

# Backboards, Rackets ace foes for Rindge tennis titles



**Paresha Patel and doubles partner Callie Roth greet opponents Laura Nicholson and Maggie Cummings before their match Saturday.**

PHOTO BY JENNIFER TAYLOR

**TENNIS, from page 40**

heart was beating quite a bit," said Calkins. "To play another set, you have to be in such great shape. I just outlasted her."

The last match of the day was the mixed doubles match. The scoring formula is by games, but if the team that is losing wins the final set but is still behind, they continue to play until the team in front wins a game, or the team behind catches up and wins.

Cenac and Kathy Delaney-Smith were the mixed doubles combination for the Backboards, while Igoe and Calkins were the mixed doubles duo for the Boomers.

Igoe and Calkins jumped out to a 5-2 lead before Rose made his move as captain, putting in Buckens in place of Delaney-Smith.

A much rested Buckens nailed some winners while Cenac was all over the court, hitting shot after shot for points to catapult the Boomers to a 6-5 win in the set, 28-22 overall, and most important, helped avoid an over-

time.

"I think Kathy was nervous which didn't help," said Rose. "I was thinking about doing it a game earlier, but turned out that move was made at the right time. Roger was key for us today, winning the singles and then coming back and winning the mix."

Buckens was nervous at first, but adjusted to the situation.

"I was nervous because we were down 5-2," said Buckens. "Playing doubles is a totally different match. One-on-one, we hit 70 times. In doubles, it was bang-bang."

Lyle, the captain of the Boomers, felt that it could have been a different match if Judy Teso was present. Teso is one of his top female players who was away.

Overall, Lyle was pleased and felt the Boomers were still in it.

"We were definitely in it at 5-2 in mixed doubles and were only two games down," said Lyle. "The turning point was when Rick changed players. It was a good move when he brought in Helga."

To advance to the finals, the Boomers defeated second seed Just In Just Out, 27-15, winning four of five sets.

The Rackets fell behind 6-1 when Northern Lights captain Amy Esslinger and Janis Tingle defeated Sara Minsky and Lucille Baker 6-1 in the women's doubles. Esslinger and Tingle jumped out to the early lead which carried them through the match.

"No, I didn't think it would be that easy," said Esslinger. "I thought it was going to be close. Tennis is very mental and once we took a lead, they let down."

Almost canceling out the blowout in the women's doubles and sparking the Rackets was a 6-2 win in men's doubles to close the gap to 8-7. Captain Dave Daiuti and Travis Ovitik had command all match in their victory over Will Evans and Todd Askew.

"We are really a team and were not going to let one match get us down," said Ovitik. "The women were down and we knew we had to pick it up a bit."

A well rested Barbara Robbins then defeated Tingle (after finishing her doubles match) 6-3 to help the Rackets overtake Northern Lights, 13-11.

"It wasn't fatigue," said Tingle. "Barbara is a good player and I couldn't hit winners by her."

Minutes after Robbins finished off Tingle, Ovitik broke Evans at deuce to win the game and take the set 6-4. Ovitik's win increased the Rackets lead to 19-15.

"Will is a great player and runs down everything," said Ovitik. "I didn't want to play tentatively because he'd beat me, so I went for winners on every shot. We've been playing since 9:30 this morning and fatigue started to set in. I didn't want to go to a tiebreaker, so I tried to finish him off."

It was now up to the doubles team to preserve the victory for the Rackets, which was no easy task. Robbins and Tom Valentine played Evans and Esslinger who came back earlier in the day.

Northern Lights trailed third seed Grand Slammers 19-10 before the mixed doubles match. Esslinger and Evans won that match to cut it to 23-16. The Northern Lights tandem won eight straight games after the 6-4 win to pull off an improbable 24-23 win.

Robbins and Valentine had a 5-3 lead before Northern Lights won three straight games to take the set, 6-5. All Northern Lights needed was to win four more games to pull off its second straight comeback, but Robbins hit a couple of winners to prevent it from happening.

"That was unbelievable," said Esslinger. "We play better when we are behind but couldn't do it two times in a row."

Daiuti credits Robbins for pulling it out.

"Barbara is a pistol," said Daiuti. "She had incredible hits at the net and helped us win a tough match."

The Rackets defeated top seed A-B Positive 26-19 in the first round despite losing three of five sets. However, all sets the Rackets lost were close, while Robbins won 6-0 at women's singles, to go with Minsky and Baker's 6-1 win at women's doubles to make the difference.

That is why Daiuti felt that men's doubles win was not a big turning point.

"There was nothing to turn around," said Daiuti. "It just kept the match in reach. Sometimes, the women keep us in the match which has been the case most of the year."

## BRIEFLY NOTED

### Cybersmith hosts free web seminars

Cybersmith is hosting free "Welcome to the Web" seminars for the public three times a week in its Harvard Square location.

Each seminar will last 30 minutes and will cover world wide web basics such as locating and navigating web sites and searching for specific information. Each seminar will also demonstrate live chatting with folks in other states and showcase multimedia applications of the internet on a rotating basis, such as live pictures from cities around the world, streaming audio, video and virtual reality.

"Welcome to the Web" seminars are designed to be interactive as well as informative and will be held Tuesdays at noon, Fridays at 6 pm, and Saturdays at 3 pm. Audience participation is encouraged. No reservations are necessary.

Cybersmith (www.cybersmith.com) is a multimedia venue committed to bringing the latest technology to the public through its user-friendly retail, entertainment and training environment. Live chatting will be demonstrated with TalkCity (www.talkcity.com).

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LEGAL NOTICES

MASS. AVE. HEARING PART 1 OF 7

LEGAL NOTICE
CITY OF CAMBRIDGE
OFFICE OF THE CLERK
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition, and amendments thereto...

11.50.60 Mid Massachusetts Overlay District

11.50.61 Establishment and Scope. There is hereby established the Mid Massachusetts Overlay District which shall be governed by the regulations and procedures specified in this Section 11.50.60. It is the intent of this section that the regulations will apply to an area between the Central Square Overlay District and the Harvard Square Overlay District...

11.50.62 General Purpose. It is the purpose of this Section 11.50.60 to amend existing zoning regulations to respond to the unique problems and pressures for change particular to Massachusetts Avenue...

11.50.64 Use Limitation and Restrictions.

In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Mid Massachusetts Avenue Overlay District:

a. Ground Floor Restrictions.

The ground (first) floor of that portion of a building facade or abutting Massachusetts Avenue and which is on a lot which shares a common lot line with Massachusetts Avenue shall consist of gross floor area devoted to any one or combination of uses permitted by the applicable base zoning district and shall in addition meet the following conditions:

(1) At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the lot at the Massachusetts Avenue street line except that residential uses may be located no higher than four and a half (4 1/2) feet above the mean grade of the lot abutting the Avenue at the property line.

(2) The use shall have a minimum depth of thirty (30) feet.

(3) Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of forty (40) percent clear glass; for residential uses the minimum area shall be twenty (20) percent.

11.50.65 Waiver of Parking and Loading Requirements.

Uses in the Massachusetts Avenue at Mid Cambridge Overlay District which meet the following requirements shall be exempted from the loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

a. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later it is identified in the National Register or contributing building; or

b. The use is contained in a new structure or new addition to a structure designed in (a) above, after the issuance of a special permit from the Planning Board provided:

(1) The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures situated in an existing structure (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met);

(2) The exemption from the loading requirements will result in a building design that is more appropriate to its location, design and surrounding environment, along the public sidewalk, reduce the impact of the development on abutting residential neighborhoods through a reduction in the scale of the building and reduction in the noise and fumes associated with the operation of a loading facility; or in other ways better serve the objectives of this Section 11.50.60.

(3) By the nature of the uses or the scale of the building proposed, the lack of accessory loading facilities will not unnecessarily burden the abutting residential streets.

11.50.65 Standards of Issuance of Special Permits.

In addition to the general standards for issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the Planning Board shall consider the following in making its determination:

a. The proposed development does one or more of the following: encourages responsible and orderly development that minimizes its impact on adjacent residential neighborhoods; strengthens and enhances the pedestrian environment and provides retail and service uses that serve the needs of the abutting neighborhood; creates a more coherent and visually consistent architectural expression along the Avenue; reduces the functional and visual impact of the adjacent residential neighborhood as viewed from the residential neighborhood behind Massachusetts Avenue; increases the supply of housing along the Avenue

b. Amend the FAR and height provisions of the Business B-1 and Business B-2 zoning districts.

1. Amend Table 5-3 - Business Dis-

tricts, columns (1) and (6) in lines B-1, B-2, and B-2, to read as follows.

District (1) (b) (c) (6) (c)

Bus B-1

2.0 (f) 60 (f)

Bus B-2

80 (f) 80 (f)

2. In Section 5.3 - Business Districts, Subsection 2. a footcote, delete foot-note (b) in its entirety and substitute therefor the following.

(b) The maximum floor area ratio for residential uses listed in Subsections 4.31 a, b, d, e, and g shall be 2.25

C. Amend the Zoning Map of the City of Cambridge by creating the Mid Massachusetts Avenue Overlay District as described below.

The boundary of the Mid Massachusetts Overlay District shall be continuous with boundaries of the Business B District, the Business B-1 district, the Business B-2 district and the Office 3 District abutting Massachusetts Avenue between the eastern boundary of the Harvard Square Overlay District and the western boundary of the Central Square Overlay District as shown on the accompanying map.

Western boundary of the Central Square Overlay District

1.0 The western boundary of the Central Square Overlay District is a line, said line beginning at the intersection of the centerline of Pleasant Street and Green Street.

1.1 The fence proceeding in a northeasterly direction along the centerline of Pleasant Street to its intersection with the centerline of Massachusetts Avenue

1.2 The fence proceeding in a northeasterly direction along the centerline of Massachusetts Avenue to its intersection with the southwestern extension of the centerline of Inman Street.

1.3 The fence proceeding in a southeasterly direction along the southwestern extension of the centerline of Inman Street, and the centerline of Inman Street to its intersection with the northwestern extension of the centerline of Bishop Allen Drive.

Eastern boundary of the Harvard Square Overlay District

2.0 The eastern boundary of the Harvard Square Overlay District is a line, said line being the southeasterly side line of lot 62 on Assessor's Plat #121 and its northeasterly extension from Massachusetts Avenue to its intersection with a line 100 feet distant from and parallel to the North easterly side line of Massachusetts Avenue.

Affected properties

1.01 Premises shown on Assessor's Plat #121

Affecting all or parts of lots #102, 103, 94, 95, 6, 114, 113

Even numbers 972-1038 Massachusetts Avenue, odd numbers 683-629 Green Street

1.02 Premises shown on Assessor's Plat #120

Affecting all or parts of lots #101, 81, 72, 100, 40, 76, 77, 43, 44, 45, 46, 73, 74, 48, 49, 64, 68, 64.

Odd numbers 922-964 Massachusetts Avenue, odd numbers 49-65 Hancock Street, odd numbers 543-551 Green Street.

1.03 Premises shown on Assessor's Plat #119

Affecting all or parts of lots #91, 92, 90, 91, 4, 5, 82, 83, 7, 12, 8, 9, 91, 90, 33, 23, 32, 31, 34.

Even numbers 760-910 Massachusetts Avenue, odd numbers 397-485 Green Street, odd numbers 5-7 Pleasant Street, even numbers 2-20 Sellers Street, even numbers 13-17 Sellers Street, even numbers 52-66 Hancock Street.

1.04 Premises shown on Assessor's Plat #118

Affecting all or parts of lots #33, 7, 9, 30, 31, 32, 1, 2, 3.

Odd numbers 5-6 Bigelow Street, even numbers 795-847 Massachusetts Avenue, even numbers 2-4 Clinton Street.

1.05 Premises shown on Assessor's Plat #117

Affecting all or parts of lots #56, 57, 29, 30, 31, 54, 55, 58, 59, 26, 27, 69, 105, 104, 1, 28, 24, 23.

Odd numbers 859-907 Massachusetts Avenue, odd numbers 3-5 Clinton Street, even numbers 12-14 Lee Street, odd numbers 5-11 Lee Street, even numbers 74-92 Hancock Street.

1.06 Premises shown on Assessor's Plat #116

Affecting all or parts of lots #54, 92, 93, 88, 89, 74, 58, 50, 101, 100, 94, 105, 60, 11, 12, 13.

Even numbers 923-1009 Massachusetts Avenue, odd numbers 73-85 Hancock Street, 2 Dana Street, 6 Ellery Street.

1.07 Premises shown on Assessor's Plat #114

Affecting all or parts of lots #35, 34, 33, 30, 31, 29

Odd numbers 1023-1039 Massachusetts

MASS. AVE. HEARING PART 7 OF 7

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councilor Francis H. Duguay Chair Cambridge Chronicle, 9/11, 9/18/97.

MUNICIPAL CODE ORDINANCE

LEGAL NOTICE

CITY OF CAMBRIDGE

ORDINANCE NO. 1188

FINAL PUBLICATION NUMBER 2748.

FIRST PUBLICATION IN THE CHRONICLE ON AUGUST 7, 1997.

IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY SEVEN AN ORDINANCE

In Amendment to an ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 12.20 of the Cambridge Municipal Code (Commons and Public Grounds) is hereby amended by adding a new section 12.20.140 as follows:

12.20.140 Violation - Penalty

A. Criminal Penalty. Any person who violates any provision of this Chapter or any rule adopted and posted pursuant to section 12.20.010 shall be liable to a fine not exceeding fifty dollars for each offense. Each day's violation shall constitute a separate offense.

B. Non-Criminal disposition. Any person who violates any provision of this Chapter or any rule adopted and posted pursuant to section 12.20.010 may be penalized by a noncriminal disposition as provided in G.L.c. 40A.210. For purposes of this section, the following officials shall be enforcing persons: Police Officers, Thruways of the Animal Commission, Inspection Services Inspectors and Parking Control Officers. The penalty for each violation shall be twenty-five dollars. A separate offense shall constitute a separate offense.

In City Council September 8, 1997. Passed to be ordained by a yeas and nays or: Yeas 0; Nays 0; Absent 0.

ATTEST: Margaret Drury City Clerk

Cambridge Chronicle, 9/11/97

PARADISE LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE

BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under general Laws, Chapter 136, as amended, that Deanta Corporation, d/b/a Paradise Cafe, Inc. has applied to transfer its All Alcohol Beverages as a Restaurant, 2 a.m. license at 180 Massachusetts Avenue to Eliot Management, Inc. d/b/a Paradise Cafe, Paul C. McCarthy, manager, at 180 Massachusetts Avenue.

The Officers and Directors are: Paul C. McCarthy, President, Treasurer, Clerk, and Director.

The stockholders are: Paul C. McCarthy.

The description of the premise is: Basement level consisting of approx. 2,500 square feet and including one bar, one dance floor, a DJ booth, electrical room, office, and three bathrooms; first floor consisting of approx. 2,500 square feet and including two bars, a seating area, coat room, raised platform, kitchen, storage and one bathroom. Two stairways and two entrances/exits on first floor.

This applicant has also applied for an Entertainment license to include dancing by patrons; light show; darts; readings of poetry or other works; body building show or beauty contest; talk show; where a patron converses with one or more hired entertainers; live musical instruments and live vocalists with amplification; one stage; dancing exhibition; floor show; one juke box; one pool or billiard table; two pinograph record machines; D.J.; one audio tape machine which may play music; live, at or above conversation level; six T.V.s; one radio; five video games.

A hearing on this application will be held on Tuesday evening, September 23, 1997 at six o'clock in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Second Floor, Hearing Room, Cambridge, MA 02139.

Benjamin Barnes Kevin Fitzgerald Henry Breen

License Commission

Cambridge Chronicle, 9/11/97.

PARKING FREEZE HEARING

LEGAL NOTICE

CITY OF CAMBRIDGE

TRAFFIC & PARKING DEPARTMENT

CONTROL COMMITTEE

Notice is hereby given that a Public Hearing will be held on Wednesday September 24, 1997, at 7:00 PM in the Traffic & Parking Department Conference Room, City Hall Annex/McCusker Center, first floor, 57 Inman Street, Cambridge, MA, to consider the following applications for a Determination of Exclusion and/or a Controlled Parking Facility Permit for the following Parking Freeze:

1. 71-77 Bolton Street

2. 51-53 Bristol St/67-81 Webster Ave.

3. 205 Broadway

4. 30 Cambridgepark Drive

5. 1008 Massachusetts Avenue

6. 101 Pacific Street

7. 175 Richdale Avenue

Copies of the applications are available for public inspection at the Department of Traffic & Parking, 57 Inman Street, Cambridge, MA 02139.

Cambridge Chronicle, 9/11/97.

