



CITY OF CAMBRIDGE, MASSACHUSETTS

P L A N N I N G B O A R D

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date:	July 25, 2016
Subject:	Kroon, et al., "Friends of MAPOCO" Zoning Petition (Refiled)
Recommendation:	The Planning Board recommends ADOPTION of the petition, with suggested amendments as set forth in the attached document.

To the Honorable, the City Council,

On June 21, 2016, the Planning Board held a public hearing on the refiled version of the "Friends of MAPOCO" petition suggesting modifications to the zoning provisions of the Massachusetts Avenue Overlay District in the segment between Porter Square and the Cambridge Common.

This refiled version of the petition took, as its starting point, the previous Planning Board recommendation communicated to the Council in February. The Board continues to support the proposed changes as an interim measure to better regulate redevelopment that may occur over the next few years, while more comprehensive planning may take place in the future.

The petition still aims to extend the provisions currently applicable in the Business A-2 (BA-2) district north of Porter Square (adopted in 2012 as the North Massachusetts Avenue Subdistrict) into the BA-2 district south of Porter Square, with some slight variations. The intent of these provisions is to require retail or other streetfront-oriented non-residential uses at the ground floors of new residential development, while allowing some modest flexibility in dimensional requirements such as FAR, height and setbacks to facilitate a mixed-use urban form.

The refiled petition includes some deviations from the prior Planning Board recommendation, many of which the Board finds to be appropriate. However, in the specific areas listed below, the Planning Board recommends an alternate approach.

1. In Section 20.106, the Board agrees with the added language clarifying that parking is prohibited at the ground floors of buildings; however, the Board believes that this restriction should apply only to the first 40 feet of frontage. Parking could be allowed in the rear portions of a building if necessary, but access drives that are provided underneath or through the front portion of a building would only be allowed with special permit approval from the Planning Board.
2. Also in Section 20.106, the Board believes that it is not appropriate, and may raise legal concerns, to require the square footage of demolished buildings to be replaced, and therefore does not recommend adopting that requirement.

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 “Friends of MAPOCO” Zoning Petition (Refiled)

3. In Section 20.110, the language has been clarified and language is included to ensure that the recently adopted Richard Avenue Neighbors Zoning Petition would remain effective.
4. In Paragraph 20.110.21(5)(b), the Board believes that 2,500 square feet is a more appropriate maximum size for each separate non-residential establishment space located on the ground floor, instead of 2,000 square feet as proposed in the petition. However, the Planning Board believes that waivers should be available if the larger-size use is in an existing building and/or supports the purposes of the Overlay District.
5. In Section 20.110.33, the Board does not support amending the provisions to encourage certain projecting bays as recommended in the petition, and recommends deleting the square footage limitation in paragraph (3).
6. In Section 20.110.34, the Board proposes retaining the waiver of a front step-back in order to provide more flexibility and to enable four-story buildings with a continuous street wall.
7. In Section 20.110.36, the Board supports including the requirement of the five-foot front setback without a by-right exemption, as proposed in the petition, but a waiver could be granted by the Planning Board. The Board’s recommendation includes clearer criteria for allowing such a waiver.
8. In Section 20.111, the Board does not find it necessary to reiterate the Project Review Special Permit requirements applicable in the BA-2 district in Article 19.000 of the Zoning Ordinance.

Otherwise, the Board supports the changes proposed in the petition. The attached document includes the full set of recommended changes to the current Zoning Ordinance, in accordance with the petition but as also modified by the Planning Board.

Respectfully submitted for the Planning Board,



H Theodore Cohen, Chair.

20.100 MASSACHUSETTS AVENUE OVERLAY DISTRICT

20.101 *Establishment and Scope.* There is hereby established the Massachusetts Avenue Overlay District which shall be governed by the regulations and procedures specified in this Section 20.100. It is the intent of this section that these regulations will apply to the area described generally as Northern Massachusetts Avenue and certain abutting portions of the neighborhood abutting it.

