



CITY OF CAMBRIDGE

Community Development Department

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To: Yi-An Huang, City Manager
From: Iram Farooq, Assistant City Manager for Community
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Date: September 14, 2023
Subject: Technical amendments to Affordable Housing Overlay Petition &
Planning Board Report

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Following the Planning Board's public hearings on the Affordable Housing Overlay (AHO) Zoning Petition (the "Petition"), staff from the Community Development Department (CDD) and Law Department have reviewed the latest version of the Petition and offer a revised version of the Petition text. These revisions have the purpose of clarifying certain provisions and minimizing the possibility of doubt or conflicting interpretations when applied.

Markups are shown in the version below, and annotations are provided to explain specific changes.

In addition to these changes, staff suggest simplifying the provision in which the normal height limits can be exceeded if a certain density standard is met. Calculating the allowed density based on open space requirements could lead to ambiguous or unintended interpretations, especially where open space requirements are reduced or waived.

Also attached hereto for the Council's consideration is the Planning Board's report on the Petition.

Amend Article 2.000 as follows:

AHO Lot – A Lot, as defined in this Article 2.000, on which an AHO Project is proposed, whether or not there are other existing or proposed uses on the Lot that do not meet the definition of an AHO Project.

AHO Corridor Lot – An AHO Lot that has a Front Lot Line ~~One or more Lots with frontage~~ on one or more of the following streets: Albany Street, Alewife Brook Parkway, Bishop Allen Drive, Broadway, Cambridge Street, Concord Avenue, First Street, Fresh Pond Parkway, Massachusetts Avenue, Memorial Drive, Mount Auburn Street, Prospect Street, and Sidney Street.

AHO Square District – One of the following Zoning Districts or areas: One or more Lots located entirely within the confines of the Central Square Overlay District, Harvard Square Overlay District, Lesley Porter Overlay District, or the area bounded by the centerline of Elm Street to the west, the Somerville/Cambridge municipal boundary to the north, the centerline of Windsor Street to the east, and Cambridge Street to the south; but not including the premises shown on Cambridge Assessor's Map #81 ML-Lots 81-50, ~~ML~~ 81-101, or ~~ML~~ 81-100.

Because many of the new provisions refer to "lots," it is helpful to specify exactly what is meant by a lot on which an AHO is proposed. There can sometimes be ambiguity when an AHO Project is proposed on a lot that may have existing uses.

This also clarifies that an AHO Corridor is defined based on the characteristics of a lot while the AHO Square functions more as a district.

Amend Section 11.207 as follows:

11.207.5.1 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 (with the exception of this Affordable Housing Overlay) that are applicable to a lot.
- (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. A District Dimensional Standard that is allowable by special permit shall include any nondiscretionary requirements or limitations that would otherwise apply.
- (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, except as otherwise stated in this Section.

- (d) An AHO Project containing more than one base zoning district shall follow the requirements of the zoning district that covers the largest percentage of the area of the lot or development parcel, as if the entirety of the lot was served by a single zoning district. Section 3.32 shall generally not apply to development that proceeds under the provisions of this Section 11.207.

~~(e) Where an AHO Project may have various applicable Building Height and Stories Above Grade limitations as specified in 11.207.5.2.1, the most permissive height limitations shall generally control. Notwithstanding the provisions set forth in Section 11.207.5.2.1, an AHO Project may match the height of an existing building on an adjacent lot.~~

This paragraph is moved to the section on height for clarity.

11.207.5.2.1 Building Height and Stories Above Grade. For an AHO Project, the standards set forth below shall apply in place of any building height limitations set forth in the District Development Standards.

- (a) Where the District Dimensional Standards set forth a maximum residential building height of forty (40) feet or less, an AHO Project shall contain no more than four (4) Stories Above Grade and shall have a maximum height of forty-five (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 fifty (50) feet but the number of Stories Above Grade shall not exceed four (4) stories.
- (b) Where the District Dimensional Standards set forth a maximum residential building height of more than forty (40) feet but not more than sixty-five (65) feet, an AHO Project shall contain no more than nine (9) Stories Above Grade and shall have a maximum height of one hundred (100) feet, as measured from existing Grade, except as further limited below.
- (i) Except where the AHO Project abuts a non-residential use, portions of an AHO Project that are within thirty-five (35) feet of a lot whose District Dimensional Standards allow a maximum residential building height of forty (40) feet or less shall be limited by the provisions of Paragraph (a) above.