PARKING ORDINANCE

LEGAL NOTICE

CITY OF CAMBRIDGE

ORDINANCE NO. 1192

FINAL PUBLICATION NUMBER 2752.

FIRST PUBLICATION IN THE CHRONICLE ON AUGUST 7, 1997.

IN THE YEAR ONE THOUSAND, NINE HUNDRED NINETY SEVEN AN ORDINANCE

In Amendment to an ordinance entitled the "Cambridge Municipal Code"

Be it ordained by the City Council of the City of Cambridge as follows:

Title 10 of the Code (Vehicles and Traffic) is hereby amended by repealing Chapter 10.16 (the Interim Parking Freeze in its entirety and replacing it with the following new Chapter 10.16 (Commercial Parking Space Permits).

NOTE: Pursuant to the provisions of General Laws, Chapter 40A, Section 22A, Tercentenary Edition, the ordinance as aforesaid which exceeds in length eight octavo pages of ordinary book print may be summarized for publication in a newspaper of general circulation in the city with the further provision that said Zoning Ordinance may be examined and obtained at the City Clerk's Office during office hours and that any objection to its invalidity by reason of any defect in the procedure of adoption may only be made within ninety days after the posting of the second publication.

In City Council September 8, 1997. Passed to be ordained by a yeas and nays: Yeas 7; Nay 1; Absent 0; Present 1.

ATTEST: Margaret Drury City Clerk

Cambridge Chronicle, 9/11/97.

PDE/EAIP PROPOSALS

LEGAL NOTICE

REQUEST FOR PROPOSAL

EMPLOYEE ASSISTANCE PROGRAM SERVICES

CITY OF CAMBRIDGE

CAMBRIDGE, MA 02139

Sealed proposals will be received at the Office of the Purchasing Agent, Room 303, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts 02139 until 1:00 P.M. on Thursday, October 2, 1997 for furnishing the following to the City of Cambridge:

Proposals for an Employee Assistance Program from providers with Demonstrated experience in the municipal area, for the City Personnel Department.

Copies of the Request for Proposal may be obtained at the Office of the Purchasing Agent on and after September 8, 1997, between the hours of 8:30 a.m. and 5:00 p.m.

The successful offeror must be an Equal Opportunity Employer.

The City of Cambridge reserves the right to reject any and all proposals, waive any informality in the proposal process deemed to be in the best interest of the City.

(2) separate sealed envelopes, one (1) containing an original and seven (7) copies of the non-price technical proposal; (2) "Proposal for EAP services (non-price), and one (1) containing an original and one (1) copy of the price proposal and marked "Price Proposal for EAP Services," must be received by Gail Cohen, Purchasing Agent, City of Cambridge, Room 303, City Hall, 795 Massachusetts Avenue, Cambridge, MA 02139 NO LATER THAN 11:00 A.M. on Thursday, October 2, 1997.

Gail Cohen Purchasing Agent

Cambridge Chronicle, 9/11/97.

PHOENIX LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE

BOARD OF LICENSE COMMISSIONERS

Notice is hereby given under General Laws, Chapter 136, as amended, that Deanta Corporation, d/b/a Phoenix Landing, Kevin Treanor, manager, holder of an All Alcohol Beverages as a Restaurant license at 512 Massachusetts Avenue, has applied for a change of corporate officers and directors.

The Current Officers and Directors are: Cynthia Bullis Long, President, Treasurer, Clerk, and Director.

The proposed Officers and Directors are: Patrick G. Long, President, Treasurer, Clerk, and Director.

A hearing on this application will be held on Tuesday evening, September 23, 1997 at six o'clock in the Michael J. Lombardi Municipal Building, 831 Massachusetts Avenue, Second Floor, Hearing Room, Cambridge, MA 02139.

Benjamin Barnes Kevin Fitzgerald Henry Breen

License Commission

Cambridge Chronicle, 9/11/97.

A pre-bid question and answer session will be held at the site on Wednesday, September 10, 1997, at 2 P.M.

The City of Cambridge reserves the right to reject any and all proposals or to waive any informality in the proposal process. An original proposal must be delivered, along with three (3) additional copies, in a sealed package, plainly marked, "Proposals for the East Cambridge Parking Facility Retail/Commercial Lease" and addressed to Gail Cohen, Purchasing Agent, Room 303, City Hall, 795 Massachusetts Avenue, Cambridge, MA 02139.

PINOCCHIO'S LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE

BOARD OF LICENSE COMMISSIONERS

Notice is hereby given that Peri, Inc. d/b/a Pinocchio's Pizza, Joseph Zavarini, Manager, holder of a Common Victualer license at 74 Winthrop Street has applied for a review of hours.

Cambridge Chronicle, 9/11/97.

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Cambridge Chronicle, 9/11/97.

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Cambridge Chronicle, 9/11/97.

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Benjamin Barnes Kevin Fitzgerald Henry Breen

License Commission

Cambridge Chronicle, 9/11/97.

REG 97-27

LEGAL NOTICE

CITY OF CAMBRIDGE

TRAFFIC, PARKING AND TRANSPORTATION

REGULATION NO. 97-27

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic regulations of the city of Cambridge by adding the following regulation

Regulation No. 66-1 Schedule 10 Title "PARKING TIME LIMITED ON CERTAIN SIDES OF CERTAIN STREETS" is hereby amended by striking out the following:

Felton St., East Side 128 N of Broadway to Cambridge St., 8 AM - 6PM, 2 Hours Except Sunday

Felton St., East Side 120' S of Cambridge St., 8 AM - 6PM, 30 Min. Except Sunday

Felton St. East Side, 195' S of Cambridge St. to 315' S of Cambridge St., 8 AM - 6PM, 2 Hours Except Sunday

This regulation shall take effect 25 September 1997.

PROMULGATED DATE

19 August 1997

Susan E. Clippinger Director

Cambridge Chronicle, 8/28, 9/4, 9/11/97.

RENT A WRECK LICENSE

LEGAL NOTICE

CITY OF CAMBRIDGE

Mid Massachusetts Avenue

PETITION OF Planning Board

Petition filed with the City Clerk August 4, 1997

(all hearings to be completed 65 days from In City Council date)

27 days August  
30 days September  
8 days October

In City Council 65 days August 4, 1997

Referred to the Planning Board for report August 4, 1997

Planning Board Hearing October 7, 1997

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be January 5, 1998.)

24 days October

30 days November

31 days December

5 days January, 1998

City Council Hearing published Chronicle on Sept. 11, 1997  
and Sept. 18, 1997

Hearing before the Ordinance Committee October 7, 1997

Reported to the City Council October 27, 1997

Passed to a second reading on ~~October 27, 1997~~

published in ~~Chronicle~~ on ~~October 30, 1997~~

Planning Board report received on \_\_\_\_\_

Ready for ordination on ~~November 10, 1997~~

Passed to be ordained on \_\_\_\_\_

published in \_\_\_\_\_ on \_\_\_\_\_

COMPLETION DATE January 5, 1998

Placed on file due to expiration of time limit



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

July 30, 1997

To the Honorable, the City Council:

**Subject: Three amendments to the Zoning Ordinance proposed by the Planning Board**

The Planning Board is hereby submitting to the City Council for its consideration, a set of three recommended amendments to the Zoning Ordinance. They are:

- I. A change in the way hotels and motels are regulated in residence "C" districts.** Hotels and motels would continue to be prohibited in Residence C and C-1 districts; they would continue to be allowed as of right in Residence C-3A districts (Kendall Square and the East Cambridge riverfront) and in Residence C-2, 2A, 2B and 3 districts located within the Central Square, Harvard Square and Massachusetts Avenue Overlay Districts. In all other locations, a special permit would be required and demonstration made that the proposed hotel location is not within a low density residential neighborhood; a set of review criteria is established. Problems with the current regulations were identified by the City Council during discussions around the rezoning along Harvard Street recently adopted.
- II. Deletion of the provision of the Ordinance that permits additional gross floor area as of right on lots abutting wide public streets or open space.** The Planning Board has long felt that this provision allows excessive development on lots that can make use of the provision.
- III. Creation of a Mid Massachusetts Avenue Overlay District created for that portion of the Avenue between the Central Square Overlay District and the Harvard Square Overlay District.** While having a number of the provisions similar to those in effect in Harvard and Central Squares are incorporated into this new overlay district, the new district's most significant provisions reduce height and FAR allowed in the Business B, Business B-1, Business B-2 and the Office 3 base zoning districts affected. Parallel FAR and height changes are made to the base Business B-1 and 2 districts as they occur only in this location.

Respectfully submitted for the Planning Board

A handwritten signature in black ink, appearing to read "Paul Dietrich", is written over a horizontal line.

Paul Dietrich, Chairman

## **I. Amendment Affecting Hotels and Motels in Residential Districts**

**A. In Section 4.30 - Table of Use Regulations, line i 2 , Hotel and motel, delete the current notation "Yes 7" in column four and substitute therefor the following**

	Res
	C, C-1,
	2, 2A,
	2B, 3
	3A
i. Transient accommodations	
	7
2. Hotel or motel	SP

**B. Amend the text of the Zoning Ordinance by deleting the existing Footnote 7, Section 4.40 - Footnotes to the Table of Use Regulations, in its entirety and substituting therefor the following:**

7. Subject to the following provisions:

- (a) Hotels and motels shall be prohibited in Residence C or Residence C-1 districts;
- (b) Hotels and motels shall be permitted as of right in Residence C-3A districts and in Residence C-2, 2A, 2B, and 3 districts where at least fifty (50) percent of the area of the lot upon which the hotel or motel is located, and the point of entry from a street for all vehicular access to the hotel or motel, is located within the Harvard Square Overlay District, the Central Square Overlay District or the Massachusetts Avenue Overlay District.
- (c) Hotels or motels shall be permitted by special permit from the Board of Zoning Appeal (BZA) in Residence 2, 2A, 2B, and 3 districts, where paragraph (b) above does not apply. In granting such special permit the BZA shall find that the proposed location and its surrounding neighborhood is predominantly institutional or commercial in use, and specifically not a low density residential area. The Board shall further find that the physical development of the site for hotel use will be similar to, and compatible with, the existing (or potential) site development pattern on surrounding sites for other uses permitted in the applicable zoning district or districts; and that the operation of the hotel or motel, with regard to delivery of goods, the kind and volume of vehicular trips to and from the site, and the numbers of people visiting the site on foot, among other factors, is compatible with the use of adjacent properties for uses permitted in the applicable zoning district or districts. In making these findings the Board shall consider the following, among other considerations:
  1. The scale of buildings in the immediate neighborhood;

2. The extent of non residential development in the neighborhood, including the size of buildings, the specific uses, the kind and number of vehicular trips generated by those uses;
3. The density of residential uses on adjacent lots and within the immediate neighborhood;
4. The details of the operation of the proposed hotel or motel use including the kinds and number of vehicle trips to the site, including service trips;
5. The extent of access to arterial streets that customarily accommodate or provide direct service to non residential uses;
6. The nature of site development on adjacent sites including setbacks from property lines, location and quantity of vehicular parking, the presence of accessory activities such as loading facilities, waste storage facilities, mechanical service equipment, landscaped green spaces, etc.

**II. Amendment to eliminate a provision of the Zoning Ordinance that grants additional floor area to lots adjacent to wide public streets and open spaces.**

**A. Amend the text of the Zoning Ordinance by deleting Section 5.22.3 in its entirety.**

### **III. Amendment to create a new Mid Massachusetts Avenue Overlay District in the Cambridge Zoning Ordinance**

**A. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Section 11.500 to read as follows**

#### **11.500 *Mid Massachusetts Avenue Overlay District***

**11.501 *Establishment and Scope.*** There is hereby established the *Mid Massachusetts Avenue Overlay District* which shall be governed by the regulations and procedures specified in this Section 11.500. It is the intent of this section that these regulations will apply to an area between the Central Square Overlay District and the Harvard Square Overlay District along Massachusetts Avenue and designated for residential, office or retail use on the Zoning Map.

**11.502 *General Purpose.*** It is the purpose of this Section 11.500 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to Massachusetts Avenue abutting the Mid Cambridge and Riverside neighborhoods. The regulations in this Section 11.500 provide for more careful public scrutiny of development proposals that may negatively impact the residential neighborhoods that lie immediately adjacent to the narrow corridor of commercial activity along Massachusetts Avenue. These regulations are intended to channel new development activity in ways that will reduce and mitigate its negative impact on residential properties in adjacent residentially zoned areas; contribute to a more cohesive visual environment; enhance the quality of the pedestrian experience along Massachusetts Avenue; provide incentives for the residential uses; preserve historic structures and other buildings that express the history of this area of the City and its diversity of building scales and ages; and to provide sufficient regulatory flexibility so as to advance the general purposes of this Section 11.500.

#### **11.503 *General Provisions.***

##### **11.503.1 *Applicability.***

The Mid Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established in Section 3.20. The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning districts, except as modified by the requirements of this Section 11.500, which shall apply in addition to regulations imposed by the base zoning map designations. Where base zoning regulations differ from requirements of this Section 11.500, the stricter provisions shall apply.

##### **11.503.2 *Area of Special Planning Concern.***

The Mid Massachusetts Avenue Overlay District shall be considered an area of special planning concern

Development proposals listed in Subsection 11.42 of the Zoning Ordinance shall be subject to the review procedures specified in Section 11.40 - Development Consultation Procedure.

**11.503.3 *National Register and Contributing Buildings.***

For the purposes of this Section 11.500 the following definitions shall apply:

- a. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.
- b. A contributing building shall be
  - (1) Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or
  - (2) Any building fifty (50) years old or older subject to review by the Cambridge Historical Commission under the provisions of City of Cambridge Ordinance #965.

However, a building shall no longer be considered a contributing building as defined in this Subsection 11.503.2 (b) for the purpose of this Section 11.500 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

**11.504 *Detailed Provisions.***

**11.504.1 *Building Height Limitations***

The maximum height of buildings in the Massachusetts Avenue at Mid Cambridge Overlay District shall be governed by the requirements of this Section 11.504.1; at locations where the base zoning district establishes a more restrictive height limit, the more restrictive provisions shall apply.

- a. As of Right Height Limitations.

The maximum as of right height of any building shall be fifty-five (55) feet.

- b. Special Permit for Additional Height.

The maximum allowable height in the Massachusetts Avenue at Mid Cambridge Overlay District may be increased up to eighty (80) feet upon

issuance of a Special Permit from the Planning Board provided that those portions in excess of fifty-five (55) 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 fifty-five (55) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.

c. The bulk control plane restrictions of paragraph b above, or similar provisions that may apply in any base district regulations for portions of buildings abutting Massachusetts Avenue, may be waived by the Planning Board upon issuance of a Special Permit.

#### **11.504.2 *Floor Area Ratio Limitations.***

The maximum floor area ratio applicable to any lot in the Massachusetts Avenue at Mid Cambridge Overlay District shall be governed by the requirements of this Section 11.504.2; however, at locations where the base zoning district establishes a more restrictive FAR limit the more restrictive limit shall apply.

The maximum FAR shall be 2.0 for all non residential uses and for hotels and motels; 2.25 for residential uses excluding hotels and motels.

#### **11.504.3 *Waiver of Setback Requirements.***

Upon issuance of a special permit from the Planning Board the yard requirements of a base zoning district may be waived except where such yard abuts that portion of any lot, but not a public way, outside the Central Square, Harvard Square or Mid Massachusetts Avenue Overlay District.

#### **11.304.4 *Use Limitations and Restrictions.***

In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Mid Massachusetts Avenue Overlay District:

##### **a. Ground Floor Restrictions.**

The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and which is on a lot which shares a common lot line with Massachusetts Avenue shall consist of gross floor area devoted to any one or combination of uses permitted in the applicable base zoning district and shall in addition meet the following conditions:

- (1) At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the lot at the Massachusetts Avenue streetline except that residential uses may be located no higher than four and a half (4 1/2) feet above the mean grade of the lot abutting the Avenue at the property line.

- (2) The use shall have a minimum depth of thirty (30) feet.
- (3) Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of forty (40) percent clear glass; for residential uses that minimum area shall be twenty (20) percent.

**11.504.5 *Wavier of Parking and Loading Requirements.***

Uses in the Massachusetts Avenue at Mid Cambridge Overlay District which meet the following requirements shall be exempted from the loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

- a. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or
- b. The use is contained in a new structure or new addition to a structure identified in (a) above, after the issuance of a special permit from the Planning Board provided:
  - (1) The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met);
  - (2) The exemption from the loading requirements will result in a building design that is more appropriate to its location, will enhance the pedestrian environment along the public sidewalk, reduce the impact of the development on abutting residential neighborhoods through a reduction in the scale of the building and a reduction in the noise and fumes associated with the operation of a loading facility, or in other ways better serve the objectives of this Section 11.500;
  - (3) By the nature of the uses or the scale of the building proposed, the lack of accessory loading facilities will not unreasonably burden the abutting residential streets.