20.102 *Purpose.* It is the purpose of this Section 20.100 to augment base zoning regulations in the District in order (a) to protect and promote the retail and service ecosystem along the Avenue, (b) to create a more harmonious and consistent image for the development along the Avenue and adjacent areas, to encourage good building design and site development which enhances the pedestrian amenities along the Avenue, (c) to ensure that changes along the Avenue are compatible with the scale and character of the abutting neighborhoods, (d) to encourage the retention of existing buildings of historic value and uses which serve the abutting neighborhoods, and (e) to discourage new development inappropriate in both scale and design.

The Board supports the petitioners’ addition to the purpose section of the Massachusetts Avenue Overlay District.

20.103 *Applicability.* The Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established by Section 3.20.

20.103.1 The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning district, except as modified by the requirements of this Section 20.100 which shall apply in addition to regulations imposed by the base zoning map designations. Where the base zoning regulations differ from the requirements of this Section 20.100 the stricter provisions shall apply except where a waiver from those requirements is granted by special permit from the Planning Board under any of the provisions of this Section 20.100.

This deletion is consistent with the MAPOCO petition and the Board’s prior recommendation. Since the provisions of Section 20.110 (below) would apply to areas both north and south of Porter Square, it is unnecessary to define a subdistrict.

~~**20.103.2** *North Massachusetts Avenue Subdistrict.* Within the portion of the Overlay District having a base Business A-2 zoning district designation extending on the southwesterly side of Massachusetts Avenue from the centerline of Creighton Street on the east to the centerline of Cottage Park Avenue on the west, and on the northeasterly side of Massachusetts Avenue from the centerline of Beech Street on the east to the Residence B zoning district line on the~~

~~west, the regulations set forth in Sections 20.103 to 20.109 shall apply except as modified by the regulations set forth further below in Section 20.110.~~

20.104 *Dimensional Standards in the Massachusetts Avenue Overlay District.*

20.104.1 Maximum Height. The maximum height of any structure in the Overlay District shall be sixty (60) feet or the height applicable in the base district, whichever is less.

20.104.2 Modifications to the Definition of Gross Floor Area. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 - Definitions, the following shall not be included as part of the gross floor area of any building in the Overlay District:

1. Enclosed bays and other small projections from the principal wall plane of a building normally included as gross floor area, provided they are three (3) feet or less in depth and further provided that the following conditions are met:

- a. The maximum width of the projection does not exceed six (6) feet in length;
- b. No more than fifty (50) percent of the area of each principal wall plane is covered with such projections.

20.104.3 Additional Dimensional Standards for Lots Located in both a Business C zoning district and an abutting Residence C-1 or Residence B Zoning District
The provisions of this Section 20.104.3 shall apply to lots held in single ownership as of June 1, 2008 that are located entirely within the Overlay District and shall be granted after the issuance of a special permit from the Planning Board

1. Modification of the Transitional Requirements of Section 5.40. The Planning Board may waive the Front and Side Yard and Height requirements of Section 5.40 for Hotel or Motel Use provided the Board finds that the intended buffering provided by the provisions of Section 5.40 is reasonably provided through other means. The Board shall specifically find the following:

- a. The lot contains a contiguous area that is within the adjoining residential district.
- b. The portion of the lot in the residential district is substantially dedicated to at grade Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000.

c. The portion of the lot dedicated to Open Space provides an adequate transition buffer between any structure constructed in the commercially zoned portion of the lot and adjacent residential uses in the residential district. Such Open Space shall have a minimum depth of twenty (20) feet.

