



# ORDINANCE COMMITTEE

## COMMITTEE MEETING

~ MINUTES ~

Wednesday, May 24, 2023

3:00 PM

Sullivan Chamber

795 Massachusetts Avenue  
Cambridge, MA 02139

- I. The Ordinance Committee will hold a public hearing on the Citizens Zoning Petition received from Charles Jessup Franklin et al., regarding allowing new construction that is similar in size and shape as existing buildings for the purpose of promoting housing and first floor retail

Attendee Name	Present	Absent	Late	Arrived
Burhan Azeem	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Dennis J. Caralone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Alanna Mallon	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3:12 PM
Marc C. McGovern	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Patricia Nolan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
E. Denise Simmons	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3:17 PM
Paul F. Toner	<input type="checkbox"/> Remote	<input type="checkbox"/>	<input type="checkbox"/>	
Quinton Zondervan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sumbul Siddiqui	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3:17 PM

A public meeting of the Cambridge City Council's Ordinance Committee was held on Wednesday, April 26, 2023. The meeting was Called to Order at 3:00 p.m. by the Chair, Councillor Zondervan. Pursuant to Chapter 2 of the Acts of 2023 adopted by Massachusetts General Court and approved by the Governor, the City is authorized to use remote participation. This public meeting was hybrid, allowing participation in person, in the Sullivan Chamber, 2<sup>nd</sup> Floor, City Hall, 795 Massachusetts Avenue, Cambridge, MA and by remote participation via zoom.

**At the request of the Chair, Clerk of Committees Erwin called the roll.**

**Councillor Azeem – Absent**

**Councillor Caralone – Present/In Sullivan Chamber**

**Vice Mayor Mallon – Absent\***

**Councillor McGovern – Present/In Sullivan Chamber**

**Councillor Nolan – Present/In Sullivan Chamber**

**Councillor Toner – Present/Remote**

**Councillor Zondervan – Present/In Sullivan Chamber**

**Mayor Siddiqui – Absent\***

**Present – 5, Absent – 4. Quorum established.**

**\*Vice Mayor Mallon was marked present and in the Sullivan Chamber at 3:12p.m.**

**\*Mayor Siddiqui and Councillor Simmons were marked present and remote at 3:17p.m.**

The Chair, Councillor Zondervan offered opening remarks and noted that the call of the meeting was to discuss a Citizens Zoning Petition received from Charles Jessup Franklin et al., regarding

allowing new construction that is similar in size and shape as existing buildings for the purpose of promoting housing and first floor retail. Present at the meeting was Daniel Messplay, Acting Director, Zoning and Development for the Community Development Department (CDD) and Megan Bayer, Deputy City Solicitor. Iram Farooq, Assistant City Manager for CDD was also present at the meeting via Zoom.

**The Chair, Councillor Zondervan opened public comment.**

Rabbi Yoni shared that they were in favor of the petition and believes that it was very thought out and addresses the residential districts.

Suzanne Blier, 5 Fuller Place, Cambridge, MA, thanked the Petitioner for putting in thought to the proposed petition but shared that they don't believe that the City needs a city-wide upzoning proposal.

Jana Odette, 176 Larch Road, Cambridge, MA, offered comments on more housing in Cambridge and shared they were in favor of the petition.

Marilee Meyer, 10 Dana Street, Cambridge, MA, offered comments on the proposed petition noting that the Petitioner does acknowledge that all districts in Cambridge are different.

The Chair, Councillor Zondervan introduced the Petitioner, Charles Franklin, who gave a presentation titled "Restore Cambridge Housing Petition" (Attachment A). Charles Franklin reviewed how the petition addresses residential zones, main residential streets, business districts, and the North Mass. Ave, Harvard, Central, and Prospect Overlays. The Petitioner shared that there were some proposed amendments to the petition that they would like to introduce (Attachment B). After the presentation, Charles Franklin was available to respond to questions and concerns from Committee members.

The Chair, Councillor Zondervan recognized Daniel Messplay who offered a summary of CDD's Memo to the Planning Board (Attachment C) and reviewed the discussion done at the Planning Board meeting. It was noted that the Planning Board report was not complete at this time due to timing of the Planning Board meeting and the Ordinance Committee meeting and shared that ultimately the Planning Board feels that the petition should have a negative recommendation to the full City Council.

**The Chair, Councillor Zondervan recognized Vice Mayor Mallon who made a motion to adopt amendments by substitution on the petition.**

Councillor Azeem – Absent

Councillor Carlone – Yes

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Absent

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

**Yes – 7, No – 0, Absent – 2. Motion passed.**

The Chair, Councillor Zondervan recognized Councillor Nolan who asked if the Planning Board and CDD were able to review the amendments that are now the most recent version of the petition. Daniel Messplay shared that the Planning Board and CDD were not able to review the proposed amendments or provide comments on them and that the Memo was based on the originally submitted petition.

The Chair, Councillor Zondervan recognized Vice Mayor Mallon who asked if the petitioner would like to speak more on the analysis and data that is the foundation of the petition. Charles Franklin shared that they have done a lot of research and have attended many City meetings about the changes and studies that have been done, and conducted a canvas throughout the City, which is how they discovered Zone C-1 does not exist on the map. Vice Mayor Mallon thanked the Petitioner for all their hard work and shared that she believes many of the Citizen Petitions that come in are from residents who want to see an update to the zoning, noting that the market is moving fast, but the zoning is not able to keep up. The Vice Mayor shared that there could be the possibility of taking pieces from this proposed petition and using it to be incorporated into other things and it's important to look at all the previous studies that have been done and implement those recommendations. Councillor Zondervan shared that he agrees with the Vice Mayor.

The Chair, Councillor Zondervan recognized Councillor McGovern who shared that he agreed with comments made by the Vice Mayor noting that there is a lot in the petition that should be addressed, including more housing. Councillor McGovern thanked the Petitioner for their work and shared that there is a lot of information in the petition that is worth having a conversation but does not believe the petition is ready to move forward to the full Council.

The Chair, Councillor Zondervan recognized Councillor Carbone who noted the importance of adding housing in the City and shared that it should be looked at in a holistic approach because by adding more density to buildings, it will also increase other issues. Councillor Carbone suggested that the City should focus on buying more land to build housing and agreed with comments from the CDD memo.

The Chair, Councillor Zondervan shared that he agrees with comments made by other Councillors and that there should be more time to review the petition, and the studies and planning that would come with it. Councillor Zondervan noted that he would like to see the petition be used as a guideline to have more discussions with CDD to try and move forward with ideas.

The Chair, Councillor Zondervan recognized Councillor Nolan who shared that she likes the elements of the petition but stressed the importance of the City needing an overall plan.

Councillor Nolan encouraged CDD to pull some of the elements from the petition to help focus on zoning throughout the City.

The Chair, Councillor Zondervan recognized Vice Mayor Mallon who offered comments on a proposed motion to have the ability to continue having conversations on the petition before it expires. Councillor Nolan offered suggestions for the proposed motion.

**The Chair, Councillor Zondervan stepped out of the meeting during Vice Mayor Mallon's comments and Ordinance Co-Chair, Councillor McGovern, took the Chair.**

The Chair, Councillor McGovern recognized Councillor Carbone who suggested that it would be important to recognize the petition in phases to focus on different areas of the City with CDD. **Councillor Zondervan resumed the Chair.**

The Chair, Councillor Zondervan asked CDD if they had an update on how to eliminate single family only zoning. Daniel Messplay shared that it is something that the Department has been working on and more focus could be directed into examining that subject.

The Chair, Councillor Zondervan recognized Charles Franklin who thanked everyone for their comments and shared that they believe the petition should stay in the Committee for further discussion.

**The Chair, Councillor Zondervan recognized Vice Mayor Mallon who made the following motion:**

**That the City Manager direct the Community Development Department to provide further study on the proposed changes by the Franklin Petition, as well as a careful review of the language to remove any potential conflicts and ambiguities; and be it further ordered,**  
**That this review include how other city efforts, including climate planning, affordable housing, and inclusionary zoning might be impacted by the Franklin petition, with suggestions for how the goals of the petition and city efforts may be mutually reinforced;**  
**and be it further ordered,**

**That the City Manager direct the Law Department to provide guidance on any legal issues and question raised by CDD and the Planning Board by the Franklin Petition; and be it further ordered,**

**That this information be available for the next scheduled Ordinance Committee meeting on this topic.**

**Clerk of Committees Erwin called the roll.**

Councillor Azeem – Absent

Councillor Carlon – Yes

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

**Yes – 8, No – 0, Absent – 1. Motion passed.**

**ORDERED: That the City Manager be and hereby is requested to direct the Community Development Department to provide further study on the proposed changes by the Franklin Petition, as well as a careful review of the language to remove any potential conflicts and ambiguities; and be it further**

**ORDERED: That this review include how other city efforts, including climate planning, affordable housing, and inclusionary zoning might be impacted by the Franklin petition, with suggestions for how the goals of the petition and city efforts may be mutually reinforced; and be it further**

**ORDERED: That the City Manager be and hereby is requested to direct the Law Department to provide guidance on any legal issues and questions raised by CDD and the Planning Board by the Franklin Petition; and be it further**

**ORDERED:** That this information be available for the next scheduled Ordinance Committee meeting on this topic.

The Chair, Councillor Zondervan recognized Councillor Simmons who made a motion to adjourn the meeting.

Clerk of Committees Erwin called the roll.

Councillor Azeem – Absent

Councillor Carlone – Yes

Vice Mayor Mallon – Yes

Councillor McGovern – Yes

Councillor Nolan – Yes

Councillor Simmons – Yes

Councillor Toner – Yes

Councillor Zondervan – Yes

Mayor Siddiqui – Yes

Yes – 8, No – 0, Absent – 1. Meeting adjourned.

Attachments:

Attachment A – Presentation titled “Restore Cambridge Housing Petition.”

Attachment B – Adopted proposed amendments.

Attachment C – Memo from CDD to the Planning Board.

The City Clerk’s Office received one written communication, Attachment D.

**Clerk’s Note:** The City of Cambridge/22 City View records every City Council meeting and every City Council Committee meeting. This is a permanent record. The video for this meeting can be viewed at:

[https://cambridgema.granicus.com/player/clip/514?view\\_id=1&redirect=true&h=2034a47ab58b6c466d83008919993eed](https://cambridgema.granicus.com/player/clip/514?view_id=1&redirect=true&h=2034a47ab58b6c466d83008919993eed)

A Zoning Petition Has been received from Charles Jessup Franklin et al., regarding allowing new construction that is similar in size and shape as existing buildings for the purpose of promoting housing and first floor retail.

A communication was received from the Petitioner, Charles Franklin, transmitting a presentation titled Restore Cambridge Housing Zoning Petition.

A communication was received from the Petitioner, Charles Franklin, transmitting a document titled Corrections and Amendments.

A communication was received from Acting Director, Zoning & Development for the Community Development Department, Daniel Messplay, transmitting a Memo from Community Development to the Planning Board.

# Restore Cambridge Housing Zoning Petition

A Presentation by  
Charles Franklin



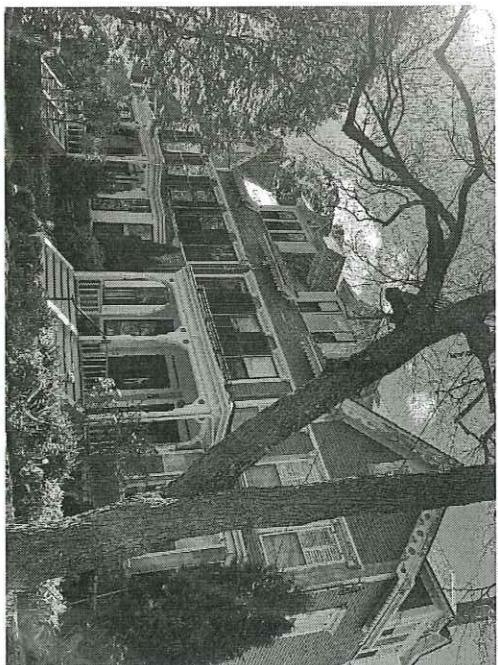
# 162 Hampshire Street

- Six unit tripper decker in Inman Square
- On 50 ft wide street
- Half of lot is yard
- Five minute walk from seven bus lines, including a cross town
- 15 minute walk from Central and Union Squares; Red and Green line

## Zoning Says This Doesn't Fit In (Res. C-1)

Measure	As Built	Zoning Says	Off By
FAR	1.6	0.75	2x
LA/DU	1,100 Sqft	1,500 Sqft	2 units
Open Space	52%	30%	1/2
Front Setback	10 ft	> 20ft	> 10 ft