**11.505 *Standards for Issuance of Special Permits.***

In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the Planning Board shall consider the following in making its determination:

- a. The proposed development does one or more of the following:  
encourages responsible and orderly development that minimizes its impact

on adjacent residential neighborhoods; strengthens and enhances the pedestrian environment and provides retail and service uses that serve the needs of the adjacent neighborhoods; creates a more coherent and visually consistent architectural expression along the Avenue; reduces the functional and visual impact of the automobile on the public street and as viewed from the residential neighborhood behind Massachusetts Avenue; increases the supply of housing along the Avenue and advances the general objective of increasing the supply of affordable housing units; and

b. The Board must find that no National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and that no National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

**B. Amend the FAR and height provisions of the Business B-1 and Business B-2 zoning districts.**

**1. Amend Table 5-3 - Business Districts, columns (1) and (6) in lines Bus. B-1 and Bus. B-2, to read as follows.**

District	(1)	(6)
	(b)	(c)
Bus B-1	2.0	80
		(f)
Bus. B-2	2.0	80

**2. In Section 5.33 - Business Districts, Subsection 2 - Footnotes, delete footnote (b) in its entirety and substitute therefor the following.**

(b) The maximum floor area ratio for residential uses listed in Subsections 4.31 a, b, d, e, and g shall be 2.25

**C. Amend the Zoning Map of the City of Cambridge by creating the Mid Massachusetts Avenue Overlay District as described below.**

The boundary of the Mid Massachusetts Overlay District shall be coterminous with boundaries of the Business B district, the Business B-1 district, the Business B-2 district and the Office 3 District abutting Massachusetts Avenue between the eastern boundary of the Harvard Square Overlay District and the western boundary of the Central Square Overlay District as shown on the accompanying map.

**Western boundary of the Central Square Overlay District**

1.0 The western boundary of the Central Square Overlay District is a line, said line beginning at the intersection of the centerline of Pleasant Street and Green Street,

1.1 Thence proceeding in a northeasterly direction along the centerline of Pleasant Street to its intersection with the centerline of Massachusetts Avenue

1.2 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southwestern extension of the centerline of Inman Street,

1.3 Thence turning and proceeding in a northeasterly direction along the southwestern extension of the centerline of Inman Street, and the centerline of Inman Street to its intersection with the northwestern extension of the centerline of Bishop Allen Drive.

**Eastern boundary of the Harvard Square Overlay District**

2.0 The eastern boundary of the Harvard Square Overlay District is a line, said line being the southeasterly sideline of lot #2 on Assessor's Plat #121 and its northeasterly extension across Massachusetts Avenue to its intersection with a line 100 feet distant from and parallel to the northeasterly sideline of Massachusetts Avenue.

**Affected properties**

**1.01 Premises shown on Assessor's Plat #121**

---

Affecting all or parts of lots #102, 103, 94, 95, 6, 114, 113

Even numbers 972-1038 Massachusetts Avenue, odd numbers 583-629 Green Street

**1.02 Premises shown on Assessor's Plat #120**

---

Affecting all or parts of lots #101, 81, 72, 100, 40, 76, 77, 43, 44, 45, 46, 73, 74, 48, 49, 64, 68, 54

Even numbers 922-964 Massachusetts Avenue, odd numbers 49-65 Hancock Street, odd numbers 543-551 Green Street.

1.03 Premises shown on Assessor's Plat #119

---

Affecting all or parts of lots #21, 91, 90, 101, 4, 5, 82, 83, 7, 12, 8, 9, 92, 93, 22, 33, 23, 32, 31, 94

Even numbers 760-910 Massachusetts Avenue, odd numbers 397-485 Green Street, odd numbers 5-7 Pleasant Street, even numbers 2-20 Sellers Street, odd numbers 13-17 Sellers Street, even numbers 52-66 Hancock Street.

1.04 Premises shown on Assessor's Plat #118

---

Affecting all or parts of lots #33, 7, 9, 29, 30, 31, 32, 1, 2, 3

Odd numbers 5-5A Bigelow Street, odd numbers 795-847 Massachusetts Avenue, even numbers 2-4 Clinton Street.

1.05 Premises shown on Assessor's Plat #117

---

Affecting all or parts of lots #56, 57, 29, 55, 30, 31, 54, 64, 65, 58, 59, 26, 27, 69, 105, 104, 1, 28, 24, 23

Odd numbers 859-907 Massachusetts Avenue, odd numbers 3-5 Clinton Street, even numbers 12-14 Lee Street, odd numbers 5-11 Lee Street, even numbers 74-92 Hancock Street.

1.06 Premises shown on Assessor's Plat #116

---

Affecting all or parts of lots #54, 92, 103, 98, 96, 99, 74, 59, 60, 101, 100, 94, 95, 68, 10, 11, 12, 13

Odd numbers 923-1009 Massachusetts Avenue, odd numbers 75-85 Hancock Street, 2 Dana Street, 6 Ellery Street.

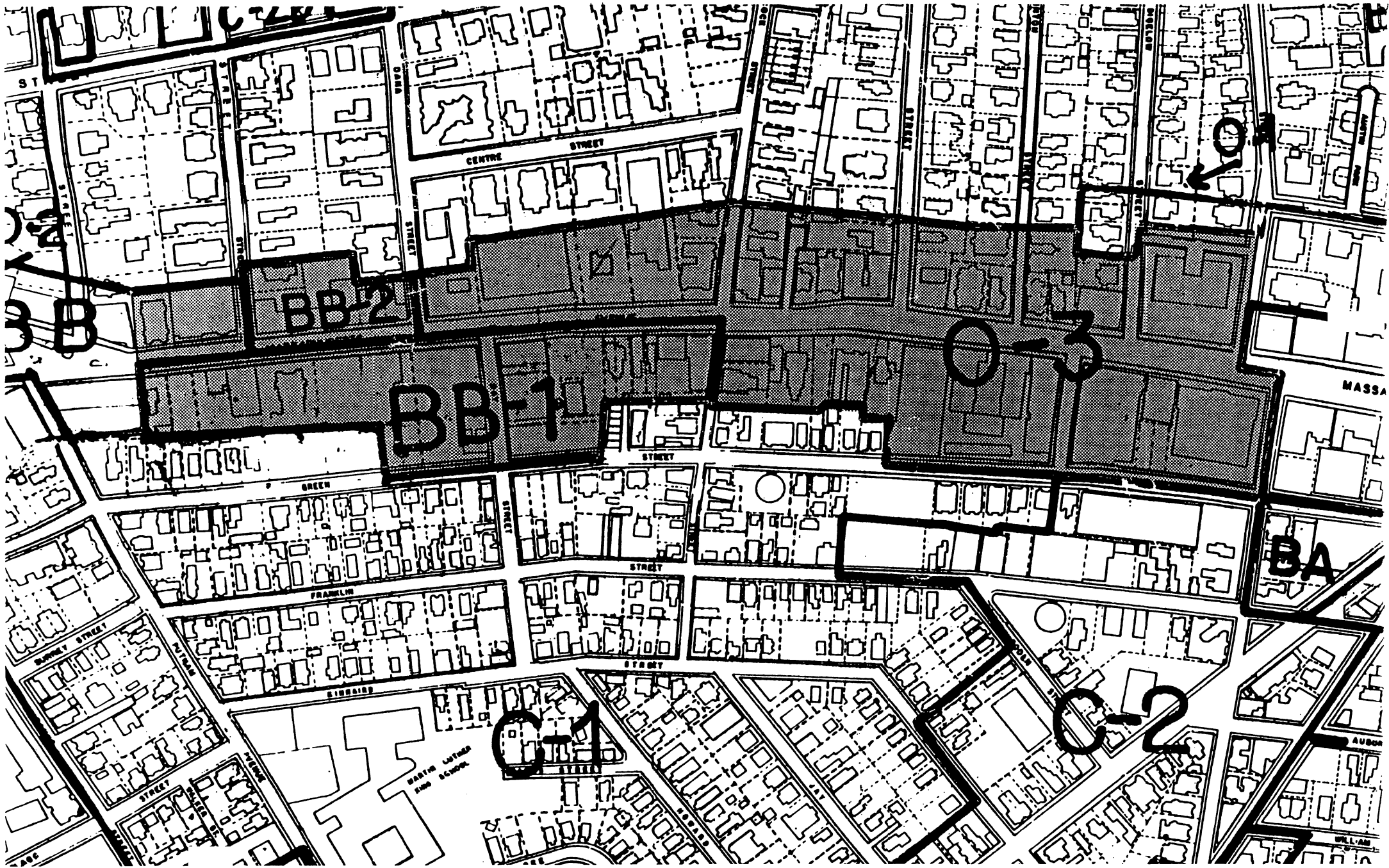
1.07 Premises shown on Assessor's Plat #134

---

Affecting all or parts of lots #35, 34, 33, 32, 30, 31, 29

Odd numbers 1023-1039 Massachusetts Avenue, 5 Ellery Street.

Proposed Mid Massachusetts Avenue Overlay District - Cambridge Planning Board 7/30/97





CITY OF CAMBRIDGE  
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300  
FAX. 349-4307



38.

EXECUTIVE DEPARTMENT  
ROBERT W. HEALY  
City Manager

RICHARD C. ROSSI  
Deputy City Manager

August 4, 1997

To The Honorable, The City Council:

I am hereby transmitting for your consideration, three amendments to the Zoning Ordinance proposed by the Planning Board.

Very truly yours,

Robert W. Healy  
City Manager

RHW/mec

Consent Agenda #38

Relative to a recommendation from the  
Planning Board on three amendments  
to the Zoning Ordinance.

In City Council August 4, 1997

Referred to the  
Ordinance Committee  
and Planning Board  
Copy

sent 8-7-97

mc

Dec. 10, 1997

Cambridge City Council  
795 Massachusetts Avenue  
Cambridge, MA 02139

RECEIVED BY  
OFFICE OF CITY CLERK  
97 DEC 11 PM 12:29  
CAMBRIDGE MA.

To the Honorable, the City Council:

We are residents of the area surrounding the proposed Mid-Massachusetts Avenue Overlay District, and met this evening to discuss it. Although we support a downzoning of the area in principle, we believe the current proposal is not restrictive enough.

We plan to discuss our concerns with the Community Development Dept. at their Dec. 17 public meeting and will follow up with you before the City Council's Dec. 22 meeting with recommendations for further action.

Sincerely,

*Dena Brody*  
*Paula Lovejoy*  
*John Pitkin*  
*Francis Fox Spinks*  
*Saro Stanley*  
*Marilyn Wellons*

Dena Feldstein Brody, 661 Green St.  
Paula Lovejoy, 9 Clinton St.  
John Pitkin, 18 Fayette St.  
Francis Fox Spinks, 17B Bigelow St.  
Saro Stanley, 10 Clinton  
Marilyn Wellons, 651 Green St.

**Consent Communication #23**

**Communication was received from Dena  
Feldstein Broad et al., transmitting their  
concerns about the area surrounding the  
proposed Mid-Massachusetts Avenue  
Overlay District.**

**In City Council December 15, 1997**

*Referred to  
the Petition*



**OFFICE OF THE CITY CLERK**

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4307

tty/TDD (617) 492-0235

D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

**TO: THE HONORABLE, THE CITY COUNCIL**  
*DMJ*  
**FROM: D. MARGARET DRURY, CITY CLERK**  
**DATE: September 17, 1997**  
**RE: ORDINANCE COMMITTEE HEARINGS**

\*\*\*\*\*

Please be advised that Councillor Duehay, Chair of the Ordinance Committee, has scheduled four public hearings for Tuesday, October 7, 1997 in the Sullivan Chamber as follows:

- 4:30 P.M. A petition of the Planning Board to amend the Zoning Ordinances by deleting Section 5.22.3 in its entirety.
- 5:00 P.M. A petition of the Planning Board to amend the Zoning Ordinances in Section 4.30 - Table of Use Regulations, line i.2. Hotel or motel, by deleting the current notation.
- 5:30 P.M. A petition of the Planning Board to amend the Zoning Ordinances by creating a new Section 11.500 Mid Massachusetts Avenue Overlay District.
- 6:00 P.M. A petition of the Planning Board to amend the Zoning Map by striking the existing designation Business C-1 and substituting in place the designation Business A-2 in the area bounded by Massachusetts Avenue, Washburn Avenue, Gold Star Road and Gold Star Place.

Your kind attention in this matter will be greatly appreciated.



**OFFICE OF THE CITY CLERK**

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D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

**TO: ROBERT W. HEALY, CITY MANAGER**  
**FROM: <sup>DMD</sup> D. MARGARET DRURY, CITY CLERK**  
**DATE: September 17, 1997**  
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You or your designee are requested to attend at this time.

cc: Councillor Duehay

*Russell Higley*  
*Susan Schlesinger*  
*Robert Bersani*



**OFFICE OF THE CITY CLERK**

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DONNA P. LOPEZ  
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**TO: RUSSELL B. HIGLEY, CITY SOLICITOR**  
**FROM: *DMD* D. MARGARET DRURY, CITY CLERK**  
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D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

**TO: SUSAN SCHLESINGER, ASSISTANT CITY MANAGER FOR  
COMMUNITY DEVELOPMENT**  
**FROM: <sup>DMD</sup> D. MARGARET DRURY, CITY CLERK**  
**DATE: September 17, 1997**  
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cc: Councillor Duehay



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D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

**TO: ROBERT BERSANI, MANAGING DIRECTOR  
INSPECTIONAL SERVICES**  
*JMD*  
**FROM: D. MARGARET DRURY, CITY CLERK**  
**DATE: September 17, 1997**  
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cc: Councillor Duehay



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D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

September 17, 1997

Dear Neighborhood Association:

Please be advised that Councillor Francis H. Duehay, Chair of the Ordinance Committee, has scheduled four public hearings for Tuesday, October 7, 1997 in the Sullivan Chamber as follows:

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Your kind attention in this matter will be greatly appreciated.

Very truly yours,

*D. Margaret Drury*  
D. Margaret Drury  
City Clerk

cc: Councillor Duehay



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CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

September 17, 1997


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Your kind attention in this matter will be greatly appreciated.

Very truly yours,

  
D. Margaret Drury  
City Clerk

cc: Councillor Duehay

✓  
Joe Joseph  
North Cambridge Stabilization  
P O Box 593  
Cambridge, MA 02140

✓  
Alan Bell  
Clarendon Avenue Neighborhood  
32 Clarendon Avenue  
Cambridge, MA 02140

✓  
Jerry Howard  
North Cambridge News  
P O Box 342  
Cambridge, MA 02240

✓  
Ann Tennis  
Highlands Neighborhood Assoc  
71 Griswold Street  
Cambridge, MA 02138

Patricia Calorio  
Haggerty Community Schools  
20 Holmes Street  
Cambridge, MA 02138

~~Helena Rees  
Cambridge Chamber of Commerce  
859 Massachusetts Avenue  
Cambridge, MA 02139~~

Sally Alcorn  
Harvard Square Business  
18 Brattle Street Rm 256  
Cambridge, MA 02138

Carl Barron  
Central Square Business  
614 Massachusetts Avenue  
Cambridge, MA 02139

Karen Swaim/BANC  
Frameworks  
2067 Massachusetts Avenue  
Cambridge, MA 02140

~~Executive Director, CCA  
649 Massachusetts Avenue  
Cambridge, MA 02139~~

~~Steve Kaiser  
191 Hamilton Street  
Cambridge, MA 02139~~

William Premo  
The TAB  
P O Box 9112  
Needham, MA 02192

~~Dennis Carlone  
16 Martin Street  
Cambridge, MA 02138~~

~~Craig A. Kelley  
North Cambridge Stabilization  
6 Saint Gerard Terrace  
Cambridge, MA 02140~~

Jennifer  
New England Construction News  
P O Box 527  
Rockland, MA 02370

Lansing Fair  
Inman Square Business  
1221 Cambridge Street  
Cambridge, MA 02139

Tanya Iatridis Cvek  
Harvard Planning Rm 9-12  
1350 Massachusetts Avenue  
Cambridge, MA 02138

~~Paula S. Thompson  
58 Garden Street  
Apartment B  
Cambridge, MA 02138~~

~~Frankie Lieberman  
24 Ellsworth Street  
Cambridge, MA 02139~~

~~John Miller  
563 Franklin Street  
Cambridge, MA 02139~~

Pam Todd-Community Relations  
Commonwealth Gas Co  
157 Cordaville Road  
Southboro, MA 01772

~~Don Abrams  
17 Day Street  
Cambridge, MA 02140~~

~~Karen Coker  
24 Magoun Street  
Cambridge, MA 02140~~

Eric Assimakopoulos  
Gnome Group #31  
700 Massachusetts Avenue  
Cambridge, MA 02139

