



City of Cambridge

O-15
FIRST IN COUNCIL
November 21, 2022

COUNCILLOR AZEEM
COUNCILLOR MCGOVERN
COUNCILLOR SIMMONS
COUNCILLOR ZONDERVAN

WHEREAS: The Affordable Housing Overlay (AHO) has so far generated a healthy pipeline of six projects since it was first ordained in 2020; and

WHEREAS: Though there is much to celebrate about the work that has been done, two years of implementation have also revealed that the somewhat inflexible dimensional requirements of the AHO have proven to be more of an obstacle than expected; and

WHEREAS: The recent [annual report](#) revealed ten instances where affordable housing providers “decided not to pursue” and four instances where they actually made an offer but it was rejected; and

WHEREAS: The proposal to build 49 affordable units at 2072 Mass Ave was not able to take advantage of the AHO and was withdrawn in August 2021 after it became apparent that a feasible version of the project wouldn’t be approved under 40B; and

WHEREAS: It is clear that some refinements to the AHO would result in more new affordable housing and fewer missed or stalled opportunities; and

WHEREAS: Offering substantially relaxed dimensional requirements on a citywide network of corridors and squares will allow more projects to advance, especially considering the recent linkage fee increase; and

WHEREAS: Permitting additional height when green area open space is protected or expanded will add flexibility and expand options around providing such space without sacrificing any affordable housing production; and

WHEREAS: The active affordable housing developers in Cambridge are in agreement that these changes will make a big difference; now therefore be it

ORDERED: That the City Council refer the attached zoning petition to the Ordinance Committee and Planning Board for a hearing and report.

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 non discretionary 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) For the purposes of this Section, the phrase "AHO Corridor" refers to 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. For the purposes of this Section, the phrase "AHO Corridor Project" shall mean an AHO Project on one or more directly abutting Lots owned by the same entity, where at least one of the Lot Lines abuts an AHO Corridor.
- (e) For the purposes of this Section, the phrase "AHO Square" refers to the Central Square, Harvard Square and Lesley Porter Overlay Districts, as well as any Lot or directly adjacent Lots owned by the same entity, where at least one of the Lot Lines abuts the northern side of Massachusetts Avenue or Somerville Avenue between Davenport and the city border (just west of Acadia Park), or either Webster Avenue or Columbia Street, north of Cambridge Street.

11.207.5.2 Dimensional Standards for AHO Projects

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) fifty (50)~~ feet, an AHO Project shall contain no more than ~~nine (9) six (6)~~ Stories Above Grade and shall have a maximum height of ~~one hundred (100) sixty-five (65)~~ feet, as measured from existing Grade, except as further limited below. ~~For AHO Projects containing active non-residential uses on the ground floor, the maximum height may be increased to seventy (70) feet but the number of Stories Above Grade shall not exceed six (6) stories.~~
 - (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 ~~parcel subject to paragraph (a) district whose District Dimensional Standards allow a maximum residential building height of forty (40) feet or less~~ (a) shall be limited by the provisions of Paragraph (a) above, 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.

- (c) Where the District Dimensional Standards set forth a maximum residential building height of more than ~~sixty-five (65) fifty (50)~~ feet, or if the project is an AHO Corridor Project, an AHO Project shall contain no more than ~~thirteen (13) seven (7)~~ Stories Above Grade and shall have a maximum height of ~~one hundred and fifty (150) eighty (80)~~ feet, as measured from existing Grade, except as further limited below.
- (d) An AHO Square Project shall have a maximum height of twenty-five (25) stories, or two hundred and eighty (280) feet, except as further limited below.
- (e) ~~(4)~~ The Height Exceptions set forth in Section 5.23 of this Zoning Ordinance shall apply when determining the building height of an AHO Project.
- (f) ~~For an AHO Project with more than one base zoning district, the base zoning district that covers the majority of the lot shall apply.~~

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. ~~There shall be no maximum FAR for AHO Square or AHO Corridor projects.~~

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 ~~a minimum front yard setback of 15 feet, except where the District Dimensional Standards establish a less restrictive requirement, or may be reduced to the average of the front yard setbacks of the four (4) nearest pre-existing principal buildings that contain at least two Stories Above Grade and directly front the same side of the street as the AHO Project, or may be reduced to a minimum of ten (10) feet in the case of an AHO Project on a corner lot. Where the District Dimensional Standards set forth different requirements for residential and non-residential uses, the non-residential front yard setback requirement shall apply to the entire AHO Project if the Ground Story contains a non-residential use as set forth in Section 11.207.4 Paragraph (b) above; otherwise, the residential front yard setback shall apply.~~ no minimum front yard setback requirement.
- (c) Side Yards. An AHO Project shall have ~~a minimum side yard setback of seven and one-half (7.5) two and one-half (2.5) feet, or may be reduced to the minimum side yard setback set forth in the District Dimensional Standards for residential uses that is not derived by formula if it is less restrictive.~~ no minimum side yard setback requirement.
- (d) Rear Yards. An AHO Project with a height of less than 4 stories or 45 feet, shall have a minimum rear yard setback of ~~fifteen (15) twenty (20)~~ feet or may be reduced to the minimum rear yard setback set forth in the District Dimensional Standards for residential uses that is not derived by formula if it is less restrictive. ~~For all other AHO projects, no minimum rear yard setback is required.~~
- (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) In any AHO project where pre-existing contiguous Green Area Open Space will be preserved and/or expanded, or new Green Area Open Space will be created, in excess of what would otherwise be required for the project, including through consolidation and/or relocation of some portion of the Green Area Open Space to another part of the lot, without reducing the size of any contiguous portion, the project may exceed the applicable height limit without restriction, provided that the maximum possible FAR for the lot shall not be exceeded. If the AHO project is not subject to an FAR restriction, the effective FAR not to be exceeded under this provision shall be calculated using the dimensional requirements that apply to the AHO project, including the original height restriction and open space requirements.