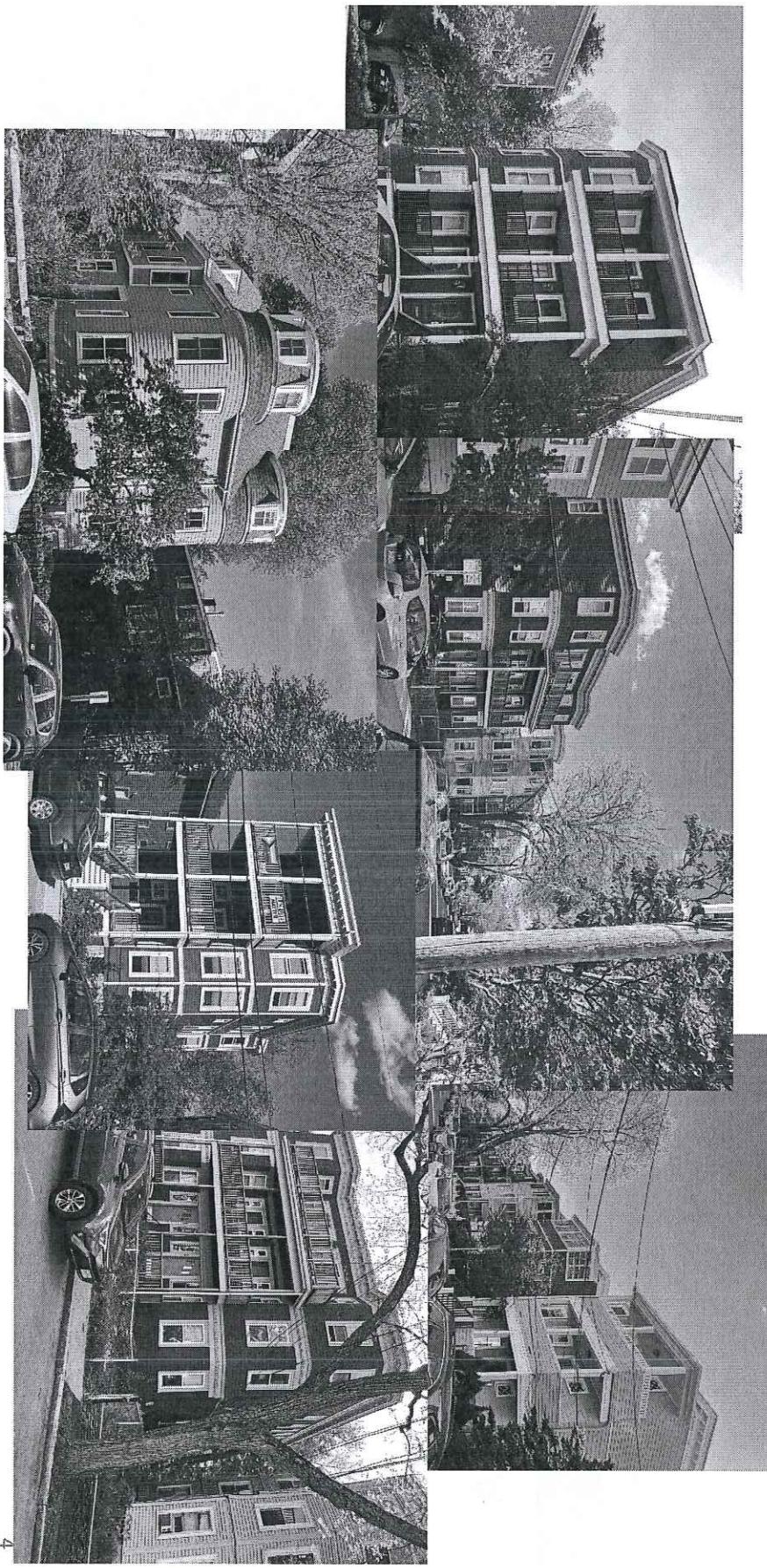
## 29 Brewster Street

- One of four townhouses
- Five minute walk from two bus lines
- Ten minute walk from six bus lines
- Legally single family homes

### Zoning Says This Doesn't Fit In (Res. A-1)

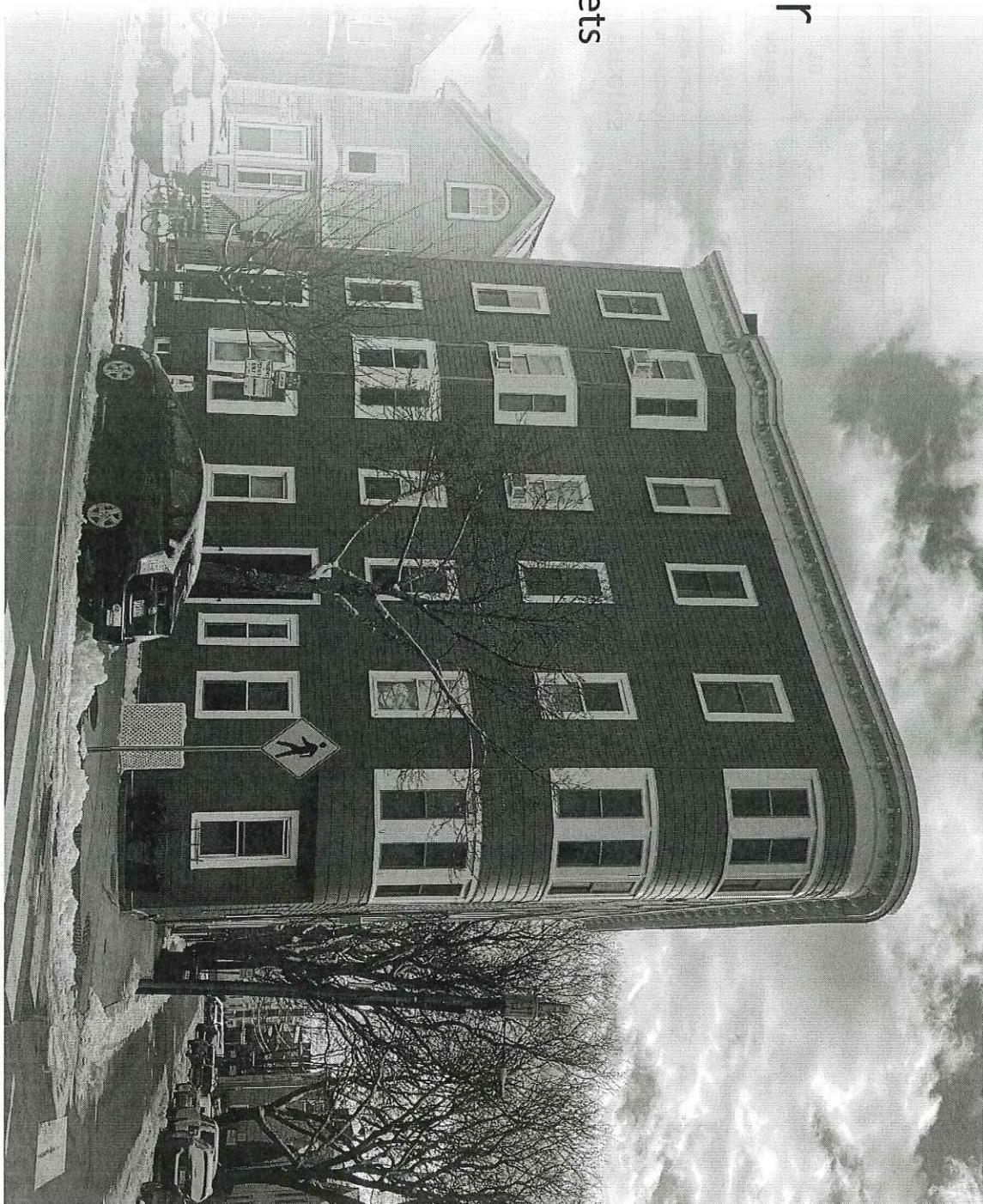
Measure	As Built	Zoning Says	Off By
FAR	0.6	0.5	Almost
Lot Size	4,107 Sqft	6,000 Sqft	31%
Open Space	80%	50%	Hand icon
Front Setback	10ft	Not calculated	Probably fine

# Multi-Families in Duplex Zone



# Topics to Cover

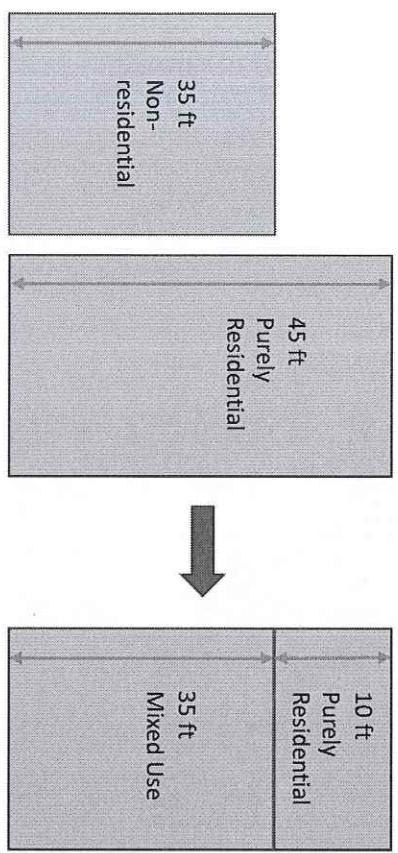
- Residential Zones
- Main Residential Streets
- Business Districts
- Overlays
  - North Mass Ave
  - Harvard
  - Central
- Prospect



# Quick Preamble on FAR and Max Height

## FAR in Section 5.31.3

- FAR and Max. height have two numbers
- As ordained
- Purely residential buildings can use second number
- With Petition
- Mixed use buildings can use second number



Excerpt Table of Dimensional Requirements

District	Max. FAR	Min. Lot Area/DU	Min. Setback Front Yard	Min. Setback Side Yard	Min. Setback Rear Yard	Max. Height
BA	1.00/1.75	600	no min	no min	$(H+L) \div 5$ at least 20	35/45
BA-1	1.00/0.75	1,200	no min	no min	$(H+L) \div 5$ at least 20	35
BA-2	1.00/1.75	600	5	10	20	45
BA-3	0.75	1,500	$(H+L) \div 4$ at least 10	$(H+L) \div 5$	$(H+L) \div 4$ at least 20	35
BA-4	1.00/1.75	600	$(H+L) \div 4$	$(H+L) \div 5$	$(H+L) \div 5$	35 or 44 w/limitations
			10' w/limitations	10' w/limitations	10' w/limitations	w/limitations

Current Zoning

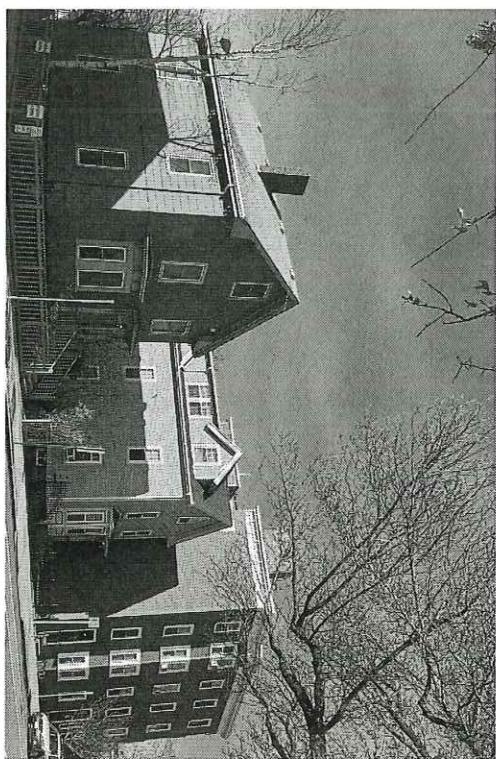
With Petition

# Residential Zones

- Combine Res A-1 and Res A-2
- Combine Res C and Res C-1
- Allow townhouses in Res A
- Allow multi-families in Res B
- Bump FARs
- Set open space to 30%

Proposed Dimensional Requirements

Zone	FAR	Front	Side	Rear
A	0.5/1.0	15'	10	25'
B	0.5/1.0	15'	7'6"	25'
C	0.75/1.49	10'	7'6"	15'



\*red denotes change

# Main Residential Streets

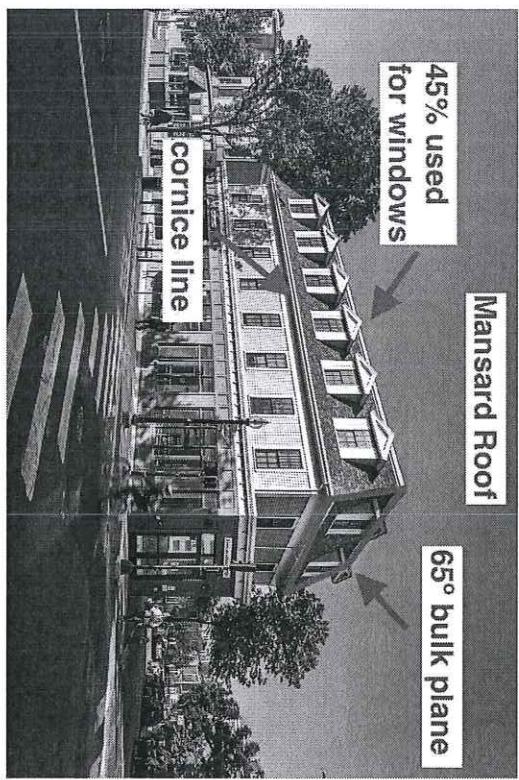
- More height and FAR on main streets with bus lines
- Additional setbacks above cornice line

## Included Streets

- Broadway
- Cambridge Street
- Columbia Street
- Concord Avenue
- Hampshire Street
- Huron Avenue
- Kirkland Street
- Mt. Auburn Street
- Prospect Street
- Western Avenue

## Proposed Dimensional Requirements

Zone	FAR	Height	Cornice Line
B	1.5	35ft	30ft
C	2.0	45ft	35ft



212 Hampshire Street Mansard Roof

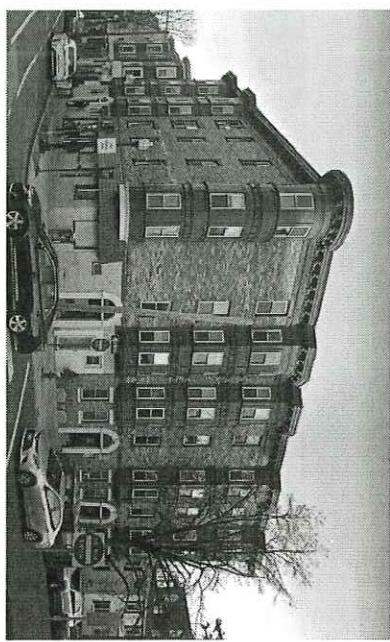
Encourage mansard roof with Section 5.31.4(d)

- Max cornice lines
- Imaginary inclined bulk planes
- Percent of portions above the plane

## Business Districts

Promote housing above retail

- Increase max height and encourage use of mansard roofs
- Increase FAR
- Reduce LA/DU



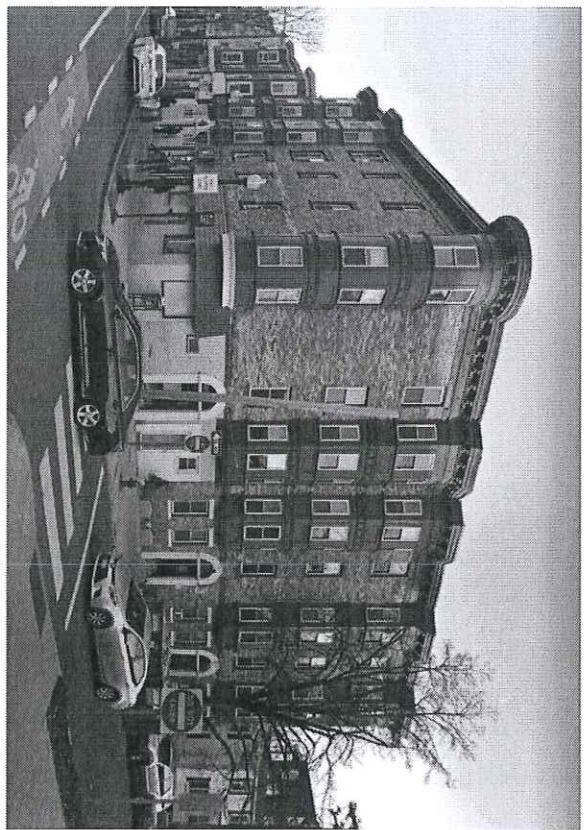
Proposed Dimensional Requirements

Zone	FAR	Front	Side	Rear	Height
BA	1.0*/4.0	none	none	15ft	35/60ft
BA-1	1.0/1.5	none	none	15ft	35ft
BA-2	1.0/3.0	5ft	10ft	20ft	45/60ft
BA-3	0.75/1.49	10ft	7'6"	15ft	35ft
BB	4.0/7.0	none	none	none	80ft
BC	1.25*/4.0	none	none	20	55/65ft

