



City of Cambridge

Executive Department

YI-AN HUANG
City Manager

CMA 2025 #213
IN CITY COUNCIL
August 4, 2025

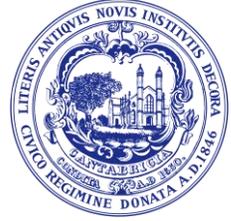
To the Honorable, the City Council:

Please find attached response to Policy Order Number 25-101 from Melissa Peters, Assistant City Manager for Community Development and City Solicitor Megan Bayer, relative to the Marasao, et al., Zoning Petition.

Very truly yours,

Yi-An Huang
City Manager





To: Yi-An Huang, City Manager
From: Melissa Peters, Assistant City Manager for Community Development
Megan Bayer, City Solicitor
Date: June 30, 2025
Subject: Response to Policy Order 2025 #101 and Technical Amendments to Marasao, et al.,
Zoning Petition

Attached is a revised draft of the Mushla Marasao, et al., Zoning Petition (the “Petition”), containing revisions suggested by CDD and Law Department staff.

The revised draft responds to two requests contained in Policy Order 2025 #101, discussed by the Ordinance Committee on June 18, 2025: “That the City Manager be and hereby is requested to direct the City Solicitor to ensure that the wording for the proposed amendment to Section 5.40 Footnote #2 is in line with the City Council’s intention to continue to include the inclusionary requirement for any nonreligious use property that is going above four stories, and to strike ‘except for religious purposes’ used from Section 5.40 Footnotes #1 and #37.”

The effect of the suggested changes, which pertain to Residence C-1 districts, is to incorporate the same open space and notification requirements for religious uses as for residential and to clarify that all buildings or portions of buildings occupied by residential (but not religious) uses are subject to inclusionary housing if they are more than 4 stories above grade.

The revised draft also suggests some additional clarifying amendments that would not affect the substance of the original Petition.

The City Council has also received a report from the Planning Board on this Petition. The revised draft does not include any changes based on the comments in the Planning Board report.

We recommend that the City Council amend the Petition by substitution with the attached revised zoning text before considering adoption.

Note that the following text is a suggested amendment to the Mushla Marasao, et al., Zoning Petition (the “Petition”) prepared by Community Development Department and Law Department staff. The changes are explained in text boxes which are not intended to be incorporated into the Zoning Ordinance. The markup version shows additions and deletions against the text of the current Zoning Ordinance.

TO AMEND THE ZONING ORDINANCE AS FOLLOWS

Proposed Amendment No. 1

This set of amendments is unchanged from the original petition.

In Section 5.20 - STANDARDS FOR DIMENSIONAL REGULATIONS, amend Subsection 5.28.21 to read as follows:

5.28.21 GFA and FAR.

Permitted residential [and religious](#) uses shall not be limited by GFA or FAR. [Other p](#)Permitted ~~non-residential~~ uses shall be subject to the FAR or GFA limitations applicable to non-residential uses in the zoning district.

Proposed Amendment No. 2

This set of amendments is unchanged from the original petition.

In Section 8.20 – NONCONFORMANCE, amend Subsection 8.22.1, Paragraph f. to read as follows:

- f. Conforming additions, under Article 5.000, to a structure not conforming to the requirements of Article 5.000 provided that no nonconforming element or aspect of the nonconforming structure is extended or increased and further provided that the nonconforming structure is not thereby increased in area or volume by more than ten (10) percent since the structure first became nonconforming, except there shall be no such limit in area or volume for an addition containing Residences as listed in Section 4.31 a-j. [or Religious Purposes uses as listed in Section 4.33.a.](#)

In Section 8.20 – NONCONFORMANCE, amend Subsection 8.22.2, Paragraph a. to read as follows:

- a. In an Office, Business, or Industrial District the Board of Zoning Appeal may issue a special permit for the alteration or enlargement of a nonconforming structure, not otherwise permitted in Section 8.22.1 above, or the enlargement (but not the alteration) of a nonconforming use, provided any alteration or enlargement of such nonconforming use or structure is not further in violation of the dimensional requirements in Article 5.000 or the off street parking and loading requirements in Article 6.000 for the district in which such structure or use is located and provided, such nonconforming structure or use not be increased in area or volume by more than

twenty-five (25) percent since it first began to be nonconforming, except there shall be no such limit in area or volume for an addition containing Residences as listed in Section 4.31 a-j. [or Religious Purposes uses as listed in Section 4.33.a. irrespective of any alteration or enlargement of such uses.](#)

In Section 8.20 – NONCONFORMANCE, amend Subsection 8.22.2, Paragraph c. to read as follows:

- c. In a Residence District the Board of Zoning Appeal may grant a special permit for the alteration or enlargement of a nonconforming structure, not otherwise permitted in Section 8.22.1 above, but not the alteration or enlargement of a nonconforming use, provided any enlargement or alteration of such nonconforming structure is not further in violation of the dimensional requirements of Article 5.000 or the off street parking and loading requirements in Article 6.000 for the district in which such structure is located and provided such nonconforming structure will not be increased in area or volume by more than twenty-five (25) percent since it first began to be nonconforming, except there shall be no such limit in area or volume for an addition containing Residences as listed in Section 4.31 a-j. [or Religious Purposes uses as listed in Section 4.33.a. irrespective of any alteration or enlargement of such uses.](#)

Proposed Amendment No. 3

The following amendments to Sections 5.23.3 and 5.24.4 are not part of the original Petition. However, if the Council adopts the proposed amendments to the Table of District Dimensional Requirements in Section 5.30, staff recommends also amending the following sections to maintain consistency.