(c) The height of an AHO Project on an AHO Corridor Lot may be increased from the height limits in Paragraphs (a) or (b) above, not to exceed twelve (12) Stories Above Grade and a building height of one hundred and forty (140) feet, subject to the limitations in Section 11.207.5.2.1(b)(i) above.

The ordering of some paragraphs is changed so that the allowed heights increase sequentially, instead of varying between taller and shorter heights, helping to remove doubt that the standards are intended to be increasingly permissive.

~~(c)~~(d) Where the District Dimensional Standards set forth a maximum residential building height of more than sixty-five (65) feet, an AHO Project shall contain no more than thirteen (13) Stories Above Grade and shall have a maximum height of one hundred and fifty (150) feet, as measured from existing Grade, except as further limited below.

- (i) Except where the AHO Project abuts a non-residential use, portions of an AHO Project that are within thirty-five (35) feet of a district whose District Dimensional Standards allow a maximum residential building height of forty (40) feet or less shall be reduced to a minimum of five (5) Stories Above Grade or a maximum height of sixty (60) feet, as measured from existing Grade, except that if the AHO project parcel extends into that District, then the height limitation shall only extend thirty five (35) feet from the property line.

~~(d)~~(e) The height of An-an AHO Project within an AHO Square ~~District may be increased from the height limits in Paragraphs (a) through (d) above, not to exceed shall contain no more than fifteen (15) Stories Above Grade and shall have a maximum building height of one hundred and seventy (170) feet, subject to the height restrictions specified~~ limitations in Section 11.207.5.2.1-~~(ed-)~~(i) above.

~~(e) An AHO Project within an AHO Corridor shall contain no more than twelve (12) Stories Above Grade and shall have a maximum height of one hundred and forty (140) feet, subject to the height restrictions specified in Section 11.207.5.2.1.c.i above.~~

- (f) The Height Exceptions set forth in Section 5.23 of this Zoning Ordinance shall apply when determining the building height of an AHO Project.
 - (i) An AHO Project may exceed the allowable height limitations of this Section, without restriction, under the following circumstances, subject to the Residential Density limitations set forth in Section 11.207.5.2.2. If the AHO Project is not subject to an FAR restriction in Section 11.207.5.2.2, then the total allowable floor area shall be calculated by subtracting the required open space from the total lot area, and multiplying the resulting lot area by the maximum number of stories otherwise permitted under this Section.
 - (ii) Where pre-existing, contiguous Green Area Open Space on a lot will be preserved or expanded, consisting of at least 5% or more of the total lot area.
 - (iii) The AHO Project will exceed the minimum required open space as set forth in Section 11.207.5.2.4 of this Article.

The proposed revisions clarify that the AHO Square is intended to permit an increase in height from the otherwise allowed height.

- (g) Where an AHO Project may have various applicable Building Height and Stories Above Grade limitations as specified in 11.207.5.2.1, the most permissive height limitations shall generally control. Notwithstanding the provisions set forth in Section 11.207.5.2.1, an AHO Project may match the height of an existing building on an adjacent lot.

11.207.5.2.2 Residential Density

- (a) Where the District Dimensional Standards establish a maximum floor area ratio (FAR) of less than 1.00, an AHO Project shall not exceed an FAR of 2.00. Otherwise, there shall be no maximum FAR for an AHO Project.
- (b) There shall be no maximum FAR for an AHO Project within an AHO Square or AHO Corridor.
- (c) There shall be no minimum lot area per dwelling unit for an AHO Project.

11.207.5.2.3 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) Front Yards. An AHO Project shall have no minimum front yard setback.
- (c) Side Yards. An AHO Project shall have no minimum side yard setback.
- (d) Rear Yards. An AHO Project shall have a minimum rear yard setback of fifteen (15) feet, or may be reduced to the minimum rear yard setback set forth in the District Dimensional Standards if it is less restrictive.
- (e) Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half (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 may be located within a required yard setback but no closer than seven and one-half (7.5) feet to an existing principal residential structure on an abutting lot.

11.207.5.2.4 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 thirty percent (30%). However, 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.
- (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.
- (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.
- (f) 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.