\*Differs from petition as submitted  
\*\*Red denotes change

## Bus A - Cambridge St.

- Inspiration taken from Our Cambridge Recommendations
- FAR and height increased for residential and mixed projects
- ~~First floor active retail requirement when using residential bonus~~
- ~~Non-residential FAR increased to take advantage of base max height~~
- Encourage mansard roof above 50ft



Proposed Dimensional Requirements

	FAR	Height	Cornice Line
Base	1.0*	35 ft	N/A
Mixed/Residential	4.0	60 ft	50ft

\*Differs from petition as submitted

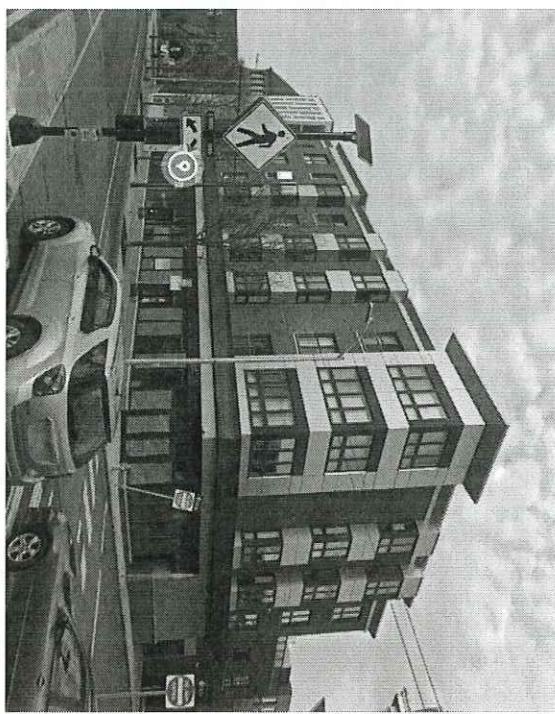
# North Mass. Ave and Porter Square

## Porter Square

- Allow additional 10ft for housing
- FAR of 4 to make best use height and setbacks

## Remainder of North Mass. Ave

- Max height of 60ft for mixed projects
- Housing required above second floor
- FAR of 3 to make best use height and setbacks



## Elsewhere

- Base zoning with existing additional setbacks and restrictions

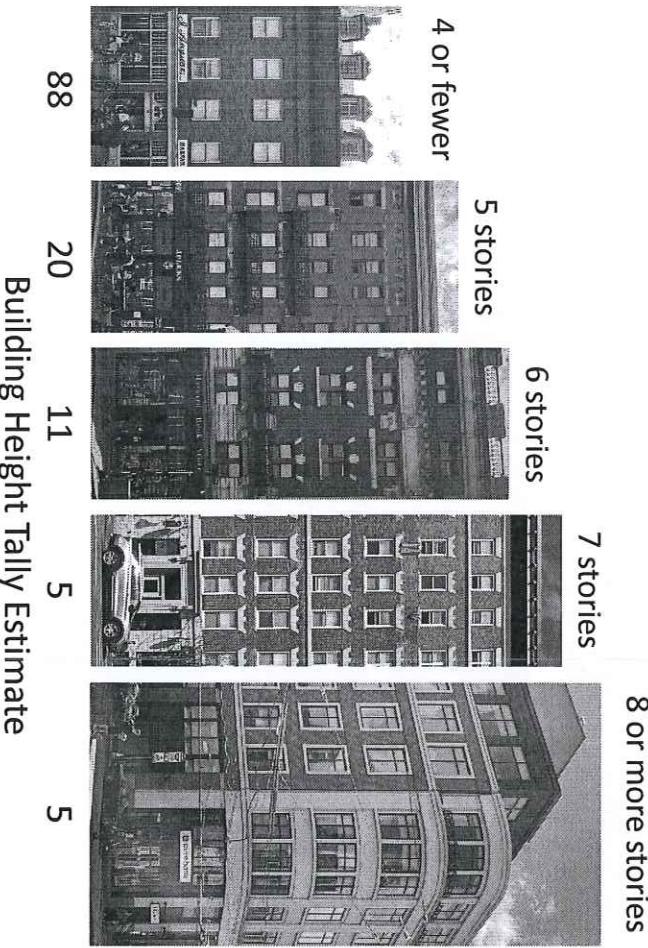
	FAR	Height	Cornice Line
Porter Square	1.25*/4.0*	55/65ft	N/A
Mass Ave.	1.0/3.0*	45/60ft	N/A
BA-2	1.0/3.0	45/60ft	50ft

\*Differs from petition as submitted

# Harvard Square District

- Increase residential max height to base zone height of 80ft
- Additional 10 ft with special permit
- Increase residential FAR from 4 to 7 to make best use of height
- Keep all existing setbacks

Proposed Dimensional Requirements			
	FAR	Height	Additional Setbacks at
Base	4.0	60 ft	60ft
Mixed/Residential	7.0	80 ft	60ft

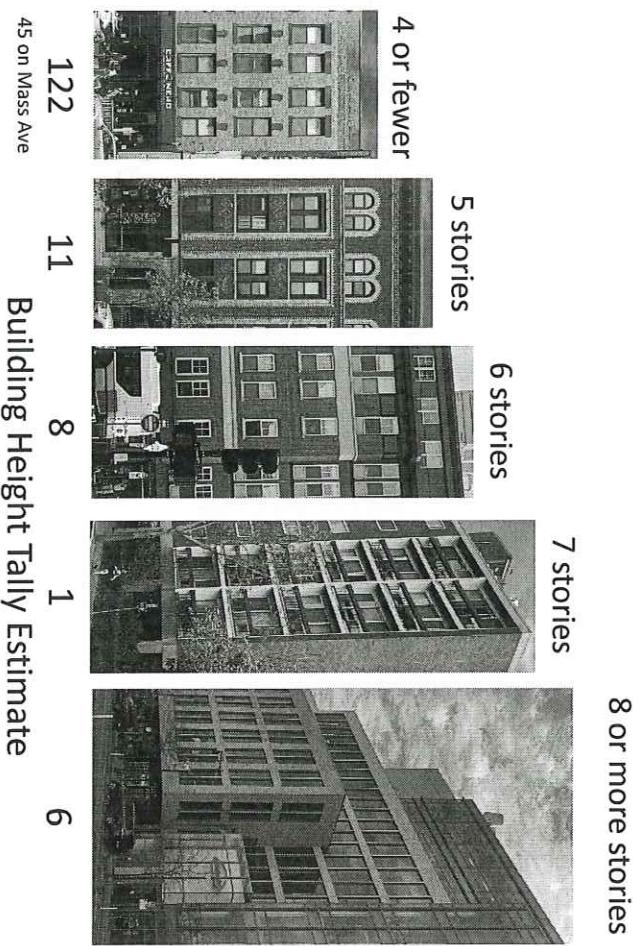


# Central Square District

- Petition as written: max height 120ft
- With amendment: 90ft and only allow 120ft by special permit
- Increase residential FAR from 4 to 7 to make best use of height
- Retain all existing setbacks and additional restrictions on side streets

Proposed Dimensional Requirements

	FAR	Height	Additional Setbacks at
Base	4.0	55 ft	60ft
Mixed/Residential	7.0	90 ft	60ft



## Follow Ups

## Affordable Housing Overlay

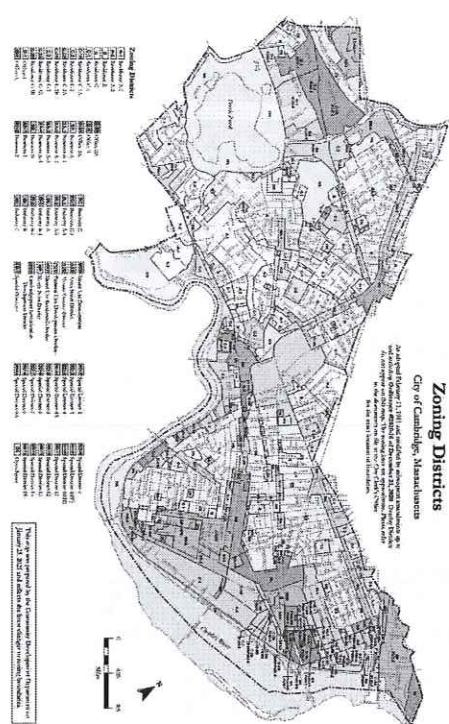
- Increase FAR threshold to 1.5 to avoid changes in residential zones

### Lot Area per Dwelling Unit

- Reduced in foot note to avoid invalidating an old home rule petition

Prospect Street Overlay

- Removed requirement to match base zoning front setback



# Possible Amendments

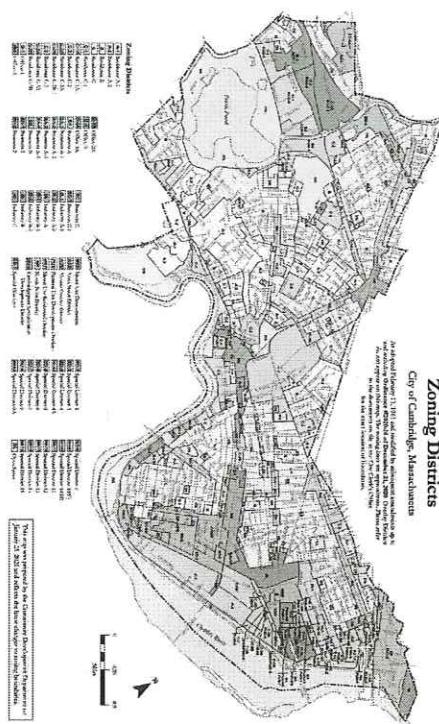
Amendments for Ordinance Committee to consider

## Requested

- Central Square: Reduce height to 90 feet as-of-right and 120 feet by special permit

## Optional

- Require inclusionary component in exchange for bonus in residential zones



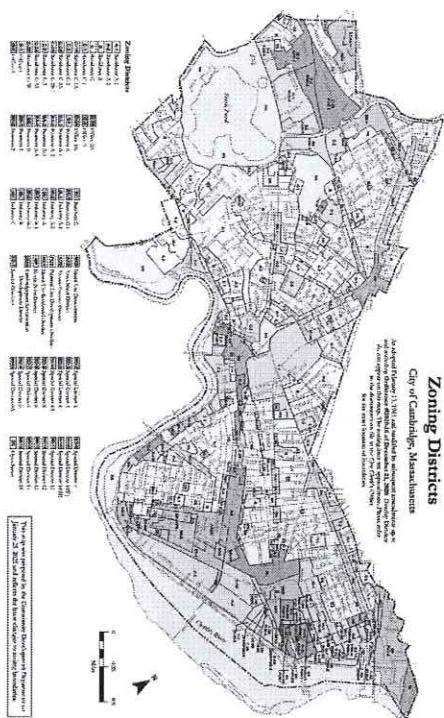
# CDD Memo

## Agree

- Increasing Non-Residential FAR misses mark
- FAR calculation changes are confusing
- Too aggressive with special permit elimination
- Non-conformity changes are confusing
- Map changes are unnecessary
- First floor retail requirements not right for this petition

## Disagree

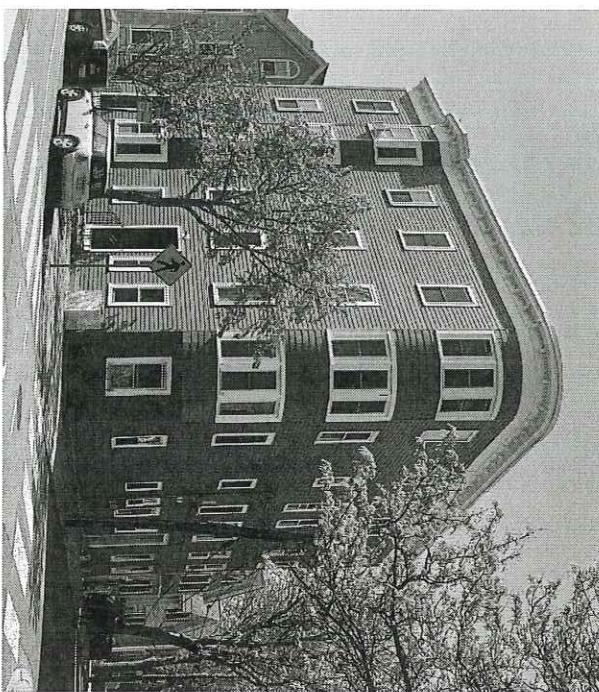
- No additional residential restrictions
- Overlay modifications were not “a la carte.”
- Setbacks and open space are based upon existing numbers



# Review and Goals Achieved

This petition restores Cambridge housing by

- Thoughtfully considering existing zones
- Reducing restrictions to mirror existing structures
- Encouraging mixed projects with housing above retail



## Hopes and Positive Side Effects

- Reduce cost per unit and therefore minimum sale price
- De facto eliminate single family zones, undoing exclusionary zoning

# Attachment B

## Corrections and Amendments

### Page 2

Append missing text to Section 3.20 Amendment: **Change the existing residential zone C-1 to C**

### Page 6

Fix typo Table 5-1: Row "Res. C" column (1) 1.49<sup>(q)</sup> 0.75/1.49<sup>(q)</sup>

Replace amended Section 5.30.11 with the following simplification:

**5.30.11FAR and Height.**

1. Where two numbers appear in Column (1) - Maximum Ratio of Floor Area to Lot Area and Column (6) Maximum Height in Feet, the first number shall apply to all permitted uses in the district except Residential Uses, Section 4.31 ~~a-h d-h~~, and Dormitory (but excluding resident fraternity or sorority) Uses, Section 4.33 b(7), both of which shall be governed by the second number.
2. Buildings containing both Non-Residential Uses and Residential Uses (4.31 d-h) may also be governed by the second number such that the additional allowed height and floor space is dedicated to Residential Uses (4.31 d-h) and all Residential Uses are on stories above all the Non-Residential Uses.