~~Matthew Kinoko  
372 Memorial Drive  
Cambridge, MA 02139~~

✓  
Paul Myers  
Porter Sq Neighbors Assoc  
51 Davenport Street  
Cambridge, MA 02140

~~Syliva Barnes  
196 Harvey Street  
Cambridge, MA 02140~~

Andrew Hapgood ✓  
56 Willow St,  
Cambridge, MA 02140

Xerox labels

~~1196~~ 1196

~~Richard Vendetti~~  
~~East Cambridge Planning Team~~  
28 Winter Street  
Cambridge, MA 02141

Charles T. Hinds, Jr.  
East Cambridge News  
P O Box 410367  
Cambridge, MA 02141-0004

Mike Delia  
East End House  
105 Spring Street  
Cambridge, MA 02141

~~James Bentubo~~  
Wellington/Harrington  
5 Plymouth Street  
Cambridge, MA 02141

Ken May  
Southside Neighbors  
241 Cardinal Medeiros Avenue  
Cambridge, MA 02141

Margaret Meyers  
Margaret Fuller House  
71 Cherry Street  
Cambridge, MA 02139

~~Ralph Boynton~~  
Neighborhood 4 Coalition  
20 Market Street  
Cambridge, MA 02139

~~Benjamin Barnes~~  
Neighborhood 4 Coalition  
151 Clark Street  
Cambridge, MA 02139

Newtown Ct. / Washington St.  
Manny Thenea, President  
Pisani Center Tenant Council  
131 Washington Street  
Cambridge, MA 02139

Laurie Taymor Berry  
Ward 5 Committee  
164 Pleasant Street  
Cambridge, MA 02139

Geneva Malenfant  
Hastings Square Assoc  
75 Henry Street  
Cambridge, MA 02139

Lois Jones  
Putnam Gardens Tenant Council  
9 Putnam Gardens, #79  
Cambridge, MA 02139

Mary Nichols  
Riverside Community Network  
135 Putnam Avenue  
Cambridge, MA 02139

Vicki Boulrice  
Riverside Neigh. Crime Watch  
20 Soden Street  
Cambridge, MA 02139

John Pitkin  
MidCambridge Neighborhood  
P O Box 907 415  
Cambridge, MA 02238

~~John Moos, Chair~~  
MidCambridge Conservation  
Two Fayette Place  
Cambridge, MA 02139

Karen Larson  
Inman Square Improvement Assoc  
Seven Austin Park  
Cambridge, MA 02139

Rosa Haynes  
River Howard Tenant Council  
Two Mildred Hamilton Place  
Cambridge, MA 02139

~~Dawn Swan, Executive Director~~  
Cambridge Community Center  
5 Callendar Street  
Cambridge, MA 02139

Central Square Neighborhood Coalition  
P O Box 391294  
Cambridge, MA 02139

~~R. Phillip Dowds~~  
48 Banks Street  
Cambridge, MA 02139

~~Kathleen Manion~~  
Agassiz Neighborhood Council  
Six Newport Road  
Cambridge, MA 02138

Terry DeLancy, Coordinator  
Agassiz Community Center  
20 Sacramento Street  
Cambridge, MA 02138

~~Michael Brandon~~  
27 Seven Pines Avenue  
Cambridge, MA 02140

Mary Jane Kornacki  
103 Avon Hill  
Cambridge, MA 02140

~~Craig Kelley~~  
6 St. Gerard Terrace  
Cambridge, MA 02140

Stuart Lesser  
Neighborhood 10 Assoc  
115 Lexington Avenue  
Cambridge, MA 02138

Gladys Gifford  
Harvard Square Defense Fund  
15 Hilliard Street  
Cambridge, MA 02138



## OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

(617) 349-4260

FAX (617) 349-4307

TTY/TDD (617) 492-0235

D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

**TO:** LES BARBER  
COMMUNITY DEVELOPMENT

**FROM:** *DMD*  
D. MARGARET DRURY, CITY CLERK

**DATE:** September 17, 1997

**RE:** ORDINANCE COMMITTEE HEARINGS

\*\*\*\*\*

Please be advised that Councillor Duehay, Chair of the Ordinance Committee, has scheduled four public hearings for Tuesday, October 7, 1997 in the Sullivan Chamber as follows:

- 4:30 P.M. A petition of the Planning Board to amend the Zoning Ordinances by deleting Section 5.22.3 in its entirety.
- 5:00 P.M. A petition of the Planning Board to amend the Zoning Ordinances in Section 4.30 - Table of Use Regulations, line i.2. Hotel or motel, by deleting the current notation.
- 5:30 P.M. A petition of the Planning Board to amend the Zoning Ordinances by creating a new Section 11.500 Mid Massachusetts Avenue Overlay District.
- 6:00 P.M. A petition of the Planning Board to amend the Zoning Map by striking the existing designation Business C-1 and substituting in place the designation Business A-2 in the area bounded by Massachusetts Avenue, Washburn Avenue, Gold Star Road and Gold Star Place.

Your kind attention in this matter will be greatly appreciated.

cc: Councillor Duehay

## City of Cambridge

The Ordinance Committee held a public hearing on October 7, 1997, beginning at 6:00 p.m. in the Sullivan Chamber for the purpose of considering a proposed amendment to the Zoning Ordinance to create a new overlay district, the Mid Massachusetts Avenue Overlay District, that would apply to the area between the Central Square Overlay District and the Harvard Square Overlay District.

Present at the hearing were Councillor Francis H. Duehay, Chair of the Committee, Vice Mayor Kathleen L. Born, Councillor Henrietta Davis, Councillor Michael A. Sullivan, Councillor Katherine Triantafillou, and City Clerk D. Margaret Drury. Also present were Lester Barber, Director of Land Use and Zoning, Community Development Department, and Nancy Glowa, First Assistant City Solicitor.

Councillor Duehay convened the hearing and explained the purpose of the hearing and the procedures. He noted that this petition is proposed by the Planning Board, and he invited Mr. Barber to describe the proposal.

Mr. Barber stated that the proposal would establish a new overlay district on Massachusetts Avenue between Central and Harvard Square, which are both the subject of overlay districts. It would be designated for residential, office or retail use. The new overlay district would reduce the height and the floor area ratio (FAR) allowed in Business B, Business B-1, Business B-2, and the Office 3 base zoning districts in the affected area. Special permit provisions would allow an increase in height from 55 feet as permitted as-of-right now to 80 feet. Other special permit provisions are provided, including a waiver of yard requirements. A copy of the proposed amendment is attached. Attachment A.

Mr. Barber stated that, in addition, the proposal would require active uses on the ground floor, with a minimum of glass on the first floor. By special permit, there could be a waiver of the loading and setback requirements, as in the Harvard Square and Central Square overlay districts. Special permits would not be allowed where an existing building would be demolished. He noted that the amendment would make a number of buildings non-conforming as to height and FAR, but the Planning Board feels that it is important to gain control over the area and protect the adjacent neighborhoods.

Councillor Duehay stated that there have been numerous attempts to rezone this area which have failed. Councillor Duehay asked about comments he has heard to the effect that the discretion of special permits should not be allowed.

Mr. Barber stated that the Planning Board believes that some flexibility is needed in this situation because the area includes many different types of buildings. He noted that there would be no discretion to go above 80 feet. The discretion is only between 55 feet and 80 feet.

Vice Mayor Born noted that three zoning districts would be covered by this proposed overlay district and asked what the present allowed heights are. Mr. Barber distributed a chart with that information. Attachment B.

Vice Mayor Born asked if the City Council could remove the special permit provisions by amendment.

Ms. Glowa stated that the question is whether the proposed amendment would fundamentally change the petition. She would have to do more analysis before she could answer that question.

Vice Mayor Born asked about the effect on the granting of variances by the Planning Board. Ms. Glowa stated that the Planning Board has no authority to issue variances under state law.

Mr. Barber added that there is a section of the Zoning Ordinances, Section 10.45, that provides for the Planning Board to approve special permit projects which would otherwise need variances without any further variance from the Board of Zoning Appeal. However, the Law Department has raised issues of legal authority and the Planning Board no longer hears any variance requests.

Vice Mayor Born suggested an amendment to eliminate that provision. Ms. Glowa said that this should be done by a separate petition. She stated that the Law Department questions whether there is authority under M.G.L. Ch. 40A and does believe the section should be eliminated.

Councillor Duehay and Vice Mayor Born requested that the Law Department prepare an amendment to eliminate that provision.

Councillor Davis asked why the special permit provision is included in the Mid-Massachusetts Avenue Overlay proposal. Mr. Barber stated that there is a wide variety of heights in the area. Sometimes it is preferable and beneficial to the residential neighbors to have height instead of a building pressed more closely to the residential neighborhood.

Councillor Davis asked how close the Massachusetts Avenue buildings can be to the lot line on Green Street. Mr. Barber stated that in the Business B-1 district, there is a 40 foot height limit.

Councillor Duehay then invited testimony in support of the proposal.

Mr. James Williamson, 17 Perry Street, stated that he is in favor of a substantial change but that this proposal does not go far enough. Since he moved here in 1971, that section of Massachusetts Avenue has been destroyed. The fact that there are a lot of huge buildings does not mean that they are the appropriate context for judging what else can happen. Fifty five feet is more than enough height for any new building. He noted that MIT sold a building in that neighborhood for \$1.5 million and the building is worth \$3 million.

Mr. Michael Brandon, 27 Seven Pines Avenue, stated that he is generally in favor of overlay districts. However, he noted a problem with the North Massachusetts Overlay District. It is supposed to provide for pedestrian friendly users but it has not prevented Midas Muffler's expansion and two more automobile-centered establishments, even though they were denied special permits by the Planning Board. He questioned whether the language is strong enough. He also stated his support for eliminating the section that provides for the Planning Board to issue variances.

Mr. Jack Joseph, 991 Massachusetts Avenue, proposed giving the Planning Board the right to expand the FAR beyond 2.5.

Councillor Duehay then invited testimony in opposition to the petition.

Mr. Robert LaTremouille, 835 Massachusetts Avenue, stated that the Planning Board is trying to convert this residential neighborhood to be just like Central Square and Harvard Square. The petition is destructive to the residential neighborhood. First floor commercial uses are destructive to the residential neighborhood.

Councillor Duehay asked whether he would favor the petition if the special permit provision was eliminated. Mr. LaTremouille stated that he would not.

Marilyn Wellons, Green Street, spoke in opposition to the proposal, particularly to the special permit provisions. She stated that the provisions for special permits change the burden of proof. Special permits look like a wonderful tool for flexibility, but in actuality, it is easier for a development to get a special permit than a variance; and in the process, the burden of proof is changed so that neighbors find themselves fighting for each of the protections guaranteed under zoning. The developers have the money to hire lawyers, take the city to court, etc. It also divides the neighborhood. She stated that if the City Council really wants to control growth, it should do it; and not put in this waffle clause that makes the neighbors fight it out case-by-case at the Planning Board.

Councillor Duehay asked whether she or her neighbors have a counter proposal. Ms. Wellons stated that she did not know of any.

Councillor Davis asked what the Green Street neighbors would think of the proposal without the special permit provisions.

Ms. Wellons stated that she is not sure what would be left for an overlay district as opposed to just changing height and FAR, but she would need to look more closely.

Councillor Davis stated that she is hearing that there is a presumption that the special permit will be granted. She said that she sees it as something that has to be earned because of other overriding benefits to the neighborhood and the community. There should be no presumption in favor of a special permit.

Ms. Harriet Feinberg, 639 Green Street, stated that special permits are to developers as red flags are to bulls. The existence of the possibility becomes psychological motivation. She would favor more modest provisions which are clear and firm.

Ms. Ellin Sarot, 654 Green Street, stated that she favors a fixed, firm law instead of special permits. She believes it would also help developers to know what the real limits are early on.

Councillor Duehay stated that it is clear that the residents present would prefer ordinary zoning. His sentiments are going towards voting against it and requesting a more restrictive proposal, but this is a matter for debate by the full City Council.

Vice Mayor Born asked when this petition would expire. Mr. Barber stated that it would be 90 days from this hearing. Mr. Barber stated that nothing in an overlay district requires special permits. It may be possible to amend this proposal to accomplish that.

Vice Mayor Born moved that it be referred to the full City Council without recommendation and that it be accompanied with a request for a legal opinion as to the latitude of the City Council to amend the petition, particularly with respect to an amendment to eliminate the special permit provisions. The motion passed without objection on a voice vote.

Councillor Duehay recommended addition opportunity for citizen input, perhaps with meetings in the neighborhoods to get the opinions of a lot of people who live and work in this neighborhood.

Councillor Duehay thanked those present for those attendance. The meeting was adjourned at 7:00 p.m.

For the Committee,

*Francis H. Duehay DMS*  
Councillor Francis H. Duehay  
Chair

**III. Amendment to create a new Mid Massachusetts Avenue Overlay District in the Cambridge Zoning Ordinance**

**A. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Section 11.500 to read as follows**

**11.500 *Mid Massachusetts Avenue Overlay District***

**11.501 *Establishment and Scope.*** There is hereby established the *Mid Massachusetts Avenue Overlay District* which shall be governed by the regulations and procedures specified in this Section 11.500. It is the intent of this section that these regulations will apply to an area between the Central Square Overlay District and the Harvard Square Overlay District along Massachusetts Avenue and designated for residential, office or retail use on the Zoning Map.

**11.502 *General Purpose.*** It is the purpose of this Section 11.500 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to Massachusetts Avenue abutting the Mid Cambridge and Riverside neighborhoods. The regulations in this Section 11.500 provide for more careful public scrutiny of development proposals that may negatively impact the residential neighborhoods that lie immediately adjacent to the narrow corridor of commercial activity along Massachusetts Avenue. These regulations are intended to channel new development activity in ways that will reduce and mitigate its negative impact on residential properties in adjacent residentially zoned areas; contribute to a more cohesive visual environment; enhance the quality of the pedestrian experience along Massachusetts Avenue; provide incentives for the residential uses; preserve historic structures and other buildings that express the history of this area of the City and its diversity of building scales and ages; and to provide sufficient regulatory flexibility so as to advance the general purposes of this Section 11.500.

**11.503 *General Provisions.***

**11.503.1 *Applicability.***

The Mid Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established in Section 3.20. The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning districts, except as modified by the requirements of this Section 11.500, which shall apply in addition to regulations imposed by the base zoning map designations. Where base zoning regulations differ from requirements of this Section 11.500, the stricter provisions shall apply.

**11.503.2 *Area of Special Planning Concern.***

A.

The Mid Massachusetts Avenue Overlay District shall be considered an area of special planning concern

Development proposals listed in Subsection 11.42 of the Zoning Ordinance shall be subject to the review procedures specified in Section 11.40 - Development Consultation Procedure.

**11.503.3 National Register and Contributing Buildings.**

For the purposes of this Section 11.500 the following definitions shall apply:

- a. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.
- b. A contributing building shall be
  - (1) Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or
  - (2) Any building fifty (50) years old or older subject to review by the Cambridge Historical Commission under the provisions of City of Cambridge Ordinance #965.

However, a building shall no longer be considered a contributing building as defined in this Subsection 11.503.2 (b) for the purpose of this Section 11.500 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

**11.504 Detailed Provisions.**

**11.504.1 Building Height Limitations**

The maximum height of buildings in the Massachusetts Avenue at Mid Cambridge Overlay District shall be governed by the requirements of this Section 11.504.1; at locations where the base zoning district establishes a more restrictive height limit, the more restrictive provisions shall apply.

- a. As of Right Height Limitations.

The maximum as of right height of any building shall be fifty-five (55) feet.

- b. Special Permit for Additional Height.

The maximum allowable height in the Massachusetts Avenue at Mid Cambridge Overlay District may be increased up to eighty (80) feet upon

issuance of a Special Permit from the Planning Board provided that those portions in excess of fifty-five (55) 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 fifty-five (55) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.

c. The bulk control plane restrictions of paragraph b above, or similar provisions that may apply in any base district regulations for portions of buildings abutting Massachusetts Avenue, may be waived by the Planning Board upon issuance of a Special Permit.

**11.504.2 Floor Area Ratio Limitations.**

The maximum floor area ratio applicable to any lot in the Massachusetts Avenue at Mid Cambridge Overlay District shall be governed by the requirements of this Section 11.504.2; however, at locations where the base zoning district establishes a more restrictive FAR limit the more restrictive limit shall apply.

The maximum FAR shall be 2.0 for all non residential uses and for hotels and motels; 2.25 for residential uses excluding hotels and motels.

**11.504.3 Waiver of Setback Requirements.**

Upon issuance of a special permit from the Planning Board the yard requirements of a base zoning district may be waived except where such yard abuts that portion of any lot, but not a public way, outside the Central Square, Harvard Square or Mid Massachusetts Avenue Overlay District.