2. Modification of the FAR limitations for a Hotel or Motel Use (Sections 5.30 and 5.33), for a lot located in both a Business C and a Residence B Zoning District. The Planning Board may allow a FAR of 1.60, calculated on the area of the entire lot, in both the Business C and Residence B districts, subject to the following conditions and limitations:

a. All of the resulting Gross Floor Area will be located on the Business C portion of the lot.

b. All parking required by this ordinance will be located in a below-grade parking facility.

c. The at-grade portion of the lot within the Residence B District is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in Article 2.000.

d. The additional FAR of 1.60 shall only apply to the first 15,000 square feet of a lot. For portions of the lot greater than 15, 000 square feet the FAR permitted in the applicable base Business C and residential districts shall continue to apply.

e. No preferably preserved significant building, as determined by the Cambridge Historical Commission, is demolished, as set forth in the City of Cambridge Demolition Ordinance #965.

20.105 *Restrictions in Required and/or Provided Setbacks.* That area between the principal wall plane of a building and a public street or public park whether required or provided shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, park, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are prohibited from this area with the exception of access drives to

parking facilities located elsewhere on the site and which shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage.

The required Green Area Open Space, landscaping or other paved area devoted to pedestrian uses shall be located at the mean grade of the relevant public street or open space at the property line unless an exception is granted under the provisions of Section 20.108 of this Section 20.100.

20.106 *Use Restrictions.* The ground (first) floor of that portion of a building facing a public street or public park shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33), ~~but specifically excluding Gross Floor Area in structured parking counted as Gross Floor Area~~, meeting the following conditions:

1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;
2. The use shall have a depth of at least twenty (20) feet;
3. Where a lot fronts on two streets the provisions of this Section 11.106 shall apply only to the principal arterial street frontage provided the remainder of the ground floor of the building facing the public street shall be screened with a permanent wall in materials equal in quality to those of the rest of the building and having a minimum opacity of fifty (50) percent.
4. The ground (first) floor use of any building, to a minimum depth of forty (40) feet from the ground floor building façade fronting the principal arterial street, shall not include areas of parking facilities in a structure that is not underground according to the standards and definitions set forth in Section 5.25 of this Zoning Ordinance. Without limitation, in accordance with Section 5.25, this exclusion shall apply to parking spaces and vehicular access drives that are either fully enclosed within the building, or covered by a structure above while remaining open on the sides. Access drives that are open to

The Board agrees with the petitioners that the language of this Section should be amended to make clear that parking should be prohibited at the ground floor frontage of a building. However, the Board recommends additional language to clarify that the prohibition is only for the first 40 feet of building depth, and that it also prohibits enclosed or covered access drives, unless approved by the Planning Board by special permit per Section 20.108 below.

the sky are permitted in accordance with the requirements of Section 20.105 above.
North of Porter Square. ~~One parking~~ space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.

Contrary to the petition, the Board strongly feels it is inappropriate, and may not be legally permissible through zoning, to require the replacement of any building space that is demolished.

20.106.1 Accessory Parking and Vehicular Access for Hotel Use. Notwithstanding the provisions of Table 4.30 and Section 6.22,, for a lot located in both a Business C and a Residence B zoning district, the Planning Board may grant a Special Permit to allow accessory Hotel or Motel Use parking within the Residence B District, including vehicular access to the parking facility and loading facility, with the following limitations and conditions:

1. The portion of the lot in the Residence B district is contiguous to the portion of the lot in the BC District.
2. The parking is located in a below-grade parking structure.
3. The at-grade portion of the lot within the Residence B district is substantially dedicated to Green Area, Permeable, or Publically Beneficial Open Space as defined in this Ordinance.

20.107 *Design Standards*

20.107.1 Building Facades. Building facades shall be designed to enhance the visual quality of the Overlay District, create an environment pleasant and inviting for the pedestrian and compatible with the residential neighborhoods in close proximity to the district. The following standards shall apply:

1. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue;
2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts towards the street;
3. Facades facing a public street, a public park, or designated city landmark building, or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with

clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.

- 20.108** Divergence from the standards specified in Sections 20.105 - 20.107 may be allowed by issuance of a special permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.100 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied.