### Page 8

Fix typo Section 5.31.2(q): Residential Uses (4.31 ~~a-h d-h~~) [...]

Append to added Section 5.31.4(d):

**The recommended method of compliance is use of a mansard roof for the top occupiable floor.**

### Page 9

Fix typo Table 5-3: Row "Bus. B" column (1) should say "4.0/7.0"

Fix typo Table 5-3: Row "Bus. C" column (3) should say "none" under the strikethrough text

Fix typo: Section header should read "5.32.2", not "5.34.2".

Amend Table 5-3: Row "Bus. C" column (1) to say "1.25/4.0"

Restore Footnote 5.32.2(a)

Restore original Non-Residential FAR for Rows "Bus. A" and "Bus. C"

### Page 10

Append paragraph in Section 5.33.2(k) ending with "dormer-style windows":

**The recommended method of compliance is use of a mansard roof for the top occupiable floor.**

### Page 11

Fix typo Section 5.32.2(q): Residential Uses (4.31 ~~a-h d-h~~) [...]

Fix amended Section 5.33.9.3

3. 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~~, the front lot line. **Where the parcel has frontage on two or more streets, this provision shall apply only to the front wall plane facing the principal abutting arterial street.**

### Page 15

Fix typo in Section 20.23(a): Residence C: ~~1.5~~ **1.49**

Fix typo in Section 20.43: [...] Residence C the FAR shall be ~~1.5~~ **1.49**. [...]

Replace amendment to Section 21.110.31(1) with: The maximum allowed FAR shall be ~~1.75~~ **3.00**

### Page 17

Fix typo in Section 21.43.2(b): [...] An FAR of ~~1.5~~ **1.49** shall be authorized on the site [...]

## **Other**

Remove amendments to Section 5.33.9, Section 11.12.3, and Article

## **Reduction of Maximum Height in Central Square**

If 120 feet as of right is too much for Central Square, the following amendment can replace the existing one on page 16 to reduce it to 90 feet as of right and 120 feet by special permit.

### **Replace amended Section 20.304.2**

**20.304.2 Building Height Limitations.** The maximum height of buildings in the Central Square Overlay District shall be governed by the requirements of this Section 20.304.2; however, at locations where the base zoning district establishes a more restrictive height limitation, the more restrictive shall apply.

1. As of Right Height Limitations. The maximum height of ~~any building a building for Non-Residential Uses~~ shall be fifty-five (55) feet. ~~The maximum height of a building with either purely Residential or mixed Residential and Non-Residential Uses shall be ninety (90) feet when all stories partially or entirely above fifty-five (55) feet are dedicated to Residential Uses (4.31 a-h), except as further limited below:~~
  - (a - b) [...]
  - (c) ~~In a Business B district where a lot abuts a street not mentioned in Section 20.304.2(a), portions of a building in excess of sixty (60) feet are set back from the street line at least ten (10) feet and that those portions are also set back from one or more forty-five degree (45°) bulk control planes beginning sixty (60) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.~~
2. Special Permit for Additional Height. Additional height may be permitted as follows:
  - (a) ~~The maximum allowable height in the Central Square Overlay District may be increased up to eighty (80) feet upon issuance of a Special Permit by the Planning Board ~~provided that those~~. A structure of purely Residential or mixed Residential and Non-Residential Use may be increased up to one-hundred and twenty (120) feet by special permit provided that those portions in excess of eighty (80) feet are dedicated to Residential Uses (4.31 a-h). In both cases, portions in excess of sixty (60) feet ~~are~~ must be set back from the street line ~~by~~ at least ten (10) feet and ~~that those portions are also~~ set back from one or more forty-five degree (45°) bulk control planes beginning sixty (60) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.~~
  - (b) [...]

## **Inclusionary Amendment (Optional)**

This amendment adds an inclusionary component to residential zones. It shouldn't change the fundamental character of this petition or be considered a taking, as it only applies to residential buildings using the relaxed restrictions for multi-family homes which didn't previously exist. It would not apply to the types of buildings that can currently be built. It would go on page 6.

### **Add Section 5.30.11.3**

3. ~~Any building in a Residential district that both uses the additional height and/or floorspace as allowed by this section as well as creates at least five (5) dwelling units shall be considered an Inclusionary Housing Project in addition to those already defined by Article 2.~~



# Attachment C

## CITY OF CAMBRIDGE

### Community Development Department

To: Planning Board

From: Community Development Department (CDD) Staff

Date: May 16, 2023

Re: Charles Franklin et. al. Zoning Petition

#### Overview

##### KHALIL MOGASSABI

Deputy Director  
Chief of Planning

Petitioner: Charles Franklin, et al. (group of at least 10 registered Cambridge voters)

Zoning Articles: Article 3.000 Zoning Districts, Article 4.000 Use Regulations, Article 5.000 Development Standards, Article 6.000 Parking and Loading Requirements, Article 7.000 Signs and Illumination, Article 8.000 Nonconformity, Article 11.000 Special Regulations, Article 17.000 Special Business, Office and Industrial Districts, Article 20.000 Overlay Districts, and Article 21.000 Transfer of Development Rights Regulations

Amendment Summary: Amend the Zoning Map to reclassify all land currently in Residence A-1, Residence A-2 into a new Residence "A" District; Eliminate the Residence C-1 and Business C-1 districts; reclassify all land currently zoned Residence B in Neighborhoods 4, 5 and 6 to Residence C; Establish new and amend existing use and dimensional standards for Residence A, B, C and Business A, A-1, A-2, A-3, B, and C Districts; amend current standards for Nonconformities in Article 8, Townhouse Development and Affordable Housing Overlay standards in Article 11; and make further changes to the dimensional standards for development in the Harvard Square Overlay District, Central Square Overlay District, Massachusetts Avenue Overlay District, Prospect Overlay District; and make other language edits throughout the Zoning Ordinance.

Planning Board Action: Recommendation to City Council

Memo Contents: Summary of the proposed zoning; background information on Cambridge's existing zoning for residential uses; examples of the elimination of single-family-only zoning in other jurisdictions; current planning for zoning changes in Cambridge; and comments on proposed amendment.

### **Stated Intent of Petition**

The Petitioner refers to the Petition as the “Restore Cambridge Housing Zoning Petition” and includes the following goals:

- Encourage new housing development citywide;
- Reverse downzoning of Cambridge neighborhoods that occurred decades ago;
- Permit the development of residential building types and scales similar to the prevailing patterns of existing development;
- Reduce/remove barriers to renovating and improving existing buildings;
- Promoting density increases along business and transit corridors;
- Encourage mixed-use residential development with ground-story retail and consumer service uses.

### **Summary of Petition Changes**

The Petition proposes changes to residential districts, business districts, overlay districts, and other areas of the Cambridge Zoning Ordinance, which are further summarized below.

#### *Residential District Changes – Map & Dimensional Standards*

The Petition proposes to consolidate the Residence A-1 and A-2 districts into a new Residence “A” district, as follows:

	Max. FAR	Min. Lot Size	Min. Lot Width	Min. Lot Area/D.U.	Max. Height	Open Space	Min. Front Yard	Min. Side Yards	Min. Rear Yard
<b><i>Existing</i></b>									
A-1	0.5	8,000 SF	80'	6,000 SF	35'	50%	25'	15' and sum to 35'	25'(+)
A-2	0.5	6,000 SF	65'	4,500 SF	35'	50%	20'	10' and sum to 25'	25'(+)
<b><i>Proposed</i></b>									
A	0.5/1.0	6,000 SF	65'	4,500 SF	35'	30%	15'	10'	25'

The Petition further amends the Residence districts by reclassifying properties in Neighborhoods 4, 5, and 6 from Residence B to Residence C, and converting Residence C-1 districts to Residence C, with the following changes (Note: the Petition does not provide a description of what Neighborhood 4, 5 and 6 mean; though it could refer to the City’s Neighborhood Map, which would constitute The Port,

Cambridgeport, and Mid-Cambridge. There may be legal issues associated with applying different legal standards in areas that are not defined and not shown on the zoning map.):

	Max. FAR	Min. Lot Size	Min. Lot Width	Min. Lot Area/D.U.	Max. Height	Open Space	Min. Front Yard	Min. Side Yards	Min. Rear Yard
<i>Existing</i>									
B	0.5	5,000 SF	50'	2,500 SF	35'	40%	15'	7.5' and sum to 20'	25'(+)
C	0.6	5,000 SF	50'	1,800 SF	35'	36%	10' and (H+L)/4	7.5' and (H+L)/5	20'(+ and (H+L)/4
C-1	0.75	5,000 SF	50'	1,500 SF	35'	30%	10' and (H+L)/4	7.5' and (H+L)/5	20'(+ and (H+L)/4
<i>Proposed</i>									
B	1.0	5,000 SF	50'	2,500 SF	35'	30%	15'	7.5'	20'
C	1.49	5,000 SF	50'	1,800 SF	35'	30%	10'	7.5'	15'

The Petition makes several amendments to existing footnotes in the District Dimensional Standards for Residential Districts in Section 5.31:

- Modifies footnote (c) to remove language which requires a greater rear yard setback in Residence A-1, A-2, C and C-1 districts when the depth of the lot exceeds one hundred feet (100').
- Eliminates footnote (i) related to dimensional standards of the Residence C-1 district, which is proposed to be eliminated.
- Eliminates footnote (j), currently applicable to the Residence B district, which modifies the allowable FAR and Minimum Lot Area per Dwelling Unit calculations for portions of lots over 5,000 square feet, with additional requirements related lots that are subdivided.
- Adds a new footnote (q) which states that Residential Uses (Section 4.31.a thru h) have a Minimum Lot Area per Dwelling Unit of three hundred square feet (300 sq/ft).

The Petition makes additional modifications to the Dimensional Standards for Residential Uses in Article 5.00, as follows:

- Eliminates a setback exception in Residence A-1 and A-2 districts which allows the front yard setback of dwellings to match the average setback of other principal buildings on adjacent lots.
- Creates a new Section 5.31.4 which states that mixed-use structures in Section 5.30.11.a (note: Section 5.30.11.a is a newly-proposed section, further discussed below) with a “front lot line” on Broadway, Cambridge Street, Columbia Street, Concord Avenue, Hampshire Street, Huron Avenue, Kirkland Street, Mt. Auburn Street, Prospect Street, and/or Western Avenue may:
  - In a Residence B district – achieve an FAR of 1.5 and a thirty-foot (30') height limit to the “cornice line of any wall plane” at the front lot line.

- In a Residence C district – achieve an FAR of 2.0 and a forty-five foot (45') height limit with a thirty-five foot (35') height limit to the “cornice line of any wall plane” at the front lot line.
- Establishes a general standard that development above a cornice line must meet certain bulk control plane requirements.

*Residential District Changes – Use Standards*

In addition to the map and dimensional standards above, the Petition amends the Table of Use Regulations in Section 4.30 as follows:

- Residence “A” – Makes two-family dwellings (4.31.b), townhouse developments (4.31.d), and conversion of existing dwellings for more than two families (4.31.h) a permitted use (currently prohibited).
  - The Petition also removes a footnote #2 for Existing one-family detached dwelling converted for two families (4.31.c) that stipulates that the exterior design of the structure is not changed.
- Residence B – Makes multifamily dwellings (4.31.g) as-of-right (currently prohibited).
  - The Petition also removes a footnote #3 for Townhouse development (4.31.d) requiring that a Planning Board Special Permit be obtained for development subject to the Townhouse Development ordinance in Section 11.10.
- The Petition makes the following additional changes to the Residential Use table:
  - Eliminates footnote #3 for Townhouse development in all Residence districts.
  - Eliminates footnote #17 for Existing dwelling converted for elderly oriented congregate housing (4.31.f) which requires that in Residence A districts, the exterior design of the structure is not changed unless a Planning Board Special Permit is granted.

*Business District Changes – Dimensional Standards*

The Petition makes modifications to the Table of Dimensional Requirements for Business Districts in Section 5.33, as follows:

- FAR
  - The Petition generally increases the allowable FAR for residential and non-residential uses in the Business A, A-1, A-2, A-3, B, and C districts. In some cases, the allowable residential FAR is more than doubled over what is existing (e.g., Business B is increased from 3.0 FAR to 7.0 FAR).
  - In other cases, where there is currently only a general FAR limit, the FAR limit is modified such that there is now a different FAR limit for non-residential uses than for residential uses (e.g., Business A-2 currently has a 1.0 FAR for all uses, and is modified such that non-residential FAR is 1.0 and residential FAR is 3.0).
- Minimum Lot Area per Dwelling Unit

- The Petition generally reduces the existing minimum lot area per dwelling unit requirements for several districts, including the Business A, A-2, B, and C. In the Business B and C districts specifically, the requirement is eliminated altogether.
- A new footnote (q) is added to the Business A-3 district which states that the Minimum Lot Area per Dwelling Unit is 300 sq/ft.
- Minimum Yard Requirements
  - As with the Residence districts, the Petition modifies the minimum setback requirements in many Business districts to move from a formula-based setback provision to an absolute requirement:
    - In Business A and A-1 districts, the rear yard setback is changed to 15'.
    - In the Business A-3 district, all setbacks are changed from formula setbacks to a 10' front yard, 7.5' side yard, and 15' rear yard requirement.
- Maximum Building Height
  - The maximum building height is changed in Business A, A-2, and C districts to generally allow for taller heights for residential uses (60-65') compared to non-residential uses.
- Dimensional Footnotes
  - The Petition makes modification to several footnotes in the Business District dimensional table:
    - Footnotes (a), (b), (l), (m), (n), and o are proposed to be eliminated. In some cases, these footnotes place additional conditions on some of the dimensional requirements in the table itself, like noting that in Business A districts, regardless of the rear yard formula setback, no building may be located nearer than twenty feet (20') from the rear property line. In other cases, the footnotes are tied to a district that is proposed to be eliminated (i.e., Business C-1).
    - Footnote (g) is modified to clarify that the height limitations in Business C pertain only to non-residential development.
    - Footnote (j) is modified to expand the provision to all Business districts that no rear yard is required where the rear lot line abuts a lot in a business or industrial district.
    - Footnote (k) is modified to expand a required height bulk control plane from Business A-2 to include the Business A district, and provides provisions for how that bulk control plane could be exceeded. The footnote is also modified to eliminate a height stepdown requirement when a building is within fifty feet (50') of a residential zoning district.
    - A new footnote (q) is created which stipulates that the Minimum Lot Area per Dwelling Unit for Residential Uses (4.31 a-h) is 300 square feet.