**11.304.4 Use Limitations and Restrictions.**

In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Mid Massachusetts Avenue Overlay District:

a. Ground Floor Restrictions.

The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and which is on a lot which shares a common lot line with Massachusetts Avenue shall consist of gross floor area devoted to any one or combination of uses permitted in the applicable base zoning district and shall in addition meet the following conditions:

- (1) At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the lot at the Massachusetts Avenue streetline except that residential uses may be located no higher than four and a half (4 1/2) feet above the mean grade of the lot abutting the Avenue at the property line.

A

(2) The use shall have a minimum depth of thirty (30) feet.

(3) Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of forty (40) percent clear glass; for residential uses that minimum area shall be twenty (20) percent.

**11.504.5 *Wavier of Parking and Loading Requirements.***

Uses in the Massachusetts Avenue at Mid Cambridge Overlay District which meet the following requirements shall be exempted from the loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

a. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or

b. The use is contained in a new structure or new addition to a structure identified in (a) above, after the issuance of a special permit from the Planning Board provided:

(1) The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met);

(2) The exemption from the loading requirements will result in a building design that is more appropriate to its location, will enhance the pedestrian environment along the public sidewalk, reduce the impact of the development on abutting residential neighborhoods through a reduction in the scale of the building and a reduction in the noise and fumes associated with the operation of a loading facility, or in other ways better serve the objectives of this Section 11.500;

(3) By the nature of the uses or the scale of the building proposed, the lack of accessory loading facilities will not unreasonably burden the abutting residential streets.

**11.505 *Standards for Issuance of Special Permits.***

In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the Planning Board shall consider the following in making its determination:

a. The proposed development does one or more of the following:  
encourages responsible and orderly development that minimizes its impact

on adjacent residential neighborhoods; strengthens and enhances the pedestrian environment and provides retail and service uses that serve the needs of the adjacent neighborhoods; creates a more coherent and visually consistent architectural expression along the Avenue; reduces the functional and visual impact of the automobile on the public street and as viewed from the residential neighborhood behind Massachusetts Avenue; increases the supply of housing along the Avenue and advances the general objective of increasing the supply of affordable housing units; and

b. The Board must find that no National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and that no National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

**B. Amend the FAR and height provisions of the Business B-1 and Business B-2 zoning districts.**

**1. Amend Table 5-3 - Business Districts, columns (1) and (6) in lines Bus. B-1 and Bus. B-2, to read as follows.**

District	(1)	(6)
	(b)	(c)
Bus B-1	2.0	80
		(f)
Bus. B-2	2.0	80

**2. In Section 5.33 - Business Districts, Subsection 2 - Footnotes, delete footnote (b) in its entirety and substitute therefor the following.**

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(b) The maximum floor area ratio for residential uses listed in Subsections 4.31 a, b, d, e, and g shall be 2.25

**C. Amend the Zoning Map of the City of Cambridge by creating the Mid Massachusetts Avenue Overlay District as described below.**

The boundary of the Mid Massachusetts Overlay District shall be coterminous with boundaries of the Business B district, the Business B-1 district, the Business B-2 district and the Office 3 District abutting Massachusetts Avenue between the eastern boundary of the Harvard Square Overlay District and the western boundary of the Central Square Overlay District as shown on the accompanying map.

**Western boundary of the Central Square Overlay District**

1.0 The western boundary of the Central Square Overlay District is a line, said line beginning at the intersection of the centerline of Pleasant Street and Green Street,

1.1 Thence proceeding in a northeasterly direction along the centerline of Pleasant Street to its intersection with the centerline of Massachusetts Avenue

1.2 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southwestern extension of the centerline of Inman Street,

1.3 Thence turning and proceeding in a northeasterly direction along the southwestern extension of the centerline of Inman Street, and the centerline of Inman Street to its intersection with the northwestern extension of the centerline of Bishop Allen Drive.

**Eastern boundary of the Harvard Square Overlay District**

2.0 The eastern boundary of the Harvard Square Overlay District is a line, said line being the southeasterly sideline of lot #2 on Assessor's Plat #121 and its northeasterly extension across Massachusetts Avenue to its intersection with a line 100 feet distant from and parallel to the northeasterly sideline of Massachusetts Avenue.

**Affected properties**

1.01 Premises shown on Assessor's Plat #121

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Affecting all or parts of lots #102, 103, 94, 95, 6, 114, 113

Even numbers 972-1038 Massachusetts Avenue, odd numbers 583-629 Green Street

1.02 Premises shown on Assessor's Plat #120

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Affecting all or parts of lots #101, 81, 72, 100, 40, 76, 77, 43, 44, 45, 46, 73, 74, 48, 49, 64, 68, 54

A

Even numbers 922-964 Massachusetts Avenue, odd numbers 49-65 Hancock Street, odd numbers 543-551 Green Street.

1.03 Premises shown on Assessor's Plat #119

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Affecting all or parts of lots #21, 91, 90, 101, 4, 5, 82, 83, 7, 12, 8, 9, 92, 93, 22, 33, 23, 32, 31, 94

Even numbers 760-910 Massachusetts Avenue, odd numbers 397-485 Green Street, odd numbers 5-7 Pleasant Street, even numbers 2-20 Sellers Street, odd numbers 13-17 Sellers Street, even numbers 52-66 Hancock Street.

1.04 Premises shown on Assessor's Plat #118

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Affecting all or parts of lots #33, 7, 9, 29, 30, 31, 32, 1, 2, 3

Odd numbers 5-5A Bigelow Street, odd numbers 795-847 Massachusetts Avenue, even numbers 2-4 Clinton Street.

1.05 Premises shown on Assessor's Plat #117

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Affecting all or parts of lots #56, 57, 29, 55, 30, 31, 54, 64, 65, 58, 59, 26, 27, 69, 105, 104, 1, 28, 24, 23

Odd numbers 859-907 Massachusetts Avenue, odd numbers 3-5 Clinton Street, even numbers 12-14 Lee Street, odd numbers 5-11 Lee Street, even numbers 74-92 Hancock Street.

1.06 Premises shown on Assessor's Plat #116

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Affecting all or parts of lots #54, 92, 103, 98, 96, 99, 74, 59, 60, 101, 100, 94, 95, 68, 10, 11, 12, 13

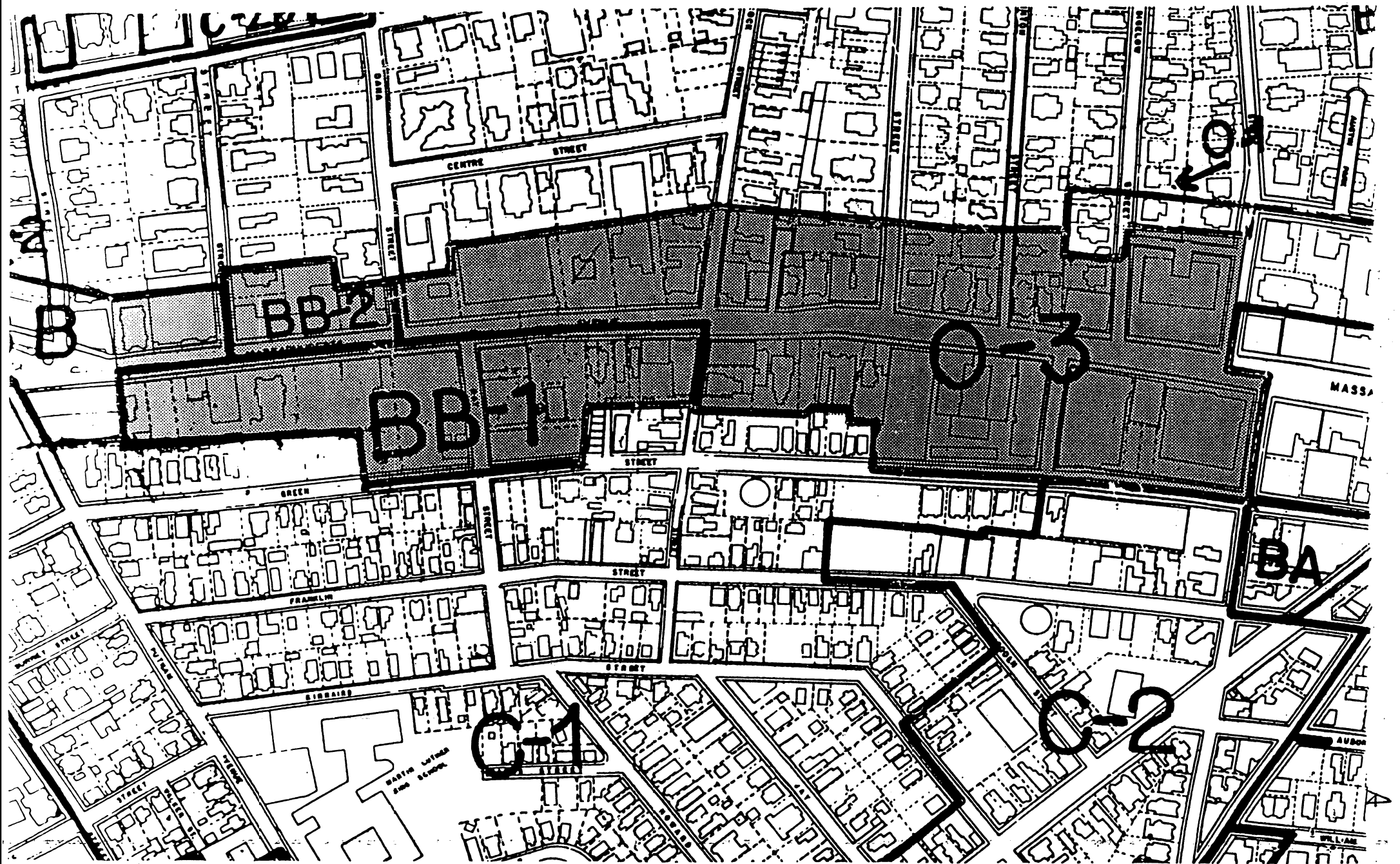
Odd numbers 923-1009 Massachusetts Avenue, odd numbers 75-85 Hancock Street, 2 Dana Street, 6 Ellery Street.

1.07 Premises shown on Assessor's Plat #134

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Affecting all or parts of lots #35, 34, 33, 32, 30, 31, 29

Odd numbers 1023-1039 Massachusetts Avenue, 5 Ellery Street.



### Comparison of Changes Mid-Massachusetts Avenue Overlay District

#### Dimensional Characteristics

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District	Floor Area Ratio (FAR)	Permitted Height
Office 3 existing	3.0	120
Office 3 proposed	2.0/2.25 residential	55'/80' by s.p.
Business B existing	4.0	120'
Business B proposed	2.0/2.25 residential	55'/80' by s.p.
Business B-1 existing	3.0/3.25 residential	90'**
Business B-1 proposed	2.0/2.25 residential	55'/80' by s.p.
Business B-2 existing	3.0	90'**
Business B-2 proposed	2.0/2.25 residential	55'/80' by s.p.

\*\* Subject to cornice height and other transition height requirements that will continue in the Overlay District

#### Other Provisions

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1. Yard (setback) requirements can be waived by special permit within the district. Most relevant to the Office 3 district which has formula setbacks for all buildings.
2. Active ground floor uses are required.
3. Waiver of loading requirements by special permit.
4. Establishment of Preferably Preserved Significant building status as a standard for granting special permits.

FD KB LTD MRS KT

Mid Mass Ave

COMMITTEE MINUTES  
COVER SHEET

The Ordinance Committee

Committee

held a public ~~meeting~~/hearing on October 7, 1997, beginning at 6 ~~am~~

pm in the Sullivan Chamber/~~Ackermann Room~~ for the purpose of ~~am~~ considering a proposed amendment to the Zoning Ordinance to create a new overlay district, the Mid Massachusetts Avenue Overlay District that would apply to ~~an~~ area between the Central Square Overlay District and the Harvard Square Overlay District.

Present at the hearing were Councillor Francis H.

Duehy, Chair of the Committee, Vice Mayor Kathleen L. Born, Councillor

Henrietta Davis, Councillor ~~Francis H. Duehy~~, Councillor ~~Anthony D. Galluccio~~, Councillor

~~Councillor Kenneth E. Reeves~~, Mayor ~~Sheila T. Russell~~, Councillor Michael A. Sullivan,

~~Councillor Timothy J. Toomey, Jr.~~, Councillor Katherine Triantafyllou, and City Clerk D.

Margaret Drury. Also present were Lester Barber, Director of Land Use and Zoning, C-D-D-, and Nancy Glava, First Assistant ~~Legal~~ City Solicitor.

Councillor Duehy convened the hearing and explained the purpose of the hearing and the procedure. He noted that this petition is proposed by the Planning Board, and he invited Mr. Barber to discuss the proposal.

Mr. Bunker stated that the proposal

would establish a new overlay district on

<sup>Revenue</sup>

Manufacturing, between Central and Howard Square, which are both the subject of overlay districts. It would be designated for residential, office or retail use. The new overlay district would reduce the height and the floor area ratio (FAR) allowed in Business B, Business B-1, Business B-2, and the Office 3 base zoning districts in the affected area. Special permit provisions would allow an increase in height from 55 feet as permitted as-of-right to 80 feet. Other special permit provisions are provided, including a waiver of yard requirements.

~~LB summarized the significant points~~

A copy of the proposed amendment is attached. Attachment A.

~~Lower both height and FAR~~

~~Height would be reduced to 55' w/ a~~

~~special permit provision for up to~~

~~80'~~

Mr. Barber stated that,

In addition, ~~the~~ proposal would require

active uses in the ground floor, w/ a minimum of

glass on the first floor. <sup>By special permit there could be</sup> By S.P. ~~used~~

a waiver <sup>of</sup> the loading and setback requirements,

as, in the Urban Sq + Central Sq overlays districts.

Special permits would not be allowed where an

~~Demolition would not~~ existing building would be demolished. He noted that

the ~~reg.~~ <sup>amendment would</sup> would make a number of <sup>building</sup> ~~body~~

concerning as to heights and FAR, but

the Planning Board feels <sup>not</sup> it is important to gain control

<sup>over</sup> ~~over~~ the area and protect the adjacent

neighborhoods.

C. Druey stated that there have

been numerous attempts to rezone two areas  
which have failed. [C. Dineen asks the last

petitions were brought about by you] C. Dineen  
asked ~~if~~ <sup>about</sup> ~~the~~ ~~area~~ ~~was~~ ~~covered~~ ~~by~~ ~~that~~ ~~line~~ ~~of~~ ~~discretion~~ ~~is~~ ~~not~~ ~~to~~ ~~be~~ ~~allowed~~ ~~in~~ ~~the~~ ~~area~~ ~~because~~ ~~of~~ ~~the~~ ~~fact~~ ~~that~~ ~~he~~ ~~has~~ ~~heard~~ ~~to~~ ~~the~~ ~~effect~~ ~~that~~

discretion of <sup>special</sup> ~~of~~ permits should be, not be  
allowed.

L.B. stated that the Planning Board believes that  
some flexibility <sup>is</sup> needed ~~in~~ ~~the~~ ~~area~~ ~~because~~ ~~of~~ ~~the~~ ~~fact~~ ~~that~~ ~~the~~ ~~area~~ ~~includes~~ ~~many~~ ~~different~~ ~~types~~ ~~of~~ ~~blots~~. <sup>He noted that there would be</sup> no discretion to go above  
80 feet. The ~~height~~ discretion is only between 55 ft and  
80 ft.

UM Board asked <sup>three</sup> ~~what~~ ~~three~~ ~~discretion~~ ~~is~~ ~~not~~ ~~to~~ ~~be~~ ~~allowed~~ ~~in~~ ~~the~~ ~~area~~ ~~because~~ ~~of~~ ~~the~~ ~~fact~~ ~~that~~ ~~he~~ ~~has~~ ~~heard~~ ~~to~~ ~~the~~ ~~effect~~ ~~that~~  
Zoning districts <sup>would be</sup> ~~are~~ ~~covered~~ ~~by~~ ~~this~~ ~~proposed~~ ~~overlay~~ ~~district~~ ~~and~~ ~~asked~~ ~~what~~ ~~if~~ ~~he~~

present amended height, <sup>and</sup> L B distributed a  
chart with that information. Attachment B.

UM Bm asked if the C-C could  
remove the <sup>special</sup> sp permits provision by  
amendment.

Ms. Gluck stated that the question  
is whether the proposed amendment would  
~~be~~ fundamentally <sup>change</sup> ~~change~~ the petition.  
She would have to do more analysis before  
she <sup>could</sup> ~~could~~ answer that question.