Amend Section 5.23.3 to read as follows:

5.23.3 *Application of Height Limits to Residential and Non-residential Uses.* This Section explains how the height limits in the Table of District Dimensional Regulations in Section 5.30 apply.

- (a) Buildings or portions of buildings used as Residences, listed in Section 4.31 a-j of this Zoning Ordinance, [or Religious Purposes uses, listed in Section 4.33 a,](#) are generally limited by the maximum number of Stories Above Grade and by the maximum building height above grade in feet, which is intended to enable the allowed number of Stories Above Grade while limiting excessive story height. Where there is no explicit limit on Stories Above Grade, including but not limited to special districts, overlay districts, or PUD districts, any number of Stories Above Grade shall be permitted within the applicable height limit.
- (b) Buildings or portions of buildings used for any uses other than those listed in Section 4.31 a-j [or Section 4.33 a](#) of this Zoning Ordinance shall be considered non-residential and subject to the non-residential height limitations of the zoning district.
- (c) In a mixed-use building containing both residential (as described in Paragraph (a) above) and non-residential (as described in Paragraph (b) above) uses, the limit on

Stories Above Grade shall apply to the entire building. Portion(s) of the building devoted to ~~non-residential~~ uses [described in Paragraph \(b\) above](#) shall not be located above the non-residential height limit. Portion(s) of the building devoted to ~~residential~~ uses [described in Paragraph \(a\) above](#) may exceed the non-residential height limit but shall not exceed the residential height limit.

Amend Section 5.25.4 to read as follows:

5.25.4 *Application of FAR Limits to Residential and Non-residential Uses.* This Section explains how FAR limits in the Table of District Dimensional Regulations in Section 5.30 apply.

- (a) GFA in buildings or portions of buildings used as Residences, listed in Section 4.31 a-j of this Zoning Ordinance, [or Religious Purposes uses, listed in Section 4.33 a](#), shall not be subject to FAR limitations except where explicitly set forth in the standards for a particular district or overlay district, including but not limited to special districts or PUD districts. GFA in buildings or portions of buildings used as Residences shall be subject to other requirements as set forth in this Zoning Ordinance, including but not limited to Inclusionary Housing Requirements in Section 11.203.
- (b) Buildings or portions of buildings used for any uses other than those listed in Section 4.31 a-j [or Section 4.33 a](#) of this Zoning Ordinance shall be considered non-residential and subject to the non-residential FAR limitations of the zoning district.
- (c) On a mixed-use lot containing both ~~residential~~ uses not subject to FAR limitations (as described in Paragraph (a) above) and ~~non-residential~~ uses subject to FAR limitations (as described in Paragraph (b) above), the district FAR limitation shall only apply to the GFA occupied by ~~non-residential~~ uses [subject to FAR limitations](#) unless otherwise stated in the development controls for that district. In such cases, the GFA occupied by ~~non-residential~~ uses [subject to FAR limitations](#) shall be divided by the total area of the lot to determine compliance with non-residential FAR limitations.

Continued on the following page.

The suggested amendments to the Table of District Dimensional Requirements are unchanged from the original Petition. However, the Petition left portions of the table blank in a way that did not seem intended. The version below fills in those portions of the table to avoid confusion.

Amend the header row of the Table of District Dimensional Requirements in Section 5.30 to read as follows, with no amendment to subsequent rows:

Table 5-1: Table of District Dimensional Requirements

District	All Uses	Residential Uses (Section 4.31 a-j.) & Religious Purposes Uses (s. 4.33.1)				Non-Residential Uses (Section 4.30 except 4.31 a-j. & 4.33.a)				
		1. Min. Open Space Ratio (5.22)	2. Max. Stories Above Grade (5.23)	3. Max. Building Height in feet (5.23)	4. Min. Front Yard Setback in feet (5.24)	5. Min. Side or Rear Yard Setback in feet (5.24)	5. Min. Side or Rear Yard Setback in feet (5.24)	6. Max. Building Height in feet (5.23)	7. Min. Front Yard Setback in feet (5.24)	8. Min. Side Yard Setback in feet (5.24)
5.31 Residence Districts										
Res. C-1	30% ⁽¹⁾	4 ⁽²⁾⁽³⁷⁾	45 ⁽²⁾⁽³⁷⁾	10 ⁽³⁾	5 ⁽⁴⁾	35	H+L ⁽⁵⁾ 4	H+L ⁽¹⁴⁾⁽¹⁵⁾ 5	H+L ⁽⁷⁾ 4	0.75

The suggested changes to Footnotes (1) and (2) are intended to clarify the intent of the amendments and to maintain that a religious use and a residential use would be subject to equivalent open space standards in the Residence C-1 district. The clarification regarding “Private Open Space” acknowledges that for a religious use, open space may not meet the definition of “Private Open Space” if the use is not primarily residential. Nonetheless, the physical standards of Section 5.22.1 could be reasonably applied to a non-residential use. The suggested changes to Footnote (2) are meant to clarify that all residential portions of buildings with more than 4 stories would be subject to inclusionary housing.