#### *Other Proposed Dimensional Changes*

In addition to the modifications to the residence and business district dimensional standards, the Petition adds new sections to Section 5.30 District Dimensional Standards and amends existing provisions:

- Creates new (a) and (b) under 5.30.11 which states that buildings with non-residential uses and residential uses may utilize the residential heights described in the dimensional table for residence and business districts; and that stories 75% or more below grade shall not count against FAR.
- Adds a new Section 5.33.9 – Requires certain types of non-residential ground floor uses when a mixed-use building is utilizing the taller heights permitted by Section 5.30.11.a. The Section establishes the range of non-residential uses that are permitted and establishes design requirements associated with those uses.
- Amends Section 5.53 such that in Residence A districts, a second principal dwelling can be located on a lot, subject to existing requirements (e.g., that a Planning Board Special Permit be obtained if the second dwelling is located more than seventy-five feet from the street line).

*Other Proposed Ordinance Changes*

The Petition proposes amending several other parts of the Zoning Ordinance, which are summarized below:

- Article 8 – Nonconformities
  - Removes a requirement that administratively-approved conforming additions to nonconforming structures must not increase the volume or area of the nonconforming structure by more than ten (10) percent since the structure first became nonconforming.
  - Removes a requirement that alteration or enlargement of a nonconforming structure, for which the BZA can grant a special permit, shall not increase the area or volume of the nonconforming structure by more than twenty-five (25) percent since the structure first became nonconforming.
- Article 11 – Townhouse Development
  - Removes references that townhouses are limited to one and two-families.
  - Clarifies that townhouse developments are permitted in all Residence districts.
  - Modifies the special permit applicability for townhouses to six (6) or more dwelling units in Residence A districts (rather than C districts).
  - Amends the maximum height of townhouses as follows:
    - Revises the height from four stories to the “lesser of the base zoning max height and four habitable stories”.
    - Creates opportunity to exceed the bulk control plane requirements in Section 11.15.3.
    - Eliminates a height limitation of thirty-five feet in Residence B districts.
- Article 11 – Affordable Housing Overlay
  - Further restricts the FAR limit for AHO developments such that an AHO project is limited to a 2.00 FAR when the District Dimensional Standard FAR is less than 1.50 (currently, 1.00).
- Article 20 – Overlay Districts

- Mixed Use Residential Overlay (MXR) District: Increases FAR for mixed-use developments in Residence C to 1.5 (currently 0.6)
  - Eastern Cambridge Housing Overlay (ECHO) District: Increases FAR for residential uses with an underlying base zoning district of Residence C to 1.5 (currently 0.75).
  - Harvard Square Overlay (HSOD) District: Increases as-of-right height limitation to eighty feet (80') if uses above sixty feet (60') are residential (current height limit is sixty feet). Allows heights up to 90' by Special Permit if residential use (currently 80'). Increases allowable FAR for residential and mixed-use developments to 7.0 (currently 4.0).
  - Massachusetts Avenue Overlay (MAOD) District: Reduces minimum open space depth requirement from twenty feet (20') to fifteen feet (15') for Business C lots abutting Residence C or Residence B zoning districts. Increases the FAR for mixed-use lots from 1.75 to 4.00. Increases the maximum height from fifty feet (50') to sixty feet (60') in a BA-2 district when the lot has frontage on Mass Ave. Removes a bulk control plane requirement for mixed-use building with frontage on Mass Ave. Removes a provision requiring front yards in the BA-2 district south of Arlington Street unless waived by Planning Board Special Permit.
  - Prospect Street Overlay District: Removes a requirement that if no front yard is required under base zoning, the front yard setback by three feet (makes all development subject to a three foot setback).
  - Central Square Overlay District (CSOD): Increases the maximum building height for residential and mixed-use developments from fifty-five feet (55') to one hundred and twenty feet (120') as long as stories above 55' are dedicated to residential uses. Creates a stepback and bulk control plane provision for buildings in excess of sixty feet (60') in a Business B district. Eliminates an FAR restriction of 4.0 for residential and mixed-use developments in a Business B base zoning district.
- Article 21 – Transfer of Development Rights Regulations
    - In Eastern Cambridge & Alewife: Amends requirements so that the residual gross floor area available for residential development on a donating lot be that resulting from an FAR of 1.5 in a Residence C district (rather than 0.75).

### **Comments on Proposed Zoning**

#### *Overall Considerations*

The Petition represents a “tectonic shift” in the way many zoning districts and dimensional standards would be characterized within the City, which could have fundamental, cascading effects throughout the entire Zoning Ordinance. Without further study of the proposed Petition, it is hard to predict what the outcomes of the Petition might be.

The Petition proposes several changes to parts of the Zoning Ordinance that are currently (or soon to be) under further study; including:

- Alewife – The Alewife Zoning Working Group process is completed, and a zoning proposal will soon be forwarded to City Council for its consideration.

- Cambridge Street – The Our Cambridge Street Study is completed, and a zoning proposal will also soon be submitted to City Council.
- A North Mass Ave Planning Study will commence later this summer.
- Zoning to allow multifamily citywide – currently being discussed in Housing Committee.
- Potential Affordable Housing Overlay Amendments – has been discussed in Housing Committee, and a Policy Order has been adopted directing Community Development Department staff to draft a zoning petition in response.

If enacted, this Petition would “short circuit” those planning efforts, requiring a rethinking of how those other efforts should be implemented within a fundamentally different zoning context. Further study could be required under these efforts before being able to move forward.

The Petition states that one of its intended goals is to permit development of buildings that are similar to what currently exists throughout the City, but there is no accompanying study to support the rationale for the proposed use and dimensional changes, or how enacting the proposed changes will result in a prevailing development pattern that matches the existing built environment. Many of the neighborhoods in the districts proposed to change are older neighborhoods that were built under different zoning requirements, but also different building codes, construction methods and economic factors that have also fundamentally changed. There is no guarantee that enacting the proposed zoning changes would therefore result in development that is akin to the types of buildings that exist in these areas.

Another stated goal of the petition is to reverse “downzoning” that occurred historically in Cambridge, but the Petition does not discuss this concept or how the zoning has changed in Cambridge over time. As discussed thoroughly in the CDD staff memo on the Missing Middle Housing zoning petition in 2021, Cambridge’s zoning was changed to be more permissive in the 1960s, in order to encourage development and reverse disinvestment that resulted following the Great Depression and World War II. In the decades that followed, however, the Zoning Ordinance was further amended to be gradually more restrictive over time. In 2001, the City underwent a citywide rezoning effort which aimed at encouraging mixed-use and residential development in areas of the City that would be more likely to redevelop. In 2019, the City adopted the Envision Cambridge Comprehensive Plan which sets forth a planning framework by which future zoning changes should be studied – by focusing on specific areas of the City and developing tailored recommendations for zoning changes that are fully informed by public input and meant to achieve deliberate outcomes.

While the Petition’s stated goals relate to housing development, some of the proposed zoning changes have the effect of increasing restrictions on residential uses, or creating greater allowances for non-residential development, which could result in an environment where commercial development, from an economic perspective, is a preferred land use type for development. As stated previously, many of the changes proposed herein have not been studied or vetted to determine whether the proposed changes would achieve the outcomes that are intended by the Petitioner.

Some of the proposed changes remove the requirement to obtain a special permit for certain types or scales of development. In many of these cases, a special permit requirement was instituted because

exceeding a base zoning provision requires a more delicate planning approach, and review of proposals on a case-by-case basis helps to ensure that the potential impacts are balanced/mitigated and the overall planning objective is achieved. Without additional context or rationale, it is difficult to determine whether the removal of a special permit requirement is in furtherance of the stated objectives of the Petition.

Similarly, many of the City's overlay district provisions were put in place because a certain area of the City required a more tailored planning approach. Modifying or eliminating provisions in these districts "a la carte" could run counter to the original objective of these Districts, and proposed changes should be reviewed holistically in the context of specific area planning considerations.

*Specific Considerations – Residence District Changes*

Many of the Petition's proposed changes would affect development in Cambridge's lower-scale neighborhoods. From a policy perspective, the concept of permitting greater density for multifamily or townhouse developments and lower density for single- and two-family development could be a way of achieving incremental density without encouraging "oversized" homes. However, it is unclear from the Petition how certain dimensional standards were arrived at, or what the rationale was behind many of the proposed changes. For example, the Petition removes a formula-based setback approach for many residential districts and replaces it with an absolute number, but the Petition does not describe how such a number was decided. Other standards, like minimum open space standards, help the City achieve other policy goals like climate resilience, and potential impacts to these competing policy priorities should be weighed holistically before changes are proposed.

The Petition proposes several changes to the City's Townhouse Development regulations. These regulations were put in place in the 1970s and became a popular infill development approach in the 1980s. Today, the City does not typically see new townhouse developments proposed under this Article, and the regulations are narrowly tailored and cumbersome. Prior to revisiting these requirements, a broader conversation should occur to determine whether townhouse-style development or other "cluster development" is something the City wants to encourage in residential areas, or if these provisions should be removed from the Zoning Ordinance altogether.

The Petition creates a concept by which "mixed-use structures" follow a similar set of development standards as residential uses, which is confusing because many of the City's residence districts do not permit non-residential uses. Again, prior to enacting zoning changes that would encourage mixed-use development in residential areas, the City should have a conversation about what specific streets or neighborhoods are appropriate to include a range of ground-story commercial uses, and those areas could be rezoned to accommodate that broader mix of uses.

*Specific Considerations – Business District Changes*

As noted earlier in this memo, the Petition proposes changes in areas that are currently or will soon be undergoing planning studies that could include zoning changes. A key benefit of an area-specific or

neighborhood planning approach is the ability to make tailored zoning recommendations to achieve the planning objectives of that area. Specific design standards, use considerations, and review procedures can be created that more closely align with neighborhood goals.

The Petition proposes increasing the non-residential FAR in Business A, B, and C districts, which may have the effect of encouraging commercial development over housing development in these areas. Further, the Petition creates a concept of a “mixed-use structure” which means locating residential development over ground-story commercial uses. While this development style has been replicated and realized throughout the City, the City has also seen other development scenarios where uses are side-by-side rather than stacked on top of one another where a vertical arrangement of land uses may be infeasible or impractical due to other development considerations.

The proposed Section 5.33.9 appears modeled after regulations that exist in the Mass Ave Overlay District, which require certain ground-story non-residential uses and associated dimensional requirements for lots fronting Mass Ave. In this case, the requirement functions more like an incentive, where a mixed-use development meeting these requirements can achieve the heights that are permitted for residential developments, but it is not entirely clear from the language what the incentive would be or how it would work.

#### *Specific Considerations – Other Changes*

The Petition proposes several other changes which would require further study and review by the City. For example, the Petition proposes a number of modifications to the City’s Nonconformities provisions, which were updated as recently as 2021 in response to state statutes and case law around nonconformity. There may be legal issues with changes to these provisions. The Petition changes how some dimensional standards are calculated citywide, such as stating that stories 75% or more below grade do not count towards FAR; a change which conflicts with recently-adopted standards as part of the City’s Climate Resilience Zoning.

There are additional challenges with the form of the petition, where provisions are unclear or appear in direct conflict with other provisions in the Ordinance. For example, the Petition references a reclassification of Neighborhoods 4, 5, and 6 from Residence B to Residence C, but there is no accompanying map or supporting material that describes these neighborhoods or defines their boundaries. Another example is that the proposed minimum lot area per dwelling unit changes are confusing, because they remain the same in the dimensional tables but a footnote is included which stipulates that the minimum lot area per dwelling unit for residential units is 300 square feet.

#### *Conclusions*

Prior to this Petition advancing, staff would recommend further study on the proposed changes and how they might interact with zoning changes being contemplated as part of ongoing planning work by the

City. The Board may also suggest that guidance be sought from the Law Department on some of the legal issues and questions raised in this memo. Finally, staff would recommend at a minimum that a careful review of the language be undertaken to make it more consistent with language already in effect in the Zoning Ordinance and remove any potential conflicts and ambiguities.

**From:** Rabbi Yoni Central Square Tenants <centralsquaretenants@gmail.com>  
**Sent:** Wednesday, May 24, 2023 10:20 AM  
**To:** City Council; City Clerk; cambridgeport+subscribe@groups.io  
**Subject:** [Cambridgeport] Supporting Restore Cambridge Housing Zoning Petition a.k.a. Charles Franklin Petition  
**Attachments:** 2023-03-19CharlesFranklinZoningPetitionFull.pdf; 2023-03-22 Neighborhood & Long Term Planning, Public Facilities, Arts & Celebration Committee - Full Agenda-3837.pdf; 2023-03-12\_Charles\_Franklin\_Housing\_Zoning\_Petition.pdf

Subject: Restore Cambridge Housing Zoning Petition a.k.a. Charles Franklin Petition

Dear City Councilor,

I am writing today in strong support of the Charles Franklin Petition Entitled "Restore Cambridge Housing Zoning Petition".

I feel that the Charles Franklin Petition is a very moderate and balanced proposal which makes it a very appropriate next step for adoption.

Here are some points that I find particularly attractive in the Charles Franklin Petition:

- Central Square & Harvard Square 7-8 stories. I feel that 7-8 stories is a much more liveable size, both for the tenants, and their neighbors.
- It addresses Residential Districts, but does so in a moderate manner, both in geography and in density.
- It broadens the neighborhood streets of "Broadway, Cambridge Street, Columbia Street, Hampshire Street, Huron Avenue, Prospect Street, Western Avenue" which seems like a moderate choice.
- It allows building 2-3 stories of additional residential housing along Cambridge Street to reach 4-5 stories, even though I would prefer 7 stories.
- Increase FAR and heights in Res C with the goal of supporting three story multi-families, and four stories on wider more traveled streets.
- Allow all multi-family building types and allowing townhouse style multi-family homes

The general rule that I wish to see is medium size 7 story buildings of mixed market rate with inclusionary housing distributed everywhere, including in residential neighborhoods. **The proposal looks very granular and well-prepared, particularly in that it focuses on upzoning the parts of Cambridge where less established households seek to live, such as singles and new families.**

**I would like to see the new inclusionary housing, both rental and ownership, be focused more on the low-income residents (those earning less than \$50,000 per year) such as but not limited to those receiving support through the Cambridge Housing Authority, rather than middle-income residents, and to accomplish middle-income affordability by abundance of residential housing as this petition is a very moderate step in that direction.**

With this upzoning, perhaps the City would consider mandating inclusionary housing apartment(s) among the additional floors being allowed, even if the buildings are smaller than 10 units, to allow inclusionary tenants a more diverse set of housing options rather than being constrained to large buildings, with Inclusionary Housing Program private Landlords whom the City of Cambridge survey of 12/13/22 found often to be seen creating a climate of fear amongst, or as discriminating against, many of their inclusionary tenants. Such tenants lack sufficient recourse within the Community Development Department to timely address their concerns of discrimination while protecting the tenant from retaliation.