UM Bm asked <sup>about</sup> the effect  
on the <sup>granting</sup> ~~granting~~ of variances <sup>by the PB.</sup> N G stated  
that the PB has no authority to issue

variances ~~under~~ ~~the~~ ~~state~~ law

<sup>added</sup>  
LB stated that there is a section of  
section 10.45

the zoning ordinances that provides for the  
special permit <sup>to</sup>  
approve projects which would otherwise need variances  
without any further variance from the BZA.  
PB to ~~grant~~ ~~variances~~. However, the Law

Department has raised issues of legal  
authority and the PB no longer hears  
any variance requests.

UM Bm suggested a ~~amendment~~  
to eliminate that provision. Ms. Gleason  
N.T. said that

this should be done by a separate petition. She

<sup>stated</sup>  
<sup>that</sup>  
the Law Dept <sup>questions</sup> whether there is authority

under MTL Ch 40A and does believe the

seeks shed to eliminated.

Re Ducey + VM Bm requested

that the Law Dept prepare an amendment  
to eliminate that provision.

LTD asked why the special permit  
is included in the <sup>in the Middle-Massachusetts Avenue</sup>  
~~provision~~ <sup>overlay proposal.</sup> LB stated that

there <sup>is</sup> ~~are~~ a wide variety of heights in the  
area. Sometimes it is preferable <sup>and beneficial to the residential neighbors</sup> to have heights  
instead of a ~~class~~ building pressed more  
close to the <sup>residential</sup> neighborhood.

LTD asked how close the Mass Ave building

can be to the lot line on Green Street LB

stated that in the Bus B-1 district there is a

40 ft height limit. Mr. the

C. Buckley then noted testimony in support of the proposal.

James Williamson, 17 Perry Street,

stated that he is in favor of a substantial change but that this proposal does not go far enough. Since he moved here in 1971

that section of Massachusetts Avenue has

been destroyed. <sup>The fact that</sup> ~~There~~ there are a lot of

huge buildings ~~it~~ does not mean that they are

the appropriate context for judging what else

can happen. Fifty five feet is more than

enough heights for any new building. He noted that

a building in that neighborhood  
MIT sued for  $\$1.5$  million <sup>and the building is</sup> worth  $\$3$  million,

Michael Braden, 27 Sewall Avenue,

stated that he is <sup>generally</sup> in favor of overlay

districts. However he noted a <sup>problem</sup> with the

that Mas Ave overlay district. <sup>It</sup> is

supposed to provide for pedestrian friendly use but

it has not prevented Midas, <sup>Muffin's</sup> expansion and <sup>two</sup> 2

~~of~~ 3 more automobile-centered establishments,

even <sup>though</sup> they were denied special permits by the  
He questioned whether the language is strong enough. He also  
P-B, stated his support for eliminating

the section that provides for the P-B to issue

various, ~~and~~ who

C. Du

John Joseph, 991 Massachusetts Avenue

~~the~~ proposed giving the P-B the right to

expand the FAR beyond 2.5. The

~~criticism~~

C. Diney was invited testimony

in opposition to the petition.

Robert LaTremouille, 835 Massachusetts

Avenue, stated that the P-B is trying to

convert this residential neighborhood <sup>to be just like</sup> ~~into~~ Central

Square + Harvard Square. ~~First~~ It is

The petition is destructive to the residential

neighborhood. First floor commercial

uses are destructive to the residential

neighborhood.

FD asked whether he would favor the permit  
if the sp. permit provisions was eliminated. RM.

LaTrommelle stated that he would not

Marilyn Wellens, Green Street,

spoke in opposition to the proposal, particularly

to the special permit provisions, ~~of Sec 10-45.~~

She stated  
that

the provisions for special permits change the

burden of proof. ~~in light of her ex~~

Special permits look like a wonderful tool

for flexibility, but in actuality, it is

easier for a development to get a special

permit, <sup>than a variance</sup> and in the process, the burden

of proof is changed so that neighbors

find themselves fighting for each of the

prohibitions guaranteed under zoning. The

developers have <sup>the money</sup> \$ to hire lawyers, take

the city to court, etc. It is also desirable

to the neighborhood. ~~The P-B has~~

~~been a supportive and favorable to her~~

she stated that

if ~~you~~ <sup>the C-C</sup> really wants to control growth <sup>it's time</sup> do it;

and not

~~don't~~ put in this waffle clause that makes

the neighbors fight it out ~~in the~~ case-by-

~~neighborhood~~ case at the Planning Board.

C. Ouelly asked whether she

has or the neighborhood <sup>has</sup> a <sup>have</sup> ~~has~~ a ~~con-~~ <sup>con-</sup> proposal

Ms. Wells stated that she did not know of any.

LTD asked what the Green Street neighbors  
would think of the proposed up to the special permit  
provisions.

Mrs. Wellons stated that she is not sure  
what would be left for a overlay district  
as opposed to  
~~just~~ just changing height and FAK,  
but she would need to look more closely.

LTD stated that she is hearing that there  
is a presumption that the S p will be  
granted. <sup>she said that</sup> She sees it as something that has to be  
earned because of other overriding benefits to the neighborhood  
and the community.  
Harriet Fineberg, 639 Green Street

stated that special permits are to developers  
as red flags are to bulls. The existence of

The possibility becomes psychological motivation.

She would favor more modest provisions

which are clear and firm. She read a

<sup>Sorrow</sup>  
Ellen Sorrow, 654 Green Street, stated

that she favors a fixed, firm law, <sup>instead of special permits</sup> She believes

it would also help developers to know what the real limits are early on.

C. Duenkel stated that it is clear

that the residents present would prefer ordinary

zoning. His sentiments are going towards

voting against it + requesting a more restrictive

proposal, but this is a matter for ~~more~~

debate by the full City Council.

VM Bm asked when this pet<sup>n</sup> wd expire

LB stated that it would be 90 days from this

hearing. LB stated that nothing is an overly

strict requires special perm. b. It is <sup>may be</sup> ~~is~~ ~~not~~

possible to amend this proposal to accept

that.

VM Bm m. that it be referred

to the full City Council w/o ~~amendment~~ <sup>referred</sup>

and that it be accompanied w/ a request<sup>2</sup>

that you a legal opinion as to the

latitude of the C-C to amend <sup>the petition</sup> particularly

w/ respect to an amend to eliminate the

special permit provisions w/o objection on a voice vote. <sup>The motion passed</sup> ~~11/19~~

<sup>recommended</sup>  
FD urged additional opportunity for

citizen input, perhaps by meeting in the  
neighborhood to get ~~from~~ the opinions of a  
~~lot~~ lot of people who live and work in

this neighborhood.

C. Duchay thanked ~~all~~ those present for their  
attendance. The meeting was adjourned at 7 pm.  
July 7 pm

For the Committee

C. Francis H. Duchay, Chair

# City of Cambridge

- 2 -

Tuesday, October 7, 1997

4:30 P.M.

The Ordinance Committee will hold a public hearing on a petition of the Planing Board to amend the Zoning Ordinances by deleting Section 5.22.3 in its entirety.  
**(Sullivan Chamber)**

5:00 P.M.

The Ordinance Committee will conduct a public hearing on a petition of the Planning Board to amend the Zoning Ordinances in Section 4.30 - Table of Use Regulations, line i.2. Hotel or motel, by deleting the current notation.  
**(Sullivan Chamber)**

5:30 P.M.

The Ordinance Committee will conduct a public hearing on a petition of the Planning Board to amend the Zoning Ordinances by creating a new Section 11.500 Mid Massachusetts Avenue Overlay District.  
**(Sullivan Chamber)**

6:00 P.M.

The Ordinance Committee will conduct a public hearing on a petition of the Planning Board to amend the Zoning Map by striking the existing designation Business C-1 and substituting in place the designation Business A-2 in the area bounded by Massachusetts Avenue, Washburn Avenue, Gold Star Road and Gold Star Place.  
**(Sullivan Chamber)**



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

July 30, 1997

To the Honorable, the City Council:

**Subject: Three amendments to the Zoning Ordinance proposed by the Planning Board**

The Planning Board is hereby submitting to the City Council for its consideration, a set of three recommended amendments to the Zoning Ordinance. They are:

- I. A change in the way hotels and motels are regulated in residence "C" districts.** Hotels and motels would continue to be prohibited in Residence C and C-1 districts; they would continue to be allowed as of right in Residence C-3A districts (Kendall Square and the East Cambridge riverfront) and in Residence C-2, 2A, 2B and 3 districts located within the Central Square, Harvard Square and Massachusetts Avenue Overlay Districts. In all other locations, a special permit would be required and demonstration made that the proposed hotel location is not within a low density residential neighborhood; a set of review criteria is established. Problems with the current regulations were identified by the City Council during discussions around the rezoning along Harvard Street recently adopted.
- II. Deletion of the provision of the Ordinance that permits additional gross floor area as of right on lots abutting wide public streets or open space.** The Planning Board has long felt that this provision allows excessive development on lots that can make use of the provision.
- III. Creation of a Mid Massachusetts Avenue Overlay District created for that portion of the Avenue between the Central Square Overlay District and the Harvard Square Overlay District.** While having a number of the provisions similar to those in effect in Harvard and Central Squares are incorporated into this new overlay district, the new district's most significant provisions reduce height and FAR allowed in the Business B, Business B-1, Business B-2 and the Office 3 base zoning districts affected. Parallel FAR and height changes are made to the base Business B-1 and 2 districts as they occur only in this location.

Respectfully submitted for the Planning Board

A handwritten signature in cursive script, appearing to read "Paul Dietrich", is written over a horizontal line.

Paul Dietrich, Chairman

## **I. Amendment Affecting Hotels and Motels in Residential Districts**

**A. In Section 4.30 - Table of Use Regulations, line i 2 , Hotel and motel, delete the current notation "Yes 7" in column four and substitute therefor the following**

	Res
	C, C-1,
	2, 2A,
	2B, 3
	3A
i. Transient accommodations	
	7
2. Hotel or motel	SP

**B. Amend the text of the Zoning Ordinance by deleting the existing Footnote 7, Section 4.40 - Footnotes to the Table of Use Regulations, in its entirety and substituting therefor the following:**

7. Subject to the following provisions:

- (a) Hotels and motels shall be prohibited in Residence C or Residence C-1 districts;
- (b) Hotels and motels shall be permitted as of right in Residence C-3A districts and in Residence C-2, 2A, 2B, and 3 districts where at least fifty (50) percent of the area of the lot upon which the hotel or motel is located, and the point of entry from a street for all vehicular access to the hotel or motel, is located within the Harvard Square Overlay District, the Central Square Overlay District or the Massachusetts Avenue Overlay District.
- (c) Hotels or motels shall be permitted by special permit from the Board of Zoning Appeal (BZA) in Residence 2, 2A, 2B, and 3 districts, where paragraph (b) above does not apply. In granting such special permit the BZA shall find that the proposed location and its surrounding neighborhood is predominantly institutional or commercial in use, and specifically not a low density residential area. The Board shall further find that the physical development of the site for hotel use will be similar to, and compatible with, the existing (or potential) site development pattern on surrounding sites for other uses permitted in the applicable zoning district or districts; and that the operation of the hotel or motel, with regard to delivery of goods, the kind and volume of vehicular trips to and from the site, and the numbers of people visiting the site on foot, among other factors, is compatible with the use of adjacent properties for uses permitted in the applicable zoning district or districts. In making these findings the Board shall consider the following, among other considerations:
  1. The scale of buildings in the immediate neighborhood;

2. The extent of non residential development in the neighborhood, including the size of buildings, the specific uses, the kind and number of vehicular trips generated by those uses;
3. The density of residential uses on adjacent lots and within the immediate neighborhood;
4. The details of the operation of the proposed hotel or motel use including the kinds and number of vehicle trips to the site, including service trips;
5. The extent of access to arterial streets that customarily accommodate or provide direct service to non residential uses;
6. The nature of site development on adjacent sites including setbacks from property lines, location and quantity of vehicular parking, the presence of accessory activities such as loading facilities, waste storage facilities, mechanical service equipment, landscaped green spaces, etc.

**II. Amendment to eliminate a provision of the Zoning Ordinance that grants additional floor area to lots adjacent to wide public streets and open spaces.**

**A. Amend the text of the Zoning Ordinance by deleting Section 5.22.3 in its entirety.**

### **III. Amendment to create a new Mid Massachusetts Avenue Overlay District in the Cambridge Zoning Ordinance**

#### **A. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Section 11.500 to read as follows**

##### **11.500 *Mid Massachusetts Avenue Overlay District***

**11.501 *Establishment and Scope.*** There is hereby established the *Mid Massachusetts Avenue Overlay District* which shall be governed by the regulations and procedures specified in this Section 11.500. It is the intent of this section that these regulations will apply to an area between the Central Square Overlay District and the Harvard Square Overlay District along Massachusetts Avenue and designated for residential, office or retail use on the Zoning Map.

**11.502 *General Purpose.*** It is the purpose of this Section 11.500 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to Massachusetts Avenue abutting the Mid Cambridge and Riverside neighborhoods. The regulations in this Section 11.500 provide for more careful public scrutiny of development proposals that may negatively impact the residential neighborhoods that lie immediately adjacent to the narrow corridor of commercial activity along Massachusetts Avenue. These regulations are intended to channel new development activity in ways that will reduce and mitigate its negative impact on residential properties in adjacent residentially zoned areas; contribute to a more cohesive visual environment; enhance the quality of the pedestrian experience along Massachusetts Avenue; provide incentives for the residential uses; preserve historic structures and other buildings that express the history of this area of the City and its diversity of building scales and ages; and to provide sufficient regulatory flexibility so as to advance the general purposes of this Section 11.500.

##### **11.503 *General Provisions.***

###### **11.503.1 *Applicability.***

The Mid Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established in Section 3.20. The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning districts, except as modified by the requirements of this Section 11.500, which shall apply in addition to regulations imposed by the base zoning map designations. Where base zoning regulations differ from requirements of this Section 11.500, the stricter provisions shall apply.

###### **11.503.2 *Area of Special Planning Concern.***

The Mid Massachusetts Avenue Overlay District shall be considered an area of special planning concern

Development proposals listed in Subsection 11.42 of the Zoning Ordinance shall be subject to the review procedures specified in Section 11.40 - Development Consultation Procedure.

**11.503.3 *National Register and Contributing Buildings.***

For the purposes of this Section 11.500 the following definitions shall apply:

- a. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.
- b. A contributing building shall be
  - (1) Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or
  - (2) Any building fifty (50) years old or older subject to review by the Cambridge Historical Commission under the provisions of City of Cambridge Ordinance #965.

However, a building shall no longer be considered a contributing building as defined in this Subsection 11.503.2 (b) for the purpose of this Section 11.500 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

**11.504 *Detailed Provisions.***

**11.504.1 *Building Height Limitations***

The maximum height of buildings in the Massachusetts Avenue at Mid Cambridge Overlay District shall be governed by the requirements of this Section 11.504.1; at locations where the base zoning district establishes a more restrictive height limit, the more restrictive provisions shall apply.

- a. As of Right Height Limitations.

The maximum as of right height of any building shall be fifty-five (55) feet.

- b. Special Permit for Additional Height.

The maximum allowable height in the Massachusetts Avenue at Mid Cambridge Overlay District may be increased up to eighty (80) feet upon

issuance of a Special Permit from the Planning Board provided that those portions in excess of fifty-five (55) 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 fifty-five (55) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.

c. The bulk control plane restrictions of paragraph b above, or similar provisions that may apply in any base district regulations for portions of buildings abutting Massachusetts Avenue, may be waived by the Planning Board upon issuance of a Special Permit.

#### **11.504.2 *Floor Area Ratio Limitations.***

The maximum floor area ratio applicable to any lot in the Massachusetts Avenue at Mid Cambridge Overlay District shall be governed by the requirements of this Section 11.504.2; however, at locations where the base zoning district establishes a more restrictive FAR limit the more restrictive limit shall apply.

The maximum FAR shall be 2.0 for all non residential uses and for hotels and motels; 2.25 for residential uses excluding hotels and motels.

#### **11.504.3 *Waiver of Setback Requirements.***

Upon issuance of a special permit from the Planning Board the yard requirements of a base zoning district may be waived except where such yard abuts that portion of any lot, but not a public way, outside the Central Square, Harvard Square or Mid Massachusetts Avenue Overlay District.

#### **11.304.4 *Use Limitations and Restrictions.***

In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Mid Massachusetts Avenue Overlay District:

##### **a. Ground Floor Restrictions.**

The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and which is on a lot which shares a common lot line with Massachusetts Avenue shall consist of gross floor area devoted to any one or combination of uses permitted in the applicable base zoning district and shall in addition meet the following conditions:

- (1) At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the lot at the Massachusetts Avenue streetline except that residential uses may be located no higher than four and a half (4 1/2) feet above the mean grade of the lot abutting the Avenue at the property line.