The Board shall be guided in its determination by *Northern Massachusetts Avenue Urban Design Guidelines* and other such guidelines as may be established for this portion of Massachusetts Avenue. This Section 20.108 is intended for variations from the standards which may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor.

- 20.109** *Nonconforming structures.* Notwithstanding the provisions of Section 8.23, that portion of a legal, nonconforming structure lying within the Massachusetts Avenue Overlay District which is destroyed or damaged by fire, explosion, or other catastrophe may be rebuilt or restored and used again, in the same way as it had been legally used immediately before the damage, without limit as to cost of such rebuilding or restoring provided the following conditions are met:

1. Any restoration or rebuilding shall commence within twelve (12) months after the catastrophe;
2. The structure shall be restored or rebuilt to the same design, including materials and design details as existed previously; or should the restoration not be feasible necessitating that the structure be rebuilt to a different design, said design shall be at least equal to the original design of the structure in quality of materials used, the quantity and quality of design details employed, and the compatibility of the site design with abutting properties;

3. The Community Development Department shall certify to the Superintendent of Buildings that the above conditions have been met.

With respect to the comparability of newly designed buildings, the Community Development Department shall consult the Cambridge Historical Commission for structures greater than fifty (50) years old. Should the Community Development Department find that said conditions have not been met the restoring or rebuilding shall require a special permit from the Board of Zoning Appeal.

The restored or rebuilt structure shall in no aspect increase the nonconforming nature of the original structure; nothing in this Section 20.110, however, shall prohibit a rebuilding or restoring which reduces the nonconforming nature of the original structure.

20.110 Additional Standards Applicable in the North Massachusetts Avenue Subdistrict BA-2 Districts. Within the portions of the Overlay District having a base Business A-2 zoning district designation (the BA-2 Districts) extending on the southwesterly side of Massachusetts Avenue from the centerline of Creighton Street on the east to the centerline of Cottage Park Avenue on the west, and on the northeasterly side of Massachusetts Avenue from the centerline of Beech Street on the east to the Residence B zoning district line on the west, the regulations set forth above in Subsections 20.103 to 20.109 shall apply except as modified by this Section 20.110. However, the provisions of this Section 20.110 shall not apply in the portion of the BA-2 District north of the centerline of Richard Avenue. The area described above shall be referred to as the North Massachusetts Avenue Subdistrict.

This change in language is consistent with the MAPOCO petition and the Board’s prior recommendation. However, one sentence is added by the Board to maintain consistency with the Richard Avenue Neighbors Zoning Petition, if that is

20.110.1 *Purpose and Intent.* The purpose of the Massachusetts Avenue Overlay District shall apply equally within the North Massachusetts Avenue Subdistrict included BA-2 Districts. The intent of the North Massachusetts Avenue Subdistrict additional standards applicable in the BA-2 Districts is to encourage the retention and expansion of pedestrian-friendly ground floor retail and other active non-residential uses on the ground floors of buildings along the Avenue. Additionally, as sites are redeveloped in the future, new buildings and streetscapes should have a scale, urban design, and mix of uses that strengthens the urban character of the Avenue as the principal commercial corridor serving the North Cambridge. Agassiz and

Neighborhood Nine neighborhoods while also respecting the historic characteristics of the Avenue.

20.110.2 *Use Regulations.* In addition to the requirements set forth in Section 20.106, the following regulations shall apply.

