (1) carried above the roof, (2) located at the exterior building wall or (3) located outside the building, shall meet the requirements listed below. Mechanical equipment includes, but is not limited to, ventilation equipment including exhaust fans and ducts, air conditioning equipment, elevator bulkheads, heat exchangers, transformers and any other equipment that, when in operation, potentially creates a noise detectable off the lot. The equipment and other facilities:

- (a) Shall not be located within any required setback. This Paragraph (a) shall not apply to electrical equipment whose location is mandated by a recognized public utility, provided that project plans submitted for review by the City identify a preferred location for such equipment.
- (b) When on the ground, shall be permanently screened from view from adjacent public streets that are within 100 feet of the building, or from the view from abutting property in separate ownership at the property line. The screening shall consist of densely planted and maintained shrubs or trees equal or greater in height at the time of installation than the equipment or facilities to be screened [*Does this approach ever work? – long-term maintenance*], or a fence of equal or greater height that is comparable in quality to the materials used on the principal facades of the building, with no more than twenty-five (25) percent of the face of the fence open with adjacent planting.
- (c) When carried above the roof, shall be setback from the facade and permanently screened from view, from the ground, from adjacent public streets and any abutting residentially used lot or lots in a residential zoning district. The screening shall be at least ~~50%~~ 75% opaque, uniformly distributed across the screening surface.

- (d) Shall meet all city, state and federal noise regulations, as applicable, as certified by a professional acoustical engineer if the Department of Inspectional Services deems such certification necessary.
- (e) That handles trash and other waste, shall be contained within the building ~~or screened~~ as required in this Section until properly disposed of.

#### 8.6 Environmental Design Standards

- (a) This Section shall not waive the Green Building Requirements set forth in Section 22.20 of this Zoning Ordinance that may otherwise apply to an AHO Project.
- (b) Where the provisions of the Flood Plain Overlay District apply to an AHO Project, the performance standards set forth in Section 20.70 of this Zoning Ordinance shall apply; however, a special permit shall not be required.
- (c) An AHO Project shall be subject to other applicable laws, regulations, codes, and ordinances pertaining to environmental standards.
- (d) New outdoor light fixtures installed in an AHO Project shall be fully shielded and directed to prevent light trespass onto adjacent residential lots.

#### 9 Advisory Design Consultation Procedure

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) *One preliminary planning meeting shall be scheduled at a time and location that is convenient to residents in proximity to the project site. The purpose of this meeting is to share the development team's site and street context analysis with the community and other interested parties, and gain feedback from the neighborhood. This process will increase the likelihood that the planned project will be architectural compatible with the surrounding neighborhood, a goal of this zoning ordinance.*
- (b) At least one community meeting 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 meeting, and shall give notification to each abutting property owner *[must define abutting property owner – within public view of site?]* 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 purpose of the 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.
- (c) 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.

- (1) A context map indicating the location of the project and surrounding land uses, including transportation facilities.
- (2) A context analysis discussed with CDD staff including existing front yard setbacks, architectural character, unique features that shall or shall not influence the AHO design.
- (3) 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.
- (4) A design statement on how proposed project attempts to reinforce existing street/context qualities and mitigates the planned project's greater massing, height, density, etc.
- (5) 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.
- (6) Floor plans of all proposed new buildings and existing buildings to remain on the lot.
- (7) 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.
- (8) 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.
- (9) Plans of parking and bicycle parking facilities, as required by Section 6.50 of this Zoning Ordinance.
- (10) Materials palettes cataloguing and depicting with photographs the proposed façade and landscape materials. Chosen points of view to be decided in concert with CDD urban design staff.
- (11) Existing conditions photographs from various vantage points on the public sidewalk, including photos of the site and of the surrounding urban context.
- (12) 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.
- (13) 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.
- (14) 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 design guidelines established for AHO Projects in Cambridge.

- (d) 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. 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 from the general public.
- (e) At the scheduled design consultation, the Planning Board shall hear a presentation of the proposal from the developer and comments from the public. 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 this Section, for consistency with City development guidelines prepared for the proposal area and for AHO Projects in general, 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 *[strengthen criteria where needed]*. 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.
- (g) 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.
- (h) 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 principal funder, Cambridge's Affordable Housing Trust**.
- (i) The Final Report from the Planning Board shall be provided to the Superintendent of Buildings to certify compliance with the procedures set forth herein.