- (2) The use shall have a minimum depth of thirty (30) feet.
- (3) Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of forty (40) percent clear glass; for residential uses that minimum area shall be twenty (20) percent.

**11.504.5 *Wavier of Parking and Loading Requirements.***

Uses in the Massachusetts Avenue at Mid Cambridge Overlay District which meet the following requirements shall be exempted from the loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

- a. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or
- b. The use is contained in a new structure or new addition to a structure identified in (a) above, after the issuance of a special permit from the Planning Board provided:

- (1) The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met);

- (2) The exemption from the loading requirements will result in a building design that is more appropriate to its location, will enhance the pedestrian environment along the public sidewalk, reduce the impact of the development on abutting residential neighborhoods through a reduction in the scale of the building and a reduction in the noise and fumes associated with the operation of a loading facility, or in other ways better serve the objectives of this Section 11.500;

- (3) By the nature of the uses or the scale of the building proposed, the lack of accessory loading facilities will not unreasonably burden the abutting residential streets.

**11.505 *Standards for Issuance of Special Permits.***

In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the Planning Board shall consider the following in making its determination:

- a. The proposed development does one or more of the following:  
encourages responsible and orderly development that minimizes its impact

on adjacent residential neighborhoods; strengthens and enhances the pedestrian environment and provides retail and service uses that serve the needs of the adjacent neighborhoods; creates a more coherent and visually consistent architectural expression along the Avenue; reduces the functional and visual impact of the automobile on the public street and as viewed from the residential neighborhood behind Massachusetts Avenue; increases the supply of housing along the Avenue and advances the general objective of increasing the supply of affordable housing units; and

b. The Board must find that no National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and that no National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

**B. Amend the FAR and height provisions of the Business B-1 and Business B-2 zoning districts.**

**1. Amend Table 5-3 - Business Districts, columns (1) and (6) in lines Bus. B-1 and Bus. B-2, to read as follows.**

District	(1)	(6)
	(b)	(c)
Bus B-1	2.0	80
		(f)
Bus. B-2	2.0	80

**2. In Section 5.33 - Business Districts, Subsection 2 - Footnotes, delete footnote (b) in its entirety and substitute therefor the following.**

(b) The maximum floor area ratio for residential uses listed in Subsections 4.31 a, b, d, e, and g shall be 2.25

**C. Amend the Zoning Map of the City of Cambridge by creating the Mid Massachusetts Avenue Overlay District as described below.**

The boundary of the Mid Massachusetts Overlay District shall be coterminous with boundaries of the Business B district, the Business B-1 district, the Business B-2 district and the Office 3 District abutting Massachusetts Avenue between the eastern boundary of the Harvard Square Overlay District and the western boundary of the Central Square Overlay District as shown on the accompanying map.

**Western boundary of the Central Square Overlay District**

- 1.0 The western boundary of the Central Square Overlay District is a line, said line beginning at the intersection of the centerline of Pleasant Street and Green Street,
- 1.1 Thence proceeding in a northeasterly direction along the centerline of Pleasant Street to its intersection with the centerline of Massachusetts Avenue
- 1.2 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southwestern extension of the centerline of Inman Street,
- 1.3 Thence turning and proceeding in a northeasterly direction along the southwestern extension of the centerline of Inman Street, and the centerline of Inman Street to its intersection with the northwestern extension of the centerline of Bishop Allen Drive.

**Eastern boundary of the Harvard Square Overlay District**

2.0 The eastern boundary of the Harvard Square Overlay District is a line, said line being the southeasterly sideline of lot #2 on Assessor's Plat #121 and its northeasterly extension across Massachusetts Avenue to its intersection with a line 100 feet distant from and parallel to the northeasterly sideline of Massachusetts Avenue.

**Affected properties**

1.01 Premises shown on Assessor's Plat #121

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Affecting all or parts of lots #102, 103, 94, 95, 6, 114, 113

Even numbers 972-1038 Massachusetts Avenue, odd numbers 583-629 Green Street

1.02 Premises shown on Assessor's Plat #120

---

Affecting all or parts of lots #101, 81, 72, 100, 40, 76, 77, 43, 44, 45, 46, 73, 74, 48, 49, 64, 68, 54

Even numbers 922-964 Massachusetts Avenue, odd numbers 49-65 Hancock Street, odd numbers 543-551 Green Street.

1.03 Premises shown on Assessor's Plat #119

Affecting all or parts of lots #21, 91, 90, 101, 4, 5, 82, 83, 7, 12, 8, 9, 92, 93, 22, 33, 23, 32, 31, 94

Even numbers 760-910 Massachusetts Avenue, odd numbers 397-485 Green Street, odd numbers 5-7 Pleasant Street, even numbers 2-20 Sellers Street, odd numbers 13-17 Sellers Street, even numbers 52-66 Hancock Street.

1.04 Premises shown on Assessor's Plat #118

Affecting all or parts of lots #33, 7, 9, 29, 30, 31, 32, 1, 2, 3

Odd numbers 5-5A Bigelow Street, odd numbers 795-847 Massachusetts Avenue, even numbers 2-4 Clinton Street.

1.05 Premises shown on Assessor's Plat #117

Affecting all or parts of lots #56, 57, 29, 55, 30, 31, 54, 64, 65, 58, 59, 26, 27, 69, 105, 104, 1, 28, 24, 23

Odd numbers 859-907 Massachusetts Avenue, odd numbers 3-5 Clinton Street, even numbers 12-14 Lee Street, odd numbers 5-11 Lee Street, even numbers 74-92 Hancock Street.

1.06 Premises shown on Assessor's Plat #116

Affecting all or parts of lots #54, 92, 103, 98, 96, 99, 74, 59, 60, 101, 100, 94, 95, 68, 10, 11, 12, 13

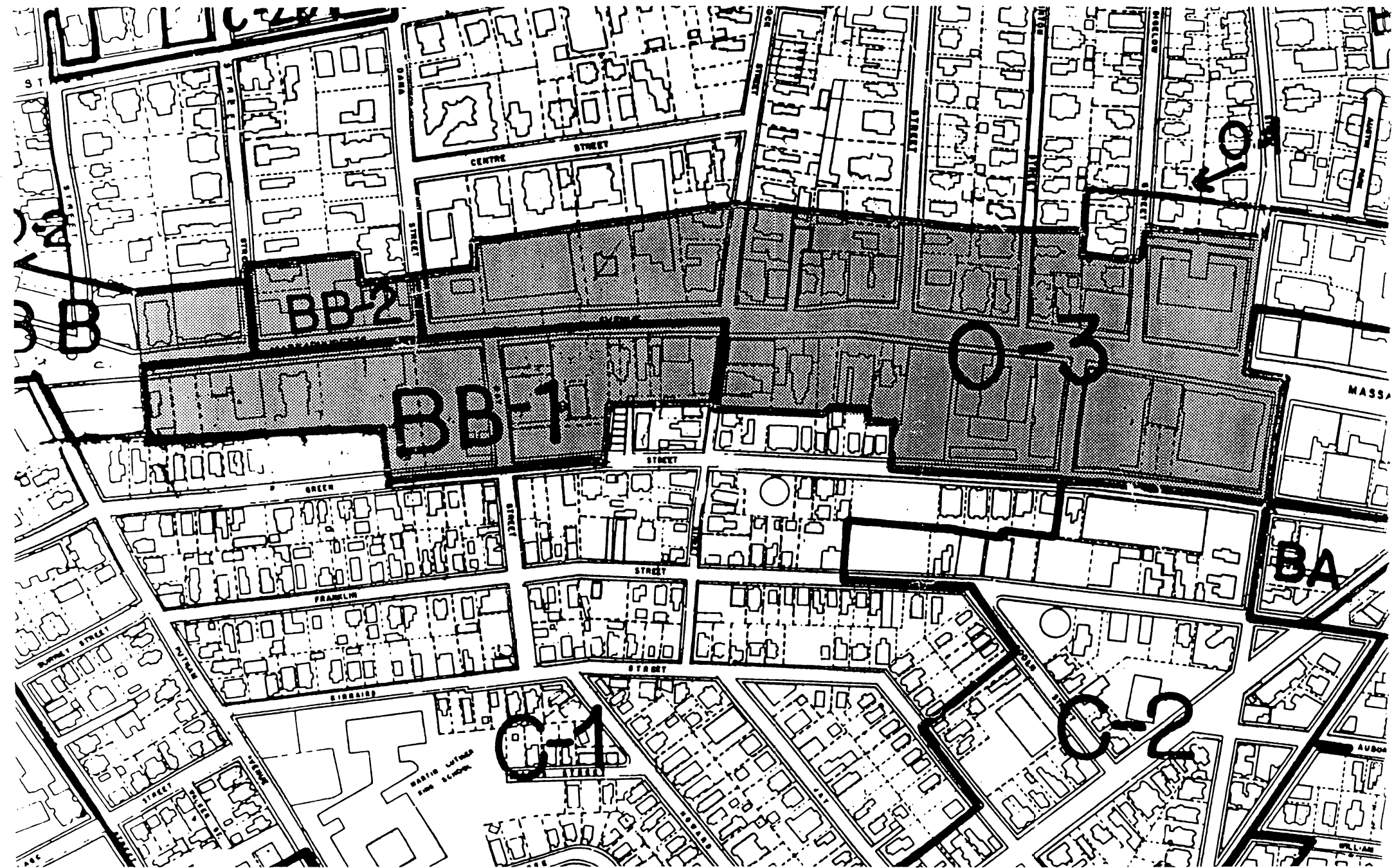
Odd numbers 923-1009 Massachusetts Avenue, odd numbers 75-85 Hancock Street, 2 Dana Street, 6 Ellery Street.

1.07 Premises shown on Assessor's Plat #134

Affecting all or parts of lots #35, 34, 33, 32, 30, 31, 29

Odd numbers 1023-1039 Massachusetts Avenue, 5 Ellery Street.

Proposed Mid Massachusetts Avenue Overlay District - Cambridge Planning Board 7/30/97



### **III. Amendment to create a new Mid Massachusetts Avenue Overlay District in the Cambridge Zoning Ordinance**

#### **A. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Section 11.500 to read as follows**

##### **11.500 *Mid Massachusetts Avenue Overlay District***

**11.501 *Establishment and Scope.*** There is hereby established the *Mid Massachusetts Avenue Overlay District* which shall be governed by the regulations and procedures specified in this Section 11.500. It is the intent of this section that these regulations will apply to an area between the Central Square Overlay District and the Harvard Square Overlay District along Massachusetts Avenue and designated for residential, office or retail use on the Zoning Map.

**11.502 *General Purpose.*** It is the purpose of this Section 11.500 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to Massachusetts Avenue abutting the Mid Cambridge and Riverside neighborhoods. The regulations in this Section 11.500 provide for more careful public scrutiny of development proposals that may negatively impact the residential neighborhoods that lie immediately adjacent to the narrow corridor of commercial activity along Massachusetts Avenue. These regulations are intended to channel new development activity in ways that will reduce and mitigate its negative impact on residential properties in adjacent residentially zoned areas; contribute to a more cohesive visual environment; enhance the quality of the pedestrian experience along Massachusetts Avenue; provide incentives for the residential uses; preserve historic structures and other buildings that express the history of this area of the City and its diversity of building scales and ages; and to provide sufficient regulatory flexibility so as to advance the general purposes of this Section 11.500.

##### **11.503 *General Provisions.***

###### **11.503.1 *Applicability.***

The Mid Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established in Section 3.20. The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning districts, except as modified by the requirements of this Section 11.500, which shall apply in addition to regulations imposed by the base zoning map designations. Where base zoning regulations differ from requirements of this Section 11.500, the stricter provisions shall apply.

###### **11.503.2 *Area of Special Planning Concern.***

The Mid Massachusetts Avenue Overlay District shall be considered an area of special planning concern

Development proposals listed in Subsection 11.42 of the Zoning Ordinance shall be subject to the review procedures specified in Section 11.40 - Development Consultation Procedure.

**11.503.3 *National Register and Contributing Buildings.***

For the purposes of this Section 11.500 the following definitions shall apply:

- a. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.
- b. A contributing building shall be
  - (1) Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or
  - (2) Any building fifty (50) years old or older subject to review by the Cambridge Historical Commission under the provisions of City of Cambridge Ordinance #965.

However, a building shall no longer be considered a contributing building as defined in this Subsection 11.503.2 (b) for the purpose of this Section 11.500 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

**11.504 *Detailed Provisions.***

**11.504.1 *Building Height Limitations***

The maximum height of buildings in the Massachusetts Avenue at Mid Cambridge Overlay District shall be governed by the requirements of this Section 11.504.1; at locations where the base zoning district establishes a more restrictive height limit, the more restrictive provisions shall apply.

- a. As of Right Height Limitations.

The maximum as of right height of any building shall be fifty-five (55) feet.

- b. Special Permit for Additional Height.

The maximum allowable height in the Massachusetts Avenue at Mid Cambridge Overlay District may be increased up to eighty (80) feet upon

issuance of a Special Permit from the Planning Board provided that those portions in excess of fifty-five (55) 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 fifty-five (55) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.

c. The bulk control plane restrictions of paragraph b above, or similar provisions that may apply in any base district regulations for portions of buildings abutting Massachusetts Avenue, may be waived by the Planning Board upon issuance of a Special Permit.

#### **11.504.2 *Floor Area Ratio Limitations.***

The maximum floor area ratio applicable to any lot in the Massachusetts Avenue at Mid Cambridge Overlay District shall be governed by the requirements of this Section 11.504.2; however, at locations where the base zoning district establishes a more restrictive FAR limit the more restrictive limit shall apply.

The maximum FAR shall be 2.0 for all non residential uses and for hotels and motels; 2.25 for residential uses excluding hotels and motels.

#### **11.504.3 *Waiver of Setback Requirements.***

Upon issuance of a special permit from the Planning Board the yard requirements of a base zoning district may be waived except where such yard abuts that portion of any lot, but not a public way, outside the Central Square, Harvard Square or Mid Massachusetts Avenue Overlay District.

#### **11.304.4 *Use Limitations and Restrictions.***

In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Mid Massachusetts Avenue Overlay District:

##### **a. Ground Floor Restrictions.**

The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and which is on a lot which shares a common lot line with Massachusetts Avenue shall consist of gross floor area devoted to any one or combination of uses permitted in the applicable base zoning district and shall in addition meet the following conditions:

- (1) At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the lot at the Massachusetts Avenue streetline except that residential uses may be located no higher than four and a half (4 1/2) feet above the mean grade of the lot abutting the Avenue at the property line.

- (2) The use shall have a minimum depth of thirty (30) feet.
- (3) Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of forty (40) percent clear glass; for residential uses that minimum area shall be twenty (20) percent.

**11.504.5 *Wavier of Parking and Loading Requirements.***

Uses in the Massachusetts Avenue at Mid Cambridge Overlay District which meet the following requirements shall be exempted from the loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

- a. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or
- b. The use is contained in a new structure or new addition to a structure identified in (a) above, after the issuance of a special permit from the Planning Board provided:

- (1) The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met);

- (2) The exemption from the loading requirements will result in a building design that is more appropriate to its location, will enhance the pedestrian environment along the public sidewalk, reduce the impact of the development on abutting residential neighborhoods through a reduction in the scale of the building and a reduction in the noise and fumes associated with the operation of a loading facility, or in other ways better serve the objectives of this Section 11.500;

- (3) By the nature of the uses or the scale of the building proposed, the lack of accessory loading facilities will not unreasonably burden the abutting residential streets.

**11.505 *Standards for Issuance of Special Permits.***

In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the Planning Board shall consider the following in making its determination:

- a. The proposed development does one or more of the following:  
encourages responsible and orderly development that minimizes its impact

on adjacent residential neighborhoods; strengthens and enhances the pedestrian environment and provides retail and service uses that serve the needs of the adjacent neighborhoods; creates a more coherent and visually consistent architectural expression along the Avenue; reduces the functional and visual impact of the automobile on the public street and as viewed from the residential neighborhood behind Massachusetts Avenue; increases the supply of housing along the Avenue and advances the general objective of increasing the supply of affordable housing units; and

b. The Board must find that no National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and that no National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

**B. Amend the FAR and height provisions of the Business B-1 and Business B-2 zoning districts.**

**1. Amend Table 5-3 - Business Districts, columns (1) and (6) in lines Bus. B-1 and Bus. B-2, to read as follows.**

District	(1)	(6)
	(b)	(c)
Bus B-1	2.0	80
		(f)
Bus. B-2	2.0	80

**2. In Section 5.33 - Business Districts, Subsection 2 - Footnotes, delete footnote (b) in its entirety and substitute therefor the following.**

(b) The maximum floor area ratio for residential uses listed in Subsections 4.31 a, b, d, e, and g shall be 2.25

**C. Amend the Zoning Map of the City of Cambridge by creating the Mid Massachusetts Avenue Overlay District as described below.**

The boundary of the Mid Massachusetts Overlay District shall be coterminous with boundaries of the Business B district, the Business B-1 district, the Business B-2 district and the Office 3 District abutting Massachusetts Avenue between the eastern boundary of the Harvard Square Overlay District and the western boundary of the Central Square Overlay District as shown on the accompanying map.