20.110.21 *Required Ground Floor Non-Residential Uses.* The ground floor of any building that fronts directly onto Massachusetts Avenue shall consist of at least one (1) active non-residential use meeting the following requirements:

1. *Range of Qualifying Uses.* The required ground floor active non-residential uses shall be limited to one or a combination of the following uses, to the extent permitted in the base zoning district:
 - a. Section 4.34 a (office of a physician, dentist or other medical practitioner not located in a clinic listed under subsection 4.33(d)), b (office of an accountant, attorney, or other non-medical professional person (includes properly licensed massage therapists), c (real estate, insurance or other agency office), d (general office use), e (bank, trust company or similar financial institution (retail banking only));
 - b. Section 4.35 a (retail sales), c (barber shop, beauty shop, laundry and dry cleaning pickup agency, shoe repair, self service laundry or other similar establishment), d (hand laundry, dry cleaning or tailoring shop), e (lunchroom, restaurant, cafeteria), f (restaurant or bar), g (entertainment), h (theater or hall for public gatherings), i (commercial recreation), k (printing shop, photographer’s studio), l (veterinary establishment, kennel, pet shop or similar establishment), o (fast order food establishment), q (art/craft studio), r (bakery, retail);
 - c. Section 4.36 a (sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or garden);
 - d. Section 4.56 a(4) (religious or social recreation center), c(4) (college theater), e(4,5,6) (medical clinics), f (social service or community center), g(3) (museum), g(5)

- (public park, playground, or public recreation building), i(2) (museum or non commercial gallery).
2. *Minimum Depth.* The required ground floor uses shall have a minimum depth of forty (40) feet measured from the Massachusetts Avenue frontage of the building (or the full depth of the building if less than forty (40) feet).
 3. *Floor Elevation.* The floor elevation of the required ground floor uses shall be at the mean grade of the adjacent public sidewalk.
 4. *Minimum Linear Frontage.* The required ground floor non-residential use shall occupy a minimum of 75% of the linear frontage of the building facing Massachusetts Avenue.
 5. *Individual Store Size.*
 - a. In portions of the included BA-2 Districts north of Porter Square, a Any separately leased required ground floor non-residential use shall contain no more than 5,000 square feet of Gross Floor Area, which calculation of square footage shall include any floor area located below grade.
 - b. In portions of the included BA-2 Districts south of Porter Square, any separately leased required ground floor non-residential use shall contain no more than 2,500 square feet of Gross Floor Area, which calculation of square footage shall exclude any floor area located below grade. However, the Planning Board may grant modifications to such Gross Floor Area limitation, pursuant to Section 20.110.22 below, to accommodate a pre-existing non-residential use or building or for other reasons that are in support of the non-residential use purposes of the Massachusetts Avenue Overlay District.
 6. *Minimum Ground Floor Height.* For any ground floor portion of a building containing a required non-residential use the minimum ground floor height shall be fifteen (15) feet measured in the manner described in Paragraph 20.110.42. If the ground floor height is reduced below fifteen (15) feet by special permit or variance, there shall be a commensurate reduction in the total height of the building.

Per the suggestion of the MAPOCO petitioners, the Board supports a smaller standard for establishment size in the area south of Porter Square, but supports 2,500 square feet as a minimum standard rather than 2,000 square feet. Such limitation may be waived by the Planning Board if it is in the interest of the District to do so.

7. *Maximum Bank Frontage.* No bank, trust company or similar financial institution may occupy a building frontage of more than twenty-five (25) feet.

20.110.22 *Modifications to Standards.* As set forth below, the Planning Board may grant a special permit to waive certain requirements of Subsection 20.110.21 above. A project receiving a special permit pursuant to this Subsection 20.110.22 shall be considered to meet the requirements of Subsection 20.110.21 for the purpose of applying the other provisions of this Section 20.110.

1. Modifications to the Dimensional Provisions of Subsection 20.110.21

The Planning Board may approve modifications to the dimensional requirements set forth in Subsection 20.110.21 Paragraphs (2-7) upon making a determination that (a) the proposed modified dimensions do not substantially derogate from the intent of the requirement to provide for a reasonably continuous active ground floor frontage along the public street and (b) the overall floor area of required active non-residential ground floor uses is not substantially reduced and (c) the modifications are the minimum necessary to reasonably accommodate the new construction or use on the lot.

Changes in language on this page are consistent with the MAPOCO petition and the Board’s prior recommendation.