## 10 Overlay Design Consultation Objectives

Given the need to increase density and height, and reduce setbacks, all design efforts should lessen the impact of greater massing as described below. The urban design and architectural objectives in this part 10 and elsewhere in this Section 11.207 are intended to provide guidance to affordable housing developers, the Planning Board, the Affordable Housing Trust, and the general public as to the city's policies with regard to the form and character desirable for new affordable housing developments in the city. The Affordable Housing Trust shall apply these design objectives when making project-funding decisions. It is understood that application of these principles can vary with the context of specific building proposals in ways that, nevertheless, fully respect the policies' intent. It is intended that proponents of projects, and city staff, the Planning Board and the general public should be open to



creative variations from the detailed provisions presented in this Section as long as the core values expressed are being served. A project need not meet all the objectives of this section.

- (a) Character of street – Since each potential AHO site and its surrounding context is different from street to street; an analysis of both the common and diverse characteristics of each site’s street architectural and urban qualities is required prior to the design phase. If a particular street has a diverse collection of building types, setbacks, etc., a new AHO building will more easily fit in. However, if the street has fairly consistent, architectural and urban design characteristics, a new AHO project shall incorporate as many of those qualities as possible into its design.
- (b) New buildings and additions shall be well-studied, handsome structures that feel comfortable and inviting to the general public. Although each style of architecture has unique characteristics, successful community architecture incorporates a relatively similar scale of building elements: size, rhythm and depth of windows; materials; roof articulation such as dormers; projecting bay windows; subtly expressed structural bays; entry points, signage; etc.
- (c) All buildings should be of a tripartite architectural configuration consisting of base, middle and expressive top. As buildings increase in height (above 3-4 stories depending on location), they should be shaped to be increasingly slender and broken down in scale toward the top. Top floor elements shall include a coordinated design of sloped roofs, gables, dormers, and/or setback balcony.
- (d) Materials shall be warm, inviting, and supportive of surrounding existing buildings (generally over 2 stories in height) and the overall neighborhood context. In addition, highlights and subtle embellishments are needed to create a desirable community of buildings. Stringcourses, lintels, sills and trim will soften, refine and enliven facades through their contrasting articulation and cast shadows. Other potential key locations for articulation are at the building base, entries, corners, top floor and silhouette.
- (e) Projects must relate to human dimensions and provide a sense of intimacy in all aspects of design from building concept development to construction details. Of particular importance are the treatment of the ground plane and other parts of the projects, which can be seen and experienced directly by the public.
- (f) Building scale and wall treatment, including the provision of windows, should be sensitive to existing residential neighbors. [Article 19]
- (g) An AHO Project’s active ground floor non-residential uses shall meet a need desired by the surrounding neighborhood and in particular affordable apartment renters.
- (h) Special planning and architectural attention is required for new development adjacent to or added to historically significant buildings. Every effort should be undertaken to harmonize with historic structures. Mitigate height by incorporating sloped roofs/upper floor setback in the newer building.
- (i) Given AHO’s resulting reduction in open space per resident a communal space (roof deck, covered entry porch, lobby meeting room, etc.) is needed.

- (j) Parking/bicycle storage facades along a public way shall be treated residentially similar to balance of the building.
- (k) Trash that is handled to avoid impacts (noise, odor, and visual quality) on neighbors, e.g. the use of trash compactors or containment of all trash storage and handling within a building is encouraged. [Article 19]

11 Implementation of Affordable Housing Overlay *[Very Important. Where is this?]*

- (a) The City Manager shall have the authority to promulgate regulations for the implementation of the provisions of this Section 11.207. There shall be a thirty-day review period, including a public meeting, to receive public comments on draft regulations before final promulgation.
- (b) The Community Development Department may develop standards and procedures appropriate to and consistent with the provisions of this Sections 11.207 and the above regulations. *[To be reviewed as part of zoning.]*

12 Enforcement of Affordable Housing Overlay

The Community Development Department shall certify in writing to the Superintendent of Buildings that all applicable provisions of this Section have been met before issuance of any building permit for any AHO Project, and shall further certify in writing to the Superintendent of Buildings that all documents have been filed and all actions taken necessary to fulfill the requirements of this Section before the issuance of any certificate of occupancy for any such project.

13 Five Year Affordable Housing Overlay Progress Report and Review

The Community Development Department will prepare a progress report to the City Council, which evaluates the effectiveness of the Affordable Housing Overlay in increasing affordable housing throughout the city and evaluates with neighborhood consultation all built and approved projects. This report will include site-specific outcomes to meet City goals. It shall be completed by the end of the 5<sup>th</sup> year of the Ordinance. Upon receipt, the Ordinance Committee will hold public hearings to discuss the report's findings and recommendations.