**Western boundary of the Central Square Overlay District**

- 1.0 The western boundary of the Central Square Overlay District is a line, said line beginning at the intersection of the centerline of Pleasant Street and Green Street,
- 1.1 Thence proceeding in a northeasterly direction along the centerline of Pleasant Street to its intersection with the centerline of Massachusetts Avenue
- 1.2 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southwestern extension of the centerline of Inman Street,
- 1.3 Thence turning and proceeding in a northeasterly direction along the southwestern extension of the centerline of Inman Street, and the centerline of Inman Street to its intersection with the northwestern extension of the centerline of Bishop Allen Drive.

**Eastern boundary of the Harvard Square Overlay District**

2.0 The eastern boundary of the Harvard Square Overlay District is a line, said line being the southeasterly sideline of lot #2 on Assessor's Plat #121 and its northeasterly extension across Massachusetts Avenue to its intersection with a line 100 feet distant from and parallel to the northeasterly sideline of Massachusetts Avenue.

**Affected properties**

1.01 Premises shown on Assessor's Plat #121

---

Affecting all or parts of lots #102, 103, 94, 95, 6, 114, 113

Even numbers 972-1038 Massachusetts Avenue, odd numbers 583-629 Green Street

1.02 Premises shown on Assessor's Plat #120

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Affecting all or parts of lots #101, 81, 72, 100, 40, 76, 77, 43, 44, 45, 46, 73, 74, 48, 49, 64, 68, 54

Even numbers 922-964 Massachusetts Avenue, odd numbers 49-65 Hancock Street, odd numbers 543-551 Green Street.

1.03 Premises shown on Assessor's Plat #119

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Affecting all or parts of lots #21, 91, 90, 101, 4, 5, 82, 83, 7, 12, 8, 9, 92, 93, 22, 33, 23, 32, 31, 94

Even numbers 760-910 Massachusetts Avenue, odd numbers 397-485 Green Street, odd numbers 5-7 Pleasant Street, even numbers 2-20 Sellers Street, odd numbers 13-17 Sellers Street, even numbers 52-66 Hancock Street.

1.04 Premises shown on Assessor's Plat #118

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Affecting all or parts of lots #33, 7, 9, 29, 30, 31, 32, 1, 2, 3

Odd numbers 5-5A Bigelow Street, odd numbers 795-847 Massachusetts Avenue, even numbers 2-4 Clinton Street.

1.05 Premises shown on Assessor's Plat #117

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Affecting all or parts of lots #56, 57, 29, 55, 30, 31, 54, 64, 65, 58, 59, 26, 27, 69, 105, 104, 1, 28, 24, 23

Odd numbers 859-907 Massachusetts Avenue, odd numbers 3-5 Clinton Street, even numbers 12-14 Lee Street, odd numbers 5-11 Lee Street, even numbers 74-92 Hancock Street.

1.06 Premises shown on Assessor's Plat #116

---

Affecting all or parts of lots #54, 92, 103, 98, 96, 99, 74, 59, 60, 101, 100, 94, 95, 68, 10, 11, 12, 13

Odd numbers 923-1009 Massachusetts Avenue, odd numbers 75-85 Hancock Street, 2 Dana Street, 6 Ellery Street.

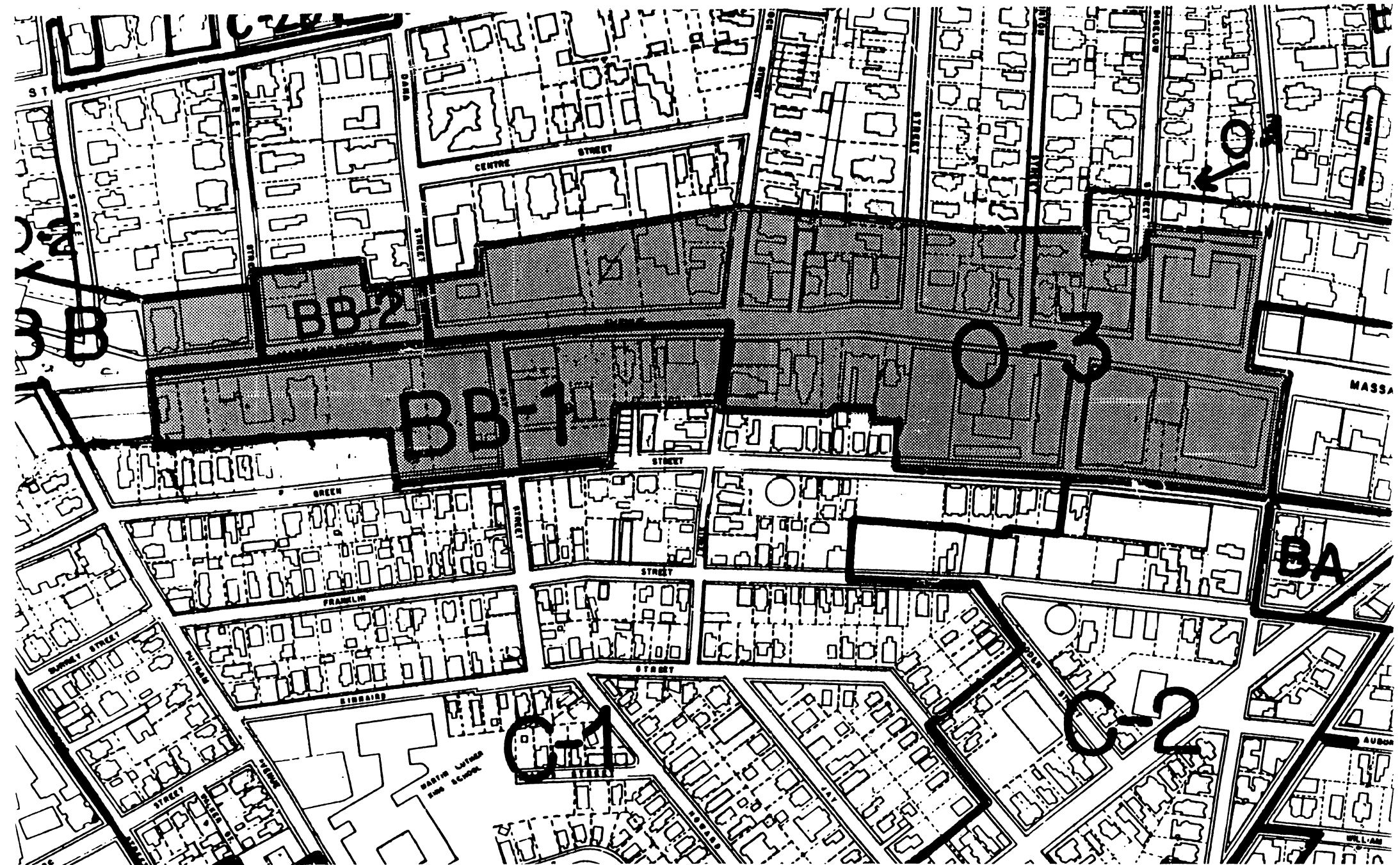
1.07 Premises shown on Assessor's Plat #134

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Affecting all or parts of lots #35, 34, 33, 32, 30, 31, 29

Odd numbers 1023-1039 Massachusetts Avenue, 5 Ellery Street.

Proposed Mid Massachusetts Avenue Overlay District - Cambridge Planning Board 7/30/97





## OFFICE OF THE CITY CLERK

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tty/TDD (617) 492-0235

D. MARGARET DRURY  
CITY CLERK

DONNA P. LOPEZ  
DEPUTY CITY CLERK

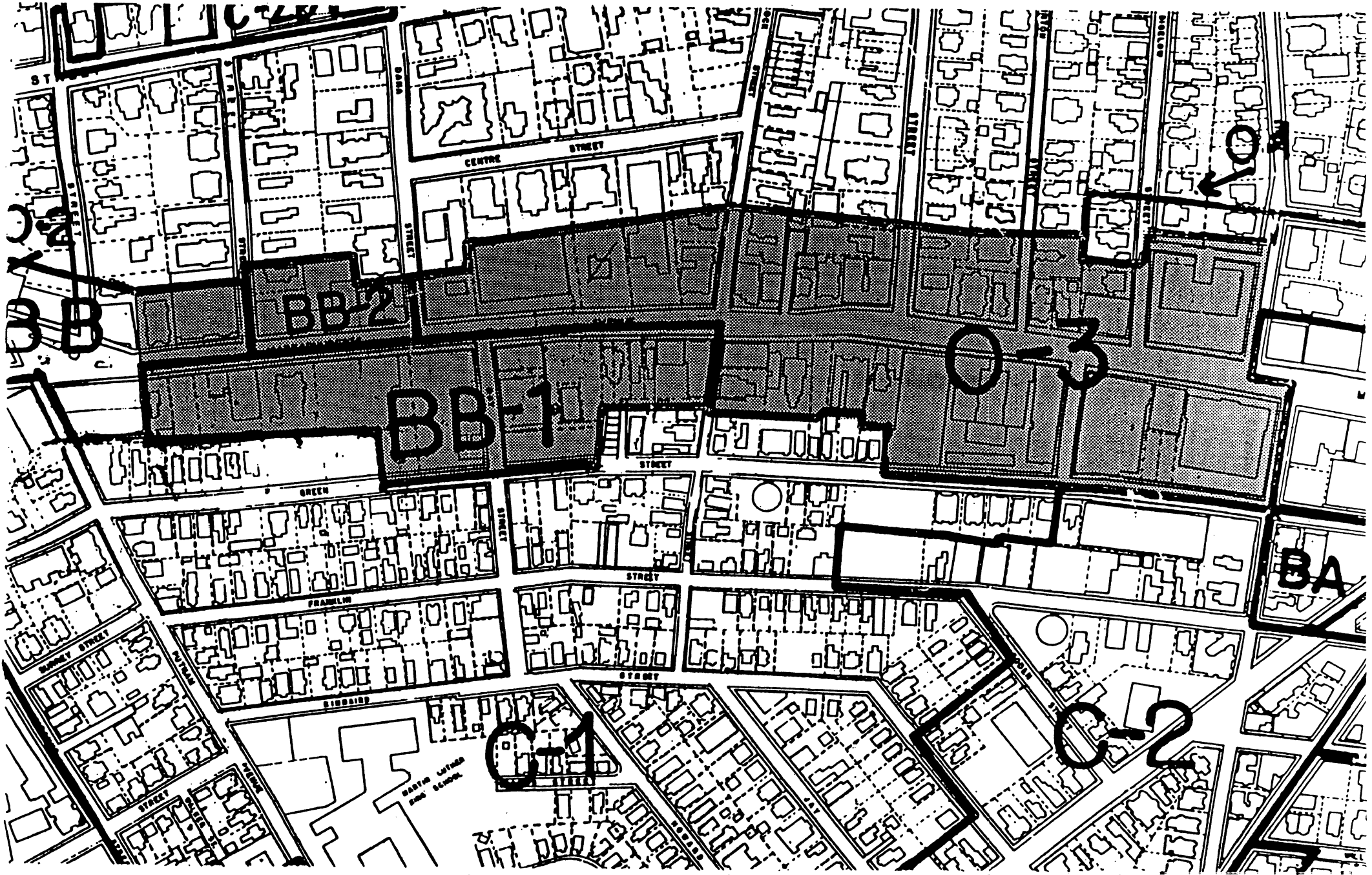
The Ordinance Committee will hold a public hearing on Tuesday, October 7, 1997, at 5:30 P.M. in the Sullivan Chamber, City Hall, 795 Massachusetts Avenue, Cambridge, Massachusetts as follows:

### NEW SECTION 11.500 MID MASSACHUSETTS AVENUE OVERLAY DISTRICT

The amendment to the text of the Zoning Ordinance and the Zoning Map to create a new Overlay District, Section 11.500 - Mid Massachusetts Avenue Overlay District that would apply to an area between the Central Square Overlay District and the Harvard Square Overlay District and designated for residential, office or retail use. This new overlay district would reduce the height and the Floor Area Ratio allowed in the Business B, Business B-1, Business B-2, and the Office 3 base zoning districts in the affected area. Special permit provisions would allow an increase in height from 55 feet as permitted as-of-right to 80 feet. Other special permit provisions are provided including a waiver of yard requirements.

This new Mid Massachusetts Avenue Overlay District is shown on the map.

Proposed Mid Massachusetts Avenue Overlay District - Cambridge Planning Board 7/30/97





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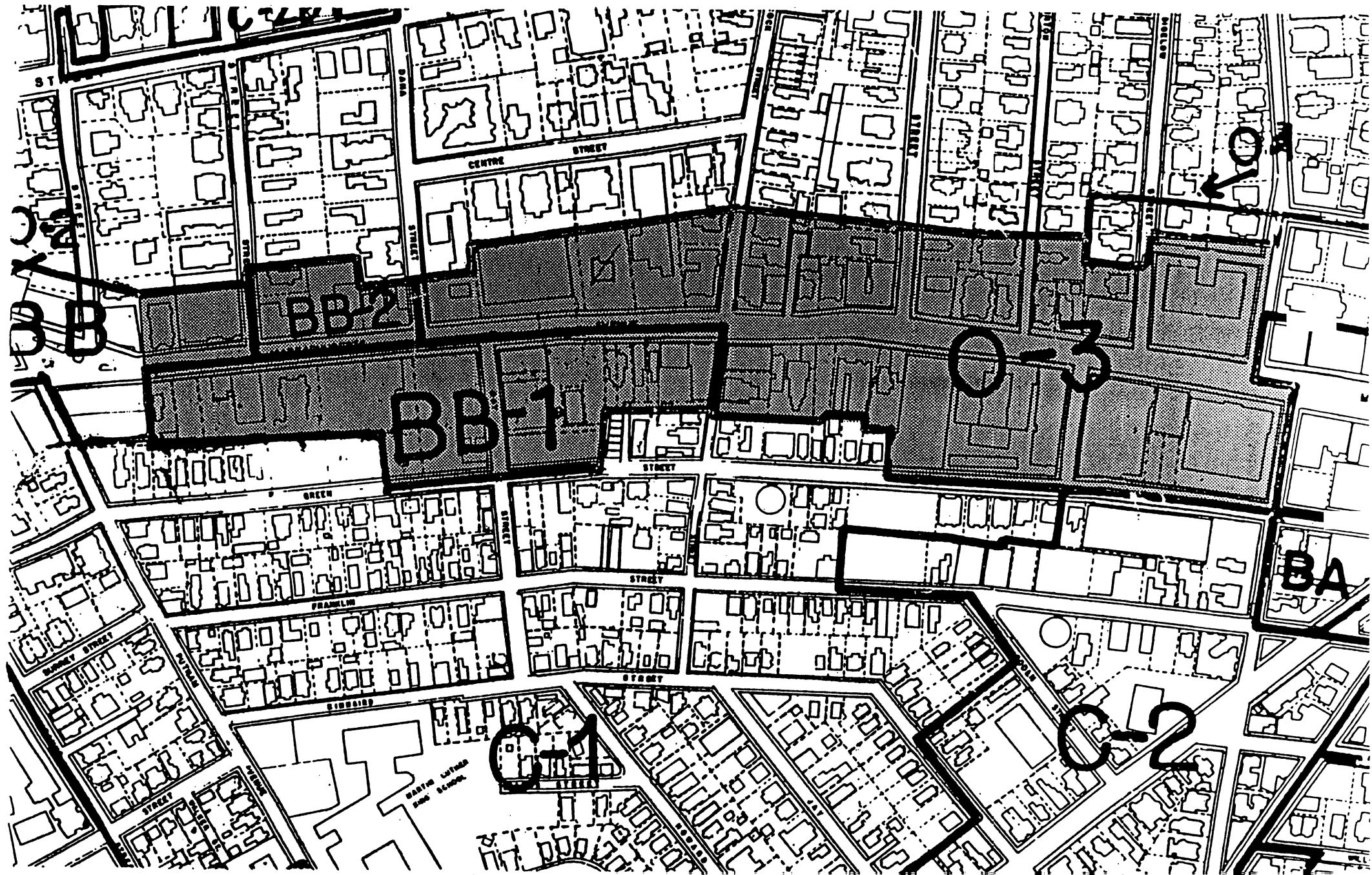
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