Furthermore, there is a need for stronger protections to ensure housing stability for inclusionary or section 8 tenants (see below pps), which can be obtained as a condition of the City of Cambridge allowing increased density. **In a future Cambridge Ordinance, retaliation should be made as a finding in the below situation rather than a presumption, and the lookback period should be 12 months as in Chicago.** Statutory damages should be substantial to deter a large landlord, such as in Inclusionary Housing, for example, \$15,000. That would greatly increase housing stability and reduce litigation costs, promoting a more speedy and just resolution for inclusionary tenants. This is a concrete change which benefits mostly long-term renters who fear housing instability.

I look forward to a dialogue with any of the councilors around these issues, and in the meanings, I respectfully request your support for the Charles Franklin Petition as it is moderate while addressing building residential housing in at least some residential neighborhoods of Cambridge.

Thank you for your consideration,

Rabbi Yoni

P.s. As a board and steering committee member at Upgrade Cambridge, 501(c)(3), I serve where petitioner Charles Franklin is our treasurer.

Attachments: Franklin Petition.

p.p.s. Below are some brainstorms for tenant protection based on a Chicago IL ordinance:

\* Prohibited Retaliatory Actions: Landlords are prohibited from retaliating against tenants by taking actions such as increasing rent, decreasing services or amenities, terminating the tenancy, or engaging in any other adverse actions that may substantially affect the tenant's rights or enjoyment of the property.

\* Presumption of Retaliation: If a landlord takes any adverse action against a tenant within **12 months** after the tenant has engaged in a protected activity, it creates a legal presumption of retaliation. The burden of proof then shifts to the landlord to demonstrate that the action was not retaliatory but based on legitimate reasons.

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## Restore Cambridge Housing Zoning Petition

**WHEREAS:** Cambridge is a beautiful city with many diverse neighborhoods and people;

**WHEREAS:** Most if not all Cambridge neighborhoods were downzoned decades ago, making many existing buildings non-conforming and illegal to build today;

**WHEREAS:** Housing demand greatly outstrips new construction;

**WHEREAS:** Current zoning in multi-family districts promotes expensive single-family home infill, despite numerous adjacent and nearby multi-family homes;

**WHEREAS:** The inability to build homes similar to existing ones is confounding;

**WHEREAS:** Renovating and improving existing buildings is made difficult by current zoning;

**WHEREAS:** Neighborhood character is just as dependent if not more on the residents than the buildings in which they reside;

**WHEREAS:** Restoring the ability to create new homes similar to existing ones improves all aspects of neighborhood character, primarily by the slowing of displacement of residents and accommodating growth;

**WHEREAS:** Concentrating zoning increases along business and transit corridors is beneficial to creating a more sustainable city;

**WHEREAS:** First floor retail with housing above in business districts promotes a lively and walkable city;

**WHEREAS:** The following zoning changes may provide a start to an incremental improvement that the undersigned hope can be swiftly agreed upon by the City Council;

**THEREFORE WE, THE UNDERSIGNED,** ask the Cambridge City Council to consider and pass the attached zoning petition to restore the ability to create and expand Cambridge neighborhoods that are beloved by many.

**Amend Section 3.11 as shown below, and renumber the remaining rows in the table**

**3.11**For the purpose of this Ordinance, the City of Cambridge is hereby divided into fifty-three fifty-one classes of districts listed below in order of decreasing restrictiveness as follows:

1.	Open Space District	Public parks and recreation facilities and other public facilities
2.	Residence A-1 District	Single family dwellings
3.	Residence A-2 District	Single family dwellings
2.	Residence A	Single-family, two-family, semi-detached, and townhouse dwellings
4.	Residence B District	Two family or semi-detached dwellings Single-family, two-family, semi-detached, townhouse, and multifamily dwellings
5.	Residence C District	Multifamily dwellings
6.	Residence C-1 District	Multifamily dwellings
...	...	...

**Amend Section 3.20, the Zoning Map, to reclassify all land currently as follows**

Change the following existing residential zones to Residential Zone A:

- A-1, A-2

In neighborhoods Area 4, Area 5, and Area 6, change all Residential B zones to C

**Amend Section 4.21(c)**

- c. Provisions of garage or parking space for occupants, employees, customers, or visitors shall be considered as an accessory use, provided that where accessory to residential uses in Residence A and B districts such garage or parking space shall be limited to the accommodation of three passenger vehicles, or two passenger vehicles for each dwelling unit, whichever is greater.

**Amend Section 4.21(h)**

- h. In Residence A, B, and C, and C-1 Districts an accessory building shall not be located nearer than ten (10) feet to the principal building or nearer than five (5) feet to any side or rear lot line or nearer to the front lot line than the minimum setback in the zoning district.

**Amend Section 4.21(k)**

- k. An accessory building in Residence A, B, C, C-1, and Office-1 districts shall not exceed fifteen (15) feet in height above the ground level.

**Amend Section 4.26.1**

**4.26.1**The construction of a multifamily dwelling containing twelve (12) or more dwelling units or of elderly oriented congregate housing containing twenty-four (24) or more separate living spaces in a Residence C, Residence C-1, Residence C-1A, Office 1, Business A-1, or Business A-3 district shall require a special permit granted by the Planning Board.

**Amend Section 4.26.2**

**4.26.2**The construction of a multifamily dwelling or of elderly oriented congregate housing in a Residence C, ~~Residence C-1~~, Residence C-1A, Office 1, Business A-1 or Business A-3 district which contains less than twelve (12) dwelling units or twenty-four (24) dwelling living spaces shall require a special permit if both of the following conditions pertain to the development. [...]

**Amend Section 4.26.3(3)**

**4.26.3**

3. Twelve (12) or more dwelling units are proposed where any portion of the development is located within one hundred (100) feet of a Residence ~~A-1, A-2, B, C, and C-1~~ A, B, and C district.

**Amend Section 4.28.1**

**4.28.1**The Board of Zoning Appeal may grant a special permit for the location of an art/craft studio or group of studios in Residence C, ~~C-1, C-2, C-2A, C-2B, C-3, C-3A, C-3B~~ and Office Districts provided that the following requirements are satisfied;

- a. Residence C, ~~C-1, C-2, C-2A, C-2B, C-3, C-3A, C-3B~~ Districts:

[...]

- b. Residence C, ~~C-1, C-2, C-2A, C-2B, C-3, C-3A, C-3B~~ and Office Districts:

[...]

**Amend table section 4.31 as follows (Table of Use Regulations)**

		Open Space	Res A <del>1&amp;2</del>	Res B	Res C, <del>C-1</del> , C-1A, 2, 2A, 2B, 3, 3A, 3B	...
<b>4.31</b>						
	a. Detached dwelling occupied by not more than one family	No	Yes	Yes	Yes	...
	b. Two family dwelling	No	NoYes	Yes	Yes	...
	c. Existing one-family detached dwelling converted for two families <sup>15,16</sup>	No	Yes <sup>2</sup>	Yes	Yes	...
	d. Townhouse development	No	NoYes	Yes <sup>3</sup>	Yes <sup>3</sup>	...
	e. Elderly oriented congregate housing	No	No	No	Yes <sup>5</sup>	...
	f. Existing dwelling converted for elderly oriented congregate housing <sup>17</sup>	No	Yes	Yes	Yes	...
	g. Multifamily dwelling	No	No	NoYes <sup>5</sup>	Yes <sup>5</sup>	...
	h. Existing dwelling converted for more than two families <sup>16</sup>	No	NoYes	Yes	Yes	...

**Amend Section 4.40 (FOOTNOTES TO THE TABLE OF USE REGULATIONS)**

1. [...]
2. ~~Provided that in Residence A districts the exterior design of the structure is not changed.~~
3. ~~Planning Board Special Permit for developments specified in Section 11.12.~~
- 4 - 16. [...]
17. ~~Provided that in the Residence A districts the exterior design of the structure is not changed unless a special permit is granted by the Planning Board.~~
- 18 - 42. [...]
43. Except that in Residence C and C-1 districts this use shall be subject to the regulations of Section 4.50, Institutional Use Regulations.
- 44 - 58. [...]
53. ~~No in Business C-1 districts.~~
59. In Residence B, C, ~~C-1~~, C-1A, 2, 2A, 2B, 3, 3A, and 3B Districts [...]
- 60 - 61. [...]

### **Amend Section 4.53**

**4.53***Approach.* This Section 4.50 establishes special use regulations for institutional activities in the Residence ~~A-1, A-2, B, C, and C-1~~ A, B, and C zoning districts. [...]

### **Amend Section 4.54**

**4.54** [...] Regardless of the location of an Institutional Overlay District boundary, the special institutional use regulations of this Section 4.50 shall only apply within the Residence ~~A-1, A-2, B, C, and C-1~~ A, B, and C districts. The following Institutional Overlay Districts are hereby established on the Zoning Map.

### **Amend Section 4.55**

**4.55***Existing Lot Status.* The institutional use of land or structures for each category of institutional activity in a Residence ~~A-1, A-2, B, C, and C-1~~ A, B, and C district shall be governed [...]

### **Amend Section 5.13**

**5.13**In the case of multiple buildings on a lot, the minimum distance between such buildings shall not be less than seven feet and six inches (7' 6"). ~~the sum of the heights of the buildings divided by six, or ten feet, whichever is greater. In determining compliance with this section, portions of buildings exempted by Section 5.23 shall not be counted in computing building height.~~

### **Amend Section 5.22.3**

**5.22.3**Special Requirements in Residence ~~A-1, A-2, B, C, and C-1~~ A, B, and C

[...]

### **Amend Section 5.23**

**5.23***Height Exceptions* [...]

However, building elements enumerated in (a) above shall be limited in height where they are placed on a building located in a non-residential district, which district abuts a Residence ~~A-1, A-2, B, C, C-1, C-1A, C-2, C-2A, C-2B~~ A, B, C, C1-A, C-2, C-2A, C-2B district. In these instances the following height limitations shall apply to those building elements:

[...]

### **Remove Section 5.28.1**

**5.28.1***Dwellings in Non-Residential Districts.* A dwelling shall be subject to the dimensional standards generally applicable in the district set forth in the Tables of Dimensional Requirements in Section 5.30, except as provided for below.

- a. — A dwelling in a Business A district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-2B district, except that the height limitation on lots abutting Hampshire Street shall be sixty five (65) feet.
- b. — A dwelling in a Business A-1 district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-1 district.
- c. — A dwelling in a Business B district shall be subject to the same dimensional requirements and other restrictions as a dwelling in a Residence C-3 district.

### Amend Section 5.30.11

**5.30.11 FAR and Height.** Where two numbers appear in Column (1) - Maximum Ratio of Floor Area to Lot Area (FAR) and Column (6) Maximum Height in Feet, the first number shall apply to all permitted uses in the district except Residential Uses, Section 4.31 a-h d-h, and Dormitory (but excluding resident fraternity or sorority) Uses, Section 4.33 b(7), both of which shall be governed by the second number.

- a. Buildings containing both Non-Residential Uses and Residential Uses (4.31 d-h) may also be governed by the second number such that the additional allowed height and floor space is dedicated to Residential Uses (4.31 d-h) and all Residential Uses are on stories above all the Non-Residential Uses.
- b. Stories 75% or more below grade shall not count against FAR in all cases.

**Amend Table 5-1 (Table of Dimensional Requirements - Residential Districts)**

District	(1) Max. Ratio of Floor Area to Lot Area	(2) Minimum Lot Size in Sq. Ft.	(3) Min. Lot Area for Each D.U. in Sq. Ft. <sup>q</sup>	(4) Minimum Lot Width in Feet	(5) Minimum Yard in Feet			(6) Maximum Height in Feet	(7) Min. Ratio of Private Op. Sp. to Lot Area
					Front	Side	Rear		
Res. A- 1	0.5	8,000	6,000	80	25	15 {sum of 35}	25 <sup>(e)</sup>	35	50%
Res. A- 2	0.5/1.0	6,000	4,500	65	20 15	10 {sum of 25}	25 <sup>(e)</sup>	35	50% 30%
Res. B	0.5 <sup>(b)</sup> /1.0	5,000	2,500 <sup>(b)</sup>	50	15	7'6" {sum of 20}	25 <sup>(e)</sup> 20	35	40% 30%
Res C <sup>(b)</sup>	0.6/1.49 <sup>(q)</sup>	5,000	1,800	50	H+L <sup>(a)</sup> -4 10	H+L 5 {min. 7'6" sum of 20})	H+L <sup>(e)</sup> -4 15	35	36% 30%
Res. C- 1	0.75	5,000	1,500	50	H+L <sup>(a)</sup> 4	H+L <sup>(a)</sup> 5	H+L <sup>(e)</sup> 4	35	30%
...	...	...	...	...	...	...	...	...	...

**Amend Section 5.31.2**

2. Footnotes:

(a - b) [...]

- (c) In no case may a building be nearer the rear lot line than twenty (20) feet in Residence C-2, C-2B, C-2A, C-3, C-3A, C-3B districts. In Residence C and C 1 districts, no building may be nearer the rear lot line than twenty (20) feet plus one additional foot of rear yard for each four feet that the depth of the lot exceeds 100 feet, up to a maximum of thirty (30) feet. In Residence A 1, A 2, and B districts, no building may be nearer the rear lot line than twenty five (25) feet plus one additional foot of rear yard for each four feet that the depth of the lot exceeds one hundred (100) feet, up to a maximum of thirty five (35) feet. For purposes of this Footnote C, the lot depth shall be that distance measured along a line perpendicular to the front lot line and extending to that point on the rear lot line most distant from the front lot line.

(d-f) [...]