2. Additional Non-Residential Uses Not Otherwise Permitted in Subsection 20.110.21

The Planning Board may approve active non-residential ground floor uses not specifically listed in Subsection 20.110.21 Paragraph (1), to the extent permitted in the base zoning district, upon making a determination that an alternate ground floor use will provide services or amenities to the general public and will promote an active, pedestrian-friendly street front consistent with the objectives of this Overlay District and Subdistrict the purpose of the standards applicable in the BA-2 Districts.

20.110.23 In general, it shall not be allowed to construct a new building directly fronting Massachusetts Avenue that cannot meet either the requirements of Section 20.110.21 or the standards by which modifications to that section are permitted by special permit as set forth in Section 20.110.22.

However, the Planning Board may grant a special permit to waive the requirements of Section 20.110.21 to allow the construction of a building substantially or completely devoted to residential or dormitory uses provided the Board determines that all of the following conditions and requirements are met:

- (a) the existing site does not currently contain active non-residential uses as listed in Subsection 20.110.21 Paragraph (1), and has not contained such uses within the past five (5) years prior to applying for a special permit;
- (b) the provision of active non-residential ground floor uses would be detrimental to abutting properties or to the neighborhood character; and
- (c) active non-residential ground floor uses would not be commercially viable at that specific location.

A project that has been exempted from the requirements of Subsection 20.110.21 by special permit as set forth in this Subsection 20.110.23 or by variance shall not be considered to meet the requirements of Subsection 20.110.21 for the purpose of applying the other provisions of this Section 20.110.

20.110.3 *Dimensional Regulations*

20.110.31 FAR. Notwithstanding the general applicability standards set forth in Subsection 20.103.1, the following Floor Area Ratio (FAR) limitations shall apply in place of those set forth in the base zoning district or elsewhere in the Overlay District to the portions of a lot contained within the North Massachusetts Avenue Subdistrict BA-2 Districts, provided that such lot has direct frontage onto Massachusetts Avenue. For a lot with no direct frontage onto Massachusetts Avenue, and for portions of a lot that are not contained within the North Massachusetts Avenue Subdistrict BA-2 Districts, the FAR requirements generally applicable in the base district or elsewhere in the Overlay District shall apply.

1. *Mixed Use Lots.* The maximum allowed FAR shall be 1.75 for any lot that consists entirely of residential or dormitory uses, as listed in Subsections 4.31 (a-h) and paragraph

Changes in language on this page are consistent with the MAPOCO petition and the Board’s prior recommendation.

4.33(b)(7), above the ground floor and includes ground floor active non-residential uses meeting the requirements of Subsection 20.110.21.

2. *Other Lots.* The maximum allowed FAR shall be 1.0 for any lot that does not meet the definition of a Mixed Use Lot as set forth in Paragraph (1) above. This shall include any lot that is predominantly non-residential in use or any lot that is predominantly residential or dormitory in use but does not meet the requirements of Subsection 20.110.21, and shall specifically include any lot for which a waiver has been granted as set forth in Subsection 20.110.23.

20.110.32 *Basement Gross Floor Area Exemption.* Notwithstanding any provision of the applicable base zoning district, in the ~~North Massachusetts Avenue Subdistrict~~ BA-2 Districts the Gross Floor Area of any basement space directly accessed through and serving a ground floor establishment of any mixed use building facing Massachusetts Avenue shall be exempt from the calculation of FAR on a Mixed Use Lot as set forth in Section 20.110.31 above.