In Section 5.40 – FOOTNOTES TO THE TABLE OF DIMENSIONAL REQUIREMENTS, amend Footnotes (1) and (2) to read as follows:

- (1) At least fifty percent (50%) of the required Open Space in a Residence C-1 district shall meet all of the requirements of Section 5.22.1. In the case of a permitted non-residential use, the standards set forth in Section 5.22.1 shall be met for at least fifty percent (50%) of the required Open Space regardless of whether it meets the definition of Private Open Space. At least fifty percent (50%) of the required 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.

- (2) The height of buildings or portions of buildings used as Residences [or Religious Purposes Uses](#) may exceed the base height limit, up to a maximum of 6 stories above grade and 74 feet above grade, if all of the following criteria are met:
- (a) The building [or portions of the building used as Residences](#) complies with the Inclusionary Housing Requirements in Section 11.203 of this Zoning Ordinance, regardless of whether it exceeds the size threshold requiring compliance; and
 - (b) The area of the lot on which the building is located is not less than 5,000 square feet.

Per the Ordinance Committee's request, staff does not believe an amendment to Footnote (37) is needed if the Council's intent is to continue to require neighborhood notification for all as-of-right developments greater than 3 stories above grade and 35 feet in height in Residence C-1 districts. Therefore, that amendment is not included in this version but the current text of Footnote (37) is provided below for reference.

In Section 5.40 – FOOTNOTES TO THE TABLE OF DIMENSIONAL REQUIREMENTS, do not amend Footnote (37) which currently reads as follows:

- (37) In a Residence C-1 district, an applicant for a building permit for a building that exceeds three stories above grade and 35 feet above grade, if it does not require a Planning Board Advisory Consultation per Section 19.40 of this Zoning Ordinance and does not require any special permit from the Planning Board, shall:
- (i) schedule a meeting to show plans or renderings of the proposed building, answer questions and gather feedback from abutters;
 - (ii) prepare a notification flyer including, at a minimum, a general description of the project, the date, time, location, and other information necessary for people to attend the meeting, and contact information (telephone and e-mail, at minimum) for the developer;
 - (iii) provide that notification by mail to "parties in interest" as that term is defined in the Zoning Act, G.L. c40A, s.11, to the Community Development Department electronically for posting on the City of Cambridge website, and to others whom the applicant may choose to contact;
 - (iv) erect and maintain for a minimum of 20 days, beginning at least 10 days before the date of the meeting, a notification sign on the site of the proposed building containing the information in subparagraph (ii) above and meeting the Location and Number and Graphic and Construction Standards in Section 10.42.1, Paragraphs (a) and (d) of this Zoning Ordinance; and
 - (v) include with the building permit application a copy of the notification and mailing list, a photograph and site plan showing the location of the notification sign(s), a summary of the meeting, who attended, and what questions and feedback were received.

Note that the following text is a suggested amendment to the Mushla Marasao, et al., Zoning Petition (the “Petition”) prepared by Community Development Department and Law Department staff. The changes are explained in text boxes which are not intended to be incorporated into the Zoning Ordinance. The markup version shows additions and deletions against the text of the current Zoning Ordinance.

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twenty-five (25) percent since it first began to be nonconforming, except there shall be no such limit in area or volume for an addition containing Residences as listed in Section 4.31 a-j. or Religious Purposes uses as listed in Section 4.33.a. irrespective of any alteration or enlargement of such uses.

In Section 8.20 – NONCONFORMANCE, amend Subsection 8.22.2, Paragraph c. to read as follows:

- c. In a Residence District the Board of Zoning Appeal may grant a special permit for the alteration or enlargement of a nonconforming structure, not otherwise permitted in Section 8.22.1 above, but not the alteration or enlargement of a nonconforming use, provided any enlargement or alteration of such nonconforming structure is not further in violation of the dimensional requirements of Article 5.000 or the off street parking and loading requirements in Article 6.000 for the district in which such structure is located and provided such nonconforming structure will not be increased in area or volume by more than twenty-five (25) percent since it first began to be nonconforming, except there shall be no such limit in area or volume for an addition containing Residences as listed in Section 4.31 a-j. or Religious Purposes uses as listed in Section 4.33.a. irrespective of any alteration or enlargement of such uses.

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Stories Above Grade shall apply to the entire building. Portion(s) of the building devoted to uses described in Paragraph (b) above shall not be located above the non-residential height limit. Portion(s) of the building devoted to uses described in Paragraph (a) above may exceed the non-residential height limit but shall not exceed the residential height limit.

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 - (v) include with the building permit application a copy of the notification and mailing list, a photograph and site plan showing the location of the notification sign(s), a summary of the meeting, who attended, and what questions and feedback were received.