- (g) In no case may a building on any lot which abuts or is separated only by a public or private way from a Residence A 1 and A 2, B, C, C 1, C 2, or C-2B A, B, C, C-2, C-2B district be nearer the street line or side line of the lot than the minimum front and side yard requirements for the residential district which said lot abuts or from which it is separated by a way. However, such increased setback requirements shall only apply to any part of a building which is located within one hundred and twenty five (125) feet of a Residence A 1 and A 2, B, C, C 1, C 2, or C-2B A, B, C, C-2, C-2B district.

- (h) The minimum ratio of private open space to lot area required for a lot which abuts/or is separated only by a public or private way from a Residence A 1 and A 2, B, C, C 1, C 2, or C-2B A, B, C, C-2, C-2B district shall be equal to the amount of private open space required in the residential district which said lot abuts or from which it is separated by a way.

- (i) The dimensional requirements of the Residence C 1 district as detailed in this Section 5.31 shall apply in the Residence C district for structures in existence as of December 1, 1986 under the following limitations and conditions:

- (1) Any increase in floor area or numbers of units, provided all construction occurs within the limits of the existing structure; or

- (2) For any construction without limit as to cost (notwithstanding any contrary provisions of Section 8.23) of a nonconforming structure destroyed or damaged by fire or other catastrophe provided the structure as restored shall not be greater in lot coverage or volume, or shall not extend further into required yards, than the original structure; all other provisions of Section 8.23, however, shall continue to apply.

- (j) Applicable to the first five thousand (5,000) square feet of lot area. For those portions of any lot exceeding five thousand (5,000) square feet, the applicable Maximum Ratio of Floor Area to Lot Area shall be 0.35 for all permitted residential uses and the Minimum Lot Area for Each Dwelling Unit shall be four thousand (4,000) square feet. However, for any lot in existence as of June 30, 1995 that is subsequently subdivided into two or more lots, the total amount of gross area and number of units on the subdivided lots, in total, shall at no time exceed that permitted by this footnote (j) on the lot before the subdivision occurred. Unless otherwise permitted by special permit from the Board of Zoning Appeal, the gross floor area and dwelling units permitted on each subdivided lot shall be in the same ratio as that lot's area is to the area of the unsubdivided lot. Nothing in this footnote (j) shall prohibit the subdivision of a Townhouse Development conforming at the time of its construction, as permitted in Section 11.10.

(k - m) [...]

- (n) In a Residence C-1 District, no building plane (excluding projections as permitted by Section 5.24.2) may be nearer than seven feet, six inches (7'6") to a side lot line.
- (q) Residential Uses (4.31 a-h) shall use a Minimum Lot Area for Each D.U. (Column 3) of 300 sq. ft.

### Amend Section 5.31.3

3. Setback exceptions:
  - (a) ~~In a Residence A 1 or A 2 district a dwelling need not set back more than the average of the setbacks of the buildings, other than accessory buildings, on the lots adjacent thereto on either side, but in no case may any part of a building or accessory building extend nearer to any street line, or building line if such has been established, than fifteen (15) feet. A vacant lot or lot occupied by a building set back more than twenty five (25) feet in a Residence A 1 district and more than twenty (20) feet in a Residence A 2 district shall be considered as though occupied by a building set back twenty five (25) feet and twenty (20) feet respectively.~~
  - (b) [...]
  - (c) In a Residence C, C-1, C-2, C-2A, C-2B, C-3, or C-3A district [...]

### Add Section 5.31.4

4. Buildings defined in Section 5.30.11.a and built with the front lot line on the following streets may use relaxed height and FAR restrictions as defined below:
  - a) This footnote shall apply to these streets:
    - Broadway, Cambridge Street, Columbia Street, Concord Avenue, Hampshire Street, Huron Avenue, Kirkland Street, Mt. Auburn Street, Prospect Street, and Western Avenue
  - b) In a Residence B district, a mixed-use structure (5.30.11.a) may use a FAR of 1.5. The cornice line of any wall plane shall not exceed thirty (30) feet in height at the front lot line.
  - c) In a C district, a mixed-use structure (5.30.11.a) may use a FAR of 2.0 and max height of forty-five feet (45'). The cornice line of any wall plane shall not exceed thirty-five (35) feet in height at the front lot line.
  - d) Any part of a mixed-use structure (5.30.11.a) which projects above the cornice line shall be set below an imaginary inclined plane beginning at the cornice line, and thereafter rising at a sixty-five degree (65°) angle. However, portions of the building may rise above the imaginary inclined plane provided the area of those portions above the inclined plane projected onto the vertical plane does not exceed ten (10) percent of the area of the vertical plane lying between the cornice line and the maximum height of the structure, calculated for and limited to each separate plane. The maximum percent of portions that rise above the imaginary plane may be forty-five (45) percent when at least thirty-five (35) percent is used for dormer windows.

**Amend Table 5-3 (Table of Dimensional Requirements—Business Districts)**

District	(1) Max. Ratio of Floor Area to Lot Area	(2) Minimum Lot Size in Sq. Ft.	(3) Min. Lot Area for Each D.U. in Sq. Ft.	(4) Minimum Lot Width in Feet	(5) Minimum Yard in Feet			(6) Maximum Height in Feet	(7) Min. Ratio of Private Op. Sp. to Lot Area
					Front	Side	Rear		
Bus. A	1.0/1.75 2.0/4.0	none	600 300	none	none	none	H+L <sup>(a)</sup> 5 15 <sup>(j)</sup>	35/45 to 65 <sup>(b)</sup> 35/60 <sup>(k)</sup>	none
Bus. A-1	1.0/0.75 1.0/1.5	none	1,200 <sup>(q)</sup>	none	none	none	H+L <sup>(a)</sup> 5 15	35	none
Bus. A-2	1.0/3.0	none	600 300	none	5 <sup>(m)</sup>	10 <sup>(i)</sup>	20 <sup>(j)</sup>	45/60 <sup>(k)</sup>	none
Bus. A-3	0.75/1.49 <sup>(f)</sup>	5,000	1,500 <sup>(q)</sup>	50	H+L <sup>(h)</sup> /4 10	H+L/5 7'6" <sup>(i)</sup>	H+L <sup>(a)</sup> /4 15	35	30%
Bus. A-4	1.0 <sup>(p)</sup> /1.75	5,000	600	50	H+L/4 <sup>(p)</sup>	H+L/5 <sup>(p)</sup>	H+L/5 <sup>(p)</sup>	35 <sup>(p)</sup>	none
Bus. B	2.75/3.0 3.0/7.0	none	300 none	none	none	none	none	80	none
Bus. B-1	1.50 /3.25	none	300	none	none	none <sup>(e)</sup>	none <sup>(e)</sup>	55/90 <sup>(c)</sup>	(d)
Bus. B-2	1.50/3.0	none	300	none	none	none <sup>(e)</sup>	none <sup>(e)</sup>	45	(d)
Bus. C	1.25/2.0 2.0/5.0	none	500	none	none	none	20 <sup>(j)</sup>	55/65 <sup>(g)</sup>	none
Bus. C-1	2.75/3.0 <sup>(h)</sup>	none	450 <sup>(h)</sup>	none	none	none <sup>(e)</sup>	20 <sup>(h)</sup>	50 <sup>(g)/(h)</sup>	none

**Amend Section 5.34.2**

## 2. Footnotes:

- (a) In no case may a building be nearer the rear lot line than twenty (20) feet.
- (b) As set forth in Section 5.28.1.
- (c - e) [...]
- (g) For buildings in a Business C district with no Residential Uses (4.31 a-h), Thirty-five (35) feet [or height permitted in the abutting residential district, but in no case higher than fifty-five (55) feet] within fifty (50) feet of a residential district line. Where the zoning district boundary splits a lot the fifty (50) feet shall be measured from the lot lines located in the residential district. The

height, however, may exceed thirty-five (35) feet provided the building is set back a minimum distance equal to two-thirds (2/3) the height.

- (h - i) [...]
- (j) ~~Or two thirds (2/3) of the height of the rear wall whichever is greater; however in the Business C and Business C-1 In Business districts, No rear yard shall be required where the rear lot line abuts a lot all of which lies in a business or industrial district.~~
- (k) Provided however that any portion of a building in a Business A or Business A-2 district having a height greater than ~~thirty five (35)~~ fifty (50) feet shall be set back of a bulk control plane rising at an angle of sixty-five (65°) degrees from the plane of the principal front wall and rear wall planes beginning at a height of ~~thirty five (35)~~ fifty (50) feet. However, portions of the building may rise above the imaginary inclined plane provided the area of those portions above the inclined plane projected onto the vertical plane does not exceed ten (10) percent of the area of the vertical plane lying between the height of the start of the bulk control plane and the maximum height of the structure, calculated for and limited to each separate plane. The maximum percent of portions that rise above the imaginary plane may be forty-five (45) percent when at least thirty-five (35) percent is used for dormer-style windows.

Where the parcel has frontage on two or more streets, this setback plane provision shall apply only to the front wall plane facing the principal abutting arterial street and to the opposite wall plane facing either a side or front property line.

~~In addition to the above provisions, that portion of a building located within fifty (50) feet of a residential zoning district line shall be limited to thirty five (35) feet where the maximum height permitted in the residential district is thirty five (35) feet or less.~~

- (l) ~~The maximum height of a building may be increased to sixty (60) feet provided the average height of the building is fifty (50) feet (excluding any portion of the building devoted to parking which is not covered with building included in gross floor area). The heights of the several parts of the building shall be such that the volume of building exceeding fifty (50) feet in height shall be equal to or less than the volume of space lying between the fifty (50) foot height and portions of building less than fifty (50) feet in height, as illustrated below:~~

~~Volume 1 (area of a building at a single height 1 above fifty feet x the difference between height 1 and fifty feet) + Volume 2 (area of building at a single height 2 above fifty feet x the difference between the height 2 and fifty feet) MUST EQUAL OR BE LESS THAN THE SUM OF Volume 1' (area of building at a single height 1' below fifty feet x the difference between height 1' and fifty feet) + Volume 2' (area of building at single height 2' below fifty feet x the difference between height 2' and fifty feet).~~
- (m) ~~Or the setback of the principal front wall plane of any adjacent building facing the same street, whichever is less.~~
- (n) ~~Of the total FAR permitted on the lot the maximum ratio of floor area to lot area for permitted principal uses other than residential uses specified in Section 4.31 shall not exceed 2.75. The maximum ratio of floor area to lot area for permitted residential uses specified in Section 4.31 shall be 2.5 as of right; it may be increased to 3.0 and lot area per dwelling unit decreased to three hundred (300) after the issuance of a special permit by the Planning Board provided the following conditions are met:~~
  1. ~~At least seventy five (75) percent of the gross floor area on the lot is devoted to residential uses specified in Section 4.31.~~
  2. ~~All parking on site is covered and enclosed.~~
  3. ~~Fifteen (15) percent or more of the lot is green area or other open space acceptable to the Planning Board.~~

4. The building shall be subject to mandatory design review.
- (e) ~~H+L/6 for all buildings having fifty (50) percent or more of their gross floor area devoted to residential uses specified in Section 4.31 where the side lot line abuts or is within fifty (50) feet of a lot residentially used, the majority of which lies in a residential district.~~
- (p) [...]
- (q) Residential Uses (4.31 a-h) shall use a Minimum Lot Area for Each D.U. (Column 3) of 300 sq. ft.

### Add Section 5.33.9

**5.33.9 Required Ground Floor Non-Residential Uses.** The ground floor of any building using additional height and/or floorspace allowed by section 5.30.11.a 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);
  - (b) Section 4.35 a-1 (Convenience Store), a-2 (Merchandise Store), a-3 (Grocery Store), c (Personal Services Establishment), f-1 (Restaurant), f-2 (Bar), f-3 (Craft Beverage Establishment), f-4 (Food Stand or Kiosk), f-5 (Food Hall), g (Dance Hall or Nightclub), h (Theater), i-1 (Commercial Recreation Establishment), i-2 (Fitness Center), l (Animal Services Facility), o (Fast Order or Quick-Service Food Establishment), q-1 (Art/Craft Studio), q-2 (Performing Arts Studio), r (Bakery, retail);
  - (c) 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), i(2) (museum or non commercial gallery).
2. Minimum Depth. The required ground floor uses shall have a minimum depth of twenty (20) feet measured from frontage of the building (or the full depth of the building if less than twenty (20) feet).
3. 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.

### Amend Section 5.53

~~5.53 In Residence A-1 and Residence A-2 districts, only one structure containing a principal use shall be allowed on a lot.~~

In Residence B Residence A districts only one structure containing a principal residential use shall be allowed on a lot except as set forth below:

1. [...]
2. [...]

In Residence ~~A-1, A-2~~ A and B districts there shall be no limit on the number of those structures on a lot that contain principal nonresidential uses exclusively, provided all other requirements of this Zoning Ordinance are met.

### **Amend Section 6.36 Table**

Replace "Res A-1, A-2" from Column 1 with "Res A" in column 1

Replace "Res C, C-1" with "Res C" in column 2

Remove "C-1," from column 3

### **Amend Section 6.36 Footnote(13)**

13. In Residence C, C-1, C-2, C-2A, C-2B, C-3, C-3A districts the amount of parking required for this use may be reduced at the discretion of the Board of Zoning Appeal in accordance with Section 4.28

### **Amend Section 8.22.1(f)**

- 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.~~

### **Amend Section 8.22.2(c)**

- 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.~~

### **Amend Section 11.11**

**11.11 Statement of Purpose.** This Section 11.10 has been adopted to encourage the development of one and two family townhouses. [...]

Provisions for the townhouse development use are intended to overcome obstacles to the development of one and two family townhouses, by providing special incentives where appropriate. [...]

### **Amend Section 11.12**

**11.12 Applicability of Regulations.** The development standards specified in this Section 11.10 are applicable only to townhouse developments and do not change the development standards for other uses in the Residence, Office and Business, and Industry A-1 districts. Townhouse developments which meet the requirements specified in Sections 11.14, 11.15, and 11.16 shall be allowed in ~~Residence B, C, C 1, C 1A, C 2, C 2A, C 2B, C 3, C 3A, C 3B~~, Residence, Office and Business and Industry A-1 districts as follows:

### **Amend Section 11.12.1**

**11.12.1** Construction of a townhouse development containing six (6) or more dwelling units in a Residence B A district and Residence C B district shall require a special permit.

### **Amend Section 11.12.2**

**11.12.2** Construction of a townhouse development containing twelve (12) or more dwelling units in a Residence C-1, Residence C-1A, Office 1, Office 2, Business A-1, Industry A-1 or Business A-3 district shall require a special permit.