20.110.33 *Floor Area Waiver for Enclosed Bays and Projections.* The following provisions shall apply in place of the provisions set forth in Subsection 20.104.2. Notwithstanding the definition of Gross Floor Area contained in Article 2.000 – Definitions, the floor area contained within enclosed bays and other small projections from the principal wall plane of a building, including projections and bays carried to the ground, normally defined as Gross Floor Area, shall be exempted from the calculation of GFA and FAR on a lot, provided all of the following standards are met:

1. The exempted bays and projections must not extend more than three and a half (3.5) feet from the principal exterior wall plane of the building, and no individual bay or projection may exceed twelve (12) feet in width.
2. No more than fifty (50) percent of the area of each principal wall plane may be covered with such projections.
3. ~~The total floor area of each exempted bay or projection may not exceed thirty two (32) square feet on any single story of the building. Such limitation is intended to encourage~~

While a different set of changes is proposed in the MAPOCO petition, the Board supports retaining the existing language while deleting the confusing provision in paragraph (3).

~~angled or curved bays, although rectilinear bays meeting the above requirements shall also be allowed.~~

20.110.34 *Maximum Height.* Generally, ~~the~~ maximum height of any structure shall be the height applicable in the base district. However, notwithstanding the base district regulations and notwithstanding the general applicability standards set forth in 20.103.1, to the extent that the height of the ground floor non-residential space exceeds ten (10) feet as measured in the manner described in Paragraph 20.110.42 below, the maximum height ~~within the North Massachusetts Avenue Subdistrict shall be~~ may be increased to fifty (50) feet in the included BA-2 Districts for any mixed use building with direct frontage onto Massachusetts Avenue and located on a Mixed Use Lot as set forth in Section 20.110.31 above. Additionally, the portion of such a mixed use building that faces Massachusetts Avenue shall be exempt from the bulk control plane requirements of Footnote 5.33(k) in the Table of Dimensional Requirements; however, the provisions of Footnote 5.33(k) shall nonetheless apply to rear portions of a building within 50 feet of a residential zoning district line.

The Board supports the petitioners’ clarification that added height is allowed to the extent that ground floor space exceeds 10 feet, with the clarification of the method by which height is measured.

However, the Board supports retaining the existing language to not require a step-back of the building above 35 feet.

20.110.35 *Restrictions in Required and/or Provided Setbacks.* The requirements set forth in Section 20.105 shall apply. However, where a building fronts on more than two streets, the provisions of Section 20.105 shall apply on only two streets. In any case, where a building fronts Massachusetts Avenue, the provisions of Section 20.105 shall apply to the Massachusetts Avenue frontage.

20.110.36 *Required Front Yards.* In the BA-2 District south of Arlington Street, notwithstanding the provisions of footnote (m) in Section 5.33, Paragraph 2 of this Zoning Ordinance, a five-foot front yard setback shall be required in all instances unless the Planning Board reduces or waives the requirement upon granting a special permit. Such special permit may be granted if the Planning Board finds that, considering the size of the sidewalk and the setbacks of the abutting buildings, a reduction or waiver of the requirement would support the purpose and objectives of the Massachusetts Avenue Overlay District.

The Board supports the petitioner’s proposal to require a 5-foot front setback, but only with the proviso that a reduction or waiver may be granted by special permit. However, the Board proposes alternative language for the standard by which a reduction or waiver could be granted.

20.110.4 *Design Standards.* Buildings shall conform to the requirements set forth in Section 20.107, except as modified below.

- 20.110.41** *Building Facades.* The requirements for public entrances and clear glass set forth in Subsection 20.107.1 Paragraphs 2 and 3 shall apply to any ground-floor non-residential use, including those uses required by Subsection 20.110.21. Required clear glass on the ground floor façade shall be distributed on the façade such that at least seventy-five (75) percent of the required glass is located below the midpoint between the finished floor and the underside of the joists above.
- 20.110.42** *Measurement of Building Facades.* For purposes of this Section 20.110, where reference is made to the area of the façade of any given floor, the vertical dimension of that floor shall be measured from the finished interior floor to the underside of the structural joists of the floor above. The horizontal dimension shall be measured to the centerline of the demising wall of a separately leased space, or to the exterior wall of the building, as applicable. Where reference is made to the entire façade, the vertical dimension shall be measured from the mean grade of the façade facing the street (or other feature) to the underside of the structural rafters supporting the roof.
- 20.110.5** *Parking Exemption for Seasonal Outdoor Seating.* Notwithstanding any provision of the applicable base zoning district, seasonal, temporary outdoor seating available for any length of time between April 15 and October 31 shall be exempt from the parking requirements of Section 6.36.5 (e) and (f) for any retail use listed in Section 6.36.5 (e) or (f), provided that the total number of seasonal seats does not exceed fifty (50) or fifty percent of the total number of permanent seats provided at the establishment, whichever is less.
- 20.110.6** *Existing and Historic Structures*
- 20.111.61** The building design standards and conditions set forth in Section 20.106 Paragraphs (1) and (2), Section 20.107, and Subsection 20.110.21 Paragraphs (2), (3) and (6) shall not apply to any building constructed before April 5, 2012. However, a building constructed before April 5, 2012, which in whole or in part meets the requirements of this Section 20.100, shall not be altered so as to increase the degree to which it does not comply with this Section 20.100.

20.110.62 Any lot containing a historic structure as listed below, or as may be designated a Preferably Preserved Significant building by the Cambridge Historical Commission, shall be exempt from the requirements of 20.110.21. If the applicable requirements of Section 20.110.21 are not met, the lot shall not be considered a Mixed Use Lot under the provisions of Subsection 20.110.31 above. However, notwithstanding any other provisions of Subsection 20.110.31, the Planning Board may grant a special permit to increase the allowed FAR in the BA-2 Districts on the portion of the lot within the North Massachusetts Avenue Subdistrict, but not to exceed 1.75, for any combination of permitted uses upon finding that the increased FAR would (a) facilitate the preservation of the historic structure through economic reuse, (b) preserve the essential historically significant elements of the structure’s architecture and setting, (c) introduce uses that are respectful of the structure’s historic character, and (d) advance the stated purpose of the Massachusetts Avenue Overlay District and the ~~North Massachusetts Avenue Subdistrict~~ purpose of the standards applicable in the BA-2 Districts.

Lots Containing Identified Historic Structures. The following street address numbers on Massachusetts Avenue shall designate lots containing historic structures for the purpose of this Subsection 20.110.64~~2~~: 1675, 1676, 1679, 1684, 1686, 1696, 1705, 1720, 1734, 1735, 1741, 1749, 1751, 1753, 1759, 1771, 1800, 1991, 1996-2006, 2014-2018, 2020-2024, 2026-2080, 2029, 2067, 2088-2098, 2103, 2161, 2179, 2200, 2203, 2210, 2211, 2218, 2222-2224, 2240, 2254, 2270, 2301, 2307, 2343, 2508-2596, 2535, 2557-2585; and in addition, 3 Linnaean Street.

20.110.63 *Nonconforming Structures.* The provisions of Section 20.109 shall not apply in the ~~North Massachusetts Avenue~~ BA-2 District north of Porter Square. Except as otherwise set forth in this Section 20.110, nonconforming structures shall be governed by the regulations set forth in Article 8.000 of the Zoning Ordinance.

20.111 *The Massachusetts Avenue Overlay District shall be considered an area of special planning concern.* Notwithstanding the provisions in Section 19.43.1 – Applicability of Large Project Review Procedure, in the Massachusetts Avenue Overlay District the Large Project Review Procedure shall apply to any development proposal containing more than two thousand

The Board supports the petitioners’ reclassification of historic properties, which was done in consultation with the Historical Commission. The changes on this page are consistent with the MAPOCO petition.

(2,000) square feet of Gross Floor Area but less than fifty thousand (50,000) square feet, unless such development is exempt by virtue of the provisions of Section 19.45.

The Board does not recommend adding the petition’s clause related to special permits. Although it is true that projects of 20,000 square feet or more require a Project Review Special Permit in the BA-2 District, according to a different Article of the Zoning Ordinance, the Board does not believe it is necessary to reiterate that provision here.