**Amend Section 11.12.3**

~~11.12.3 Construction of a townhouse development in a Residence B, C, C-1, Residence C-1A, Office 1, or Business A-1 or Business A-3 district which contains fewer units than specified in Section 11.12.1 or 11.12.2 shall require a special permit if both of the following conditions pertain to the development:~~

- (1) [...]
- (2) The townhouse development for which the permit is being sought would increase the total number of dwelling units on said lot(s) to the threshold specified in Section 11.12.1 or 11.12.2.

**Amend Section 11.12.4(3)**

3. Twelve units or more dwelling units are proposed where any portion of the development is located within one hundred (100) feet of a Residence A-1, A-2, B, or C, or C-1 district.

**Amend Section 11.15.3**

~~11.15.3 Maximum Height. In a townhouse development the maximum permitted height shall be the lesser of the base zoning max height and four habitable stories. and the The maximum height of the cornice line shall be thirty (30) feet. Any part of a townhouse structure which projects above the cornice line shall be set below an imaginary inclined plane beginning at the thirty (30) foot cornice line on any facade of the structure facing a street or facing any lot line abutting a residentially zoned lot, and thereafter rising at a forty-five degree (45°) angle. However, portions of the building may rise above the imaginary inclined plane provided the area of those portions above the inclined plane projected onto the vertical plane does not exceed ten (10) percent of the area of the vertical plane lying between the thirty (30) foot cornice line and the maximum height of the structure, calculated for and limited to each separate plane. The maximum percent of portions that rise above the imaginary plane may be forty-five (45) percent when at least thirty-five (35) percent is used for dormer windows.~~

~~However, the maximum height of any portion of a townhouse development shall be forty (40) feet, except that in a Residence B district the maximum height shall be thirty five (35) feet.~~

**Delete Section 11.15.31**

~~11.15.31 In any zoning district that limits building height to thirty five (35) feet or less, the maximum permitted height in a Townhouse Development shall be thirty five (35) feet.~~

**Delete Section 11.15.32**

~~11.15.32 In all other districts the maximum permitted height in a townhouse development shall be four habitable stores and the maximum height of the cornice line shall be thirty (30) feet. Any part of a townhouse structure which projects above the cornice line shall be set below an imaginary inclined plane beginning at the thirty (30) cornice line on any façade of the structure facing a street or facing any lot line abutting a residentially zoned lot, and thereafter rising at a forty five (45) degree angle. However, portions of the building may rise above the imaginary inclined plane provided the area of those portions above the inclined plane projected into the vertical plane does not exceed ten (10) percent of the area of the vertical plane lying between the thirty (30) foot cornice line and the maximum height of the structure, calculated for and limited to each separate plane.~~

~~However, the maximum height of any portion of a townhouse development shall be forty (40) feet, except that in a Residence B district the maximum height shall be thirty five (35) feet.~~

**Delete Section 11.16.1**

~~11.16.1 One off street parking space per dwelling unit in a townhouse development shall be provided unless a special permit is granted in accordance with Section 11.16.2(4) below.~~

**Amend Section 11.207.5.2.2(a)**

**11.207.5.2.2(a)**

- (a) Where the District Dimensional Standards establish a maximum floor area ratio (FAR) of less than 1.00 1.50, an AHO Project shall not exceed an FAR of 2.00. Otherwise, there shall be no maximum FAR for an AHO Project.

**20.20 MIXED USE RESIDENTIAL OVERLAY DISTRICT (MXR)**

**Amend Section 20.23**

**20.23** *Dimensional Limitations.* The Gross Floor Area for any non-residential use or combination of non-residential uses on a lot shall be limited by the FAR set forth below for the applicable residential base district.

- a. Residence C: 0.6 1.5
- b. Residence C-1: 0.75
- c - h. [...]

**20.40 EASTERN CAMBRIDGE HOUSING OVERLAY DISTRICT**

**Amend Section 20.43**

**20.43** *Residential Development Density.* The maximum permitted FAR for all residential uses shall be twice the non-residential FAR permitted in the underlying base zoning district, except that for those areas whose underlying base zoning district is Residence C-1 the FAR shall be 0.75 1.5. [...]

**Amend Section 20.44.3(2)**

2. Thirty-five (35) feet in that area bounded by the centerline of Binney Street, then the centerline of Medeiros Avenue; then the Residence C-1 zoning district line; [...]

**Amend Section 20.44.4**

**20.44.4** Maximum Height in all areas having a base Residence C-1 zoning district.

[...]

**20.50: Harvard Square Overlay District**

**Amend Section 20.54.2**

**20.54.2** Building Height Limitations. The maximum height of buildings in the Harvard Square Overlay District shall be governed by the requirements of this Section 20.54.2; however, at locations where the base zoning district establishes a more restrictive height limitation, the more restrictive shall apply.

1. As of Right Height Limitations. The maximum height of any building shall be sixty (60) feet, or eighty (80) feet when all stories partially or entirely above sixty (60) feet are dedicated to Residential Uses (section 4.31 a-h). Any portions of the building in excess of sixty (60) feet are set back from the street line at least ten (10) feet.
2. Special Permit for Additional Height. The maximum allowable height in the Harvard Square Overlay District may be increased up to eighty (80) feet upon issuance of a Special Permit by the Planning Board. That increase may be up to ninety (90) if all additional stories are entirely dedicated to Residential Uses (4.31 a-h). If a Special Permit is issued portions of the building may extend to eighty (80) feet in specified height provided that those portions in excess of sixty (60) feet are set back from the street line at least ten (10) feet, and that those portions are also set back from one or more forty-five (45) degree sky exposure planes, unless otherwise permitted by the Planning Board. A forty-five

(45) degree sky exposure plane shall be an imaginary inclined plane beginning forty-five (45) feet above any streetline in the districts and rising over one or more lots at a forty-five (45) degree angle.

[...]

#### **Amend Section 20.54.6**

##### **20.54.6 Maximum Ratio of Floor Area to Lot Area (FAR) in the Harvard Square Historic Overlay District.**

Notwithstanding the FAR limits set forth in Article 5.000 or elsewhere in this Ordinance, the maximum FAR applicable in the Harvard Square Historic Overlay District shall be as follows: Business B district: 4.0 for all Non-Residential Uses and 4.0 for all Residential Uses (4.31 a-h 7.0 for buildings with Residential Uses (4.31 a-h)). A building with both Residential Uses and Non-Residential Uses may also have a FAR of 7.0 when at least 3.0 of the FAR is dedicated to Residential Uses (4.31 a-h); Office 3 district: 3.0 for all uses; Office 2 district: 2.0 for all uses; Residence C-3 district: 3.0 for all uses; Residence C-2B district: 1.75 for all uses; Residence C-1 district: 0.75 for all uses; Business A district: 1.0 for all uses except dwellings, 1.75 for dwellings. All other districts shall be subject to the FAR in the base zoning.

#### **20.100: Massachusetts Avenue Overlay District**

##### **Amend Section 20.104.3**

##### **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. [...]**

1. Modification of the Transitional Requirements of Section 5.40. [...]
- a - b. [...]
- 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) fifteen (15) feet.

##### **Amend Section 20.110.31**

##### **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 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 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 4.00 for any lot that either consists entirely of residential or dormitory uses, as listed in Subsections 4.31 (a-h) and paragraph 4.33(b)(7), or said uses only above the ground and second floors floor and includes with ground and second floors as floor active non-residential uses meeting the requirements of Subsection 20.110.21.
2. [...]

##### **Amend Section 20.110.34**

##### **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 exceed ten (10) feet as measured in the manner described in Paragraph 20.110.42 below, the maximum height may be increased to fifty (50) sixty (60) 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.

### Delete Section 20.110.36

~~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.~~

### 20.200: Prospect Street Overlay District

#### Amend Section 20.204.31

~~20.204.31 Minimum Yard Requirements in the Prospect Street Overlay District. If no front yard is required under the applicable base zoning district, the~~ The minimum required front yard for that portion of a lot fronting Prospect Street or another street in a business district shall be three (3) feet.

### 20.300: Central Square Overlay District

#### Amend Section 20.304.2

~~20.304.2 Building Height Limitations. The maximum height of buildings in the Central Square Overlay District shall be governed by the requirements of this Section 20.304.2; however, at locations where the base zoning district establishes a more restrictive height limitation, the more restrictive shall apply.~~

1. As of Right Height Limitations. The maximum height of any building for Non-Residential Uses shall be fifty-five (55) feet. The maximum height of a building with either purely Residential or mixed Residential and Non-Residential Uses shall be one-hundred and twenty (120) feet when all stories partially or entirely above fifty-five (55) feet are dedicated to Residential Uses (4.31 a-h), except as further limited below:

(a - b) [...]

(c) In a Business B district where a lot abuts a street not mentioned in Section 20.304.2.a, portions of a building in excess of sixty (60) feet are set back from the street line at least ten (10) feet and that those portions are also set back from one or more forty-five degree (45°) bulk control planes beginning sixty (60) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.

2. Special Permit for Additional Height. Additional height may be permitted as follows:

[...]

3. [...]

#### Amend Section 20.304.3

~~20.304.3 Floor Area Ratio Limitation. The maximum Floor Area Ratio (FAR) limitations established in the applicable base zoning district shall continue to apply to any lot in the Central Square Overlay District unless specifically modified by the following provisions:~~

1. As Of Right Limitation. The maximum as of right FAR shall be 3.0 in the Office 3 base zoning district for Residential Uses, Section 4.31 a-h, and 2.0 for all other uses; 4.0 for all Residential and Mixed uses in the Business B base zoning district; and 2.0 in the Residence C-3 and Residence C-2A base zoning districts.

2 - 3. [...]

**Amend Section 20.307.2**

**20.307.2** Boundaries of the District. [...] The Mass and Main Residential Mixed Income Subdistrict includes lots located within the Business B and Business A base zoning districts, with portions of some lots located within the Residence C-1 [...]

**Amend Section 21.25.2(2)**

2. The GFA resulting from an FAR of 0.75 1.5 in Residence C-1-base district or 1.25 in any non-residential base district.

**Amend Section 21.43.2(b)**

**21.43.2(b)** For any residential use permitted in a Residence C-1 District in a building or buildings meeting all the dimensional requirements of the Residence C-1 District. An FAR of 0.75 1.5 shall be authorized on the site, in addition to that authorized for transfer to the Receiving Lot. Such additional FAR, however, shall not be granted for transfers of GFA that only occur within the boundaries of a single Overlay District.

**The remaining amendments are solely to address the merging of districts**

**Amend Section 7.15(c)**

**7.15** General Limitations for All Signs Permitted in the City of Cambridge.

- C. No illumination shall be permitted after 11 P.M. in any Residence A, B, or C, or C-1 district.

**Amend Section 7.20**

In Residence A, B, and C, and C-1 districts no outdoor floodlighting or decorative lighting, except lighting primarily designed to illuminate walks, driveways [...]

**Amend Section 17.13.2(2)**

**17.13.2** Building Height Limitation.

- (2) Notwithstanding the provisions of this Subsection 17.13.2 above no building may exceed thirty-five (35) feet within fifty (50) feet of the Special District 1/Residence C-1 zoning district line, or where the zoning district line splits a lot, within fifty (50) feet of the lot line located in the residential district.

**Amend Section 17.13.3(e)**

**17.13.3** Minimum Yard Requirements

- c. Notwithstanding the requirements of Paragraphs a - c above all buildings shall be set back a minimum of twenty (20) feet from any Special District/Residence C-1 district line; [...]

**Amend Section 17.81.32.1(c)**

**17.81.32.1** For all uses, the maximum height shall be further limited as follows:

- (c) Height shall be limited to forty-five (45) feet within one hundred (100) feet from the boundary of the existing Residence C-1 District.

**Amend Section 17.82.32.1(c)**

**17.82.32.1** For all uses, the maximum height shall be further limited as follows:

- (c) Maximum height shall be limited to forty-five (45) feet within one hundred (100) feet from the boundary of a Residence C-1 district.

**Amend Section 17.501**

**17.501Scope.** This Section 17.500 regulates development in Special District 14 as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.500, all requirements of and regulations applicable to the Residence C-1 District shall apply equally in Special District 14.

**Amend Section 17.504**

**17.504Use and Dimensional Modifications Permitted.** The following modifications to the regulations applicable to the Residence C-1 district shall be permitted in Special District 14.

**Amend Section 17.505**

**17.505Other Use and Dimensional Modifications.** The following modifications to the regulations applicable to the Residence C-1 district, as modified by Section 17.504 above, shall be permitted, subject to compliance with the provisions of Section 17.506 below.

**Amend Section 20.11.1**

**20.11.1** [...] These regulations are intended to provide a transition between the character and scale of development existing and permitted in the abutting Residence C-1 district and the institutional development existing and permitted in the base Residence C-3 district. [...]

**Amend Section 20.12.1**

**20.12.1Establishment and Scope.** [...] These regulations are intended to provide a transition between the character and scale of the abutting A-2 residential district [...]

**Amend Section 20.610**

**20.610Establishment and Scope.** [...] The corridor along Massachusetts Avenue between Harvard Square and Porter Square contains a significant number of buildings wholly or partially on lots with a base district among the Residence C family of use categories (Res. C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, C-3B) which because of their age, location, [...]

**Amend Section 20.620(a)**

**20.620Applicability.** [...]

- a. The structure is located wholly or partially within a Residence C, C-1, C-1A, C-2A, C-2, C-2A, C-2B, C-3, C-3A, or C-3B base zoning district;

**Amend Section 20.1009.1**

**20.1009.1 Floor Area Ratio.** The maximum Floor Area Ratio for the Development Land located in the underlying Industry A-1 District (130,671 square feet) shall be 2.5. Development Land in the underlying Residence C-1 District (60,835 square feet) may be included in the calculation of allowable Gross Floor Area on Development Land located in the Industry A-1 District (for Uses allowed therein) at the Floor Area Ratio allowed in the Industry A-1 District of 1.25, provided that: (i) future use of the Development Land in the Residence C-1 District shall be Publicly Beneficial Open Space, except that fences, berms, sound barriers, a vehicle turnaround, a loading dock enclosure and underground systems serving the Development Land may be located in the underlying Residence C-1 District; and (ii) a 25 foot wide landscaped buffer shall be created along the westerly boundary of that portion of the Development Land located in the Residence C-1 District abutting the railroad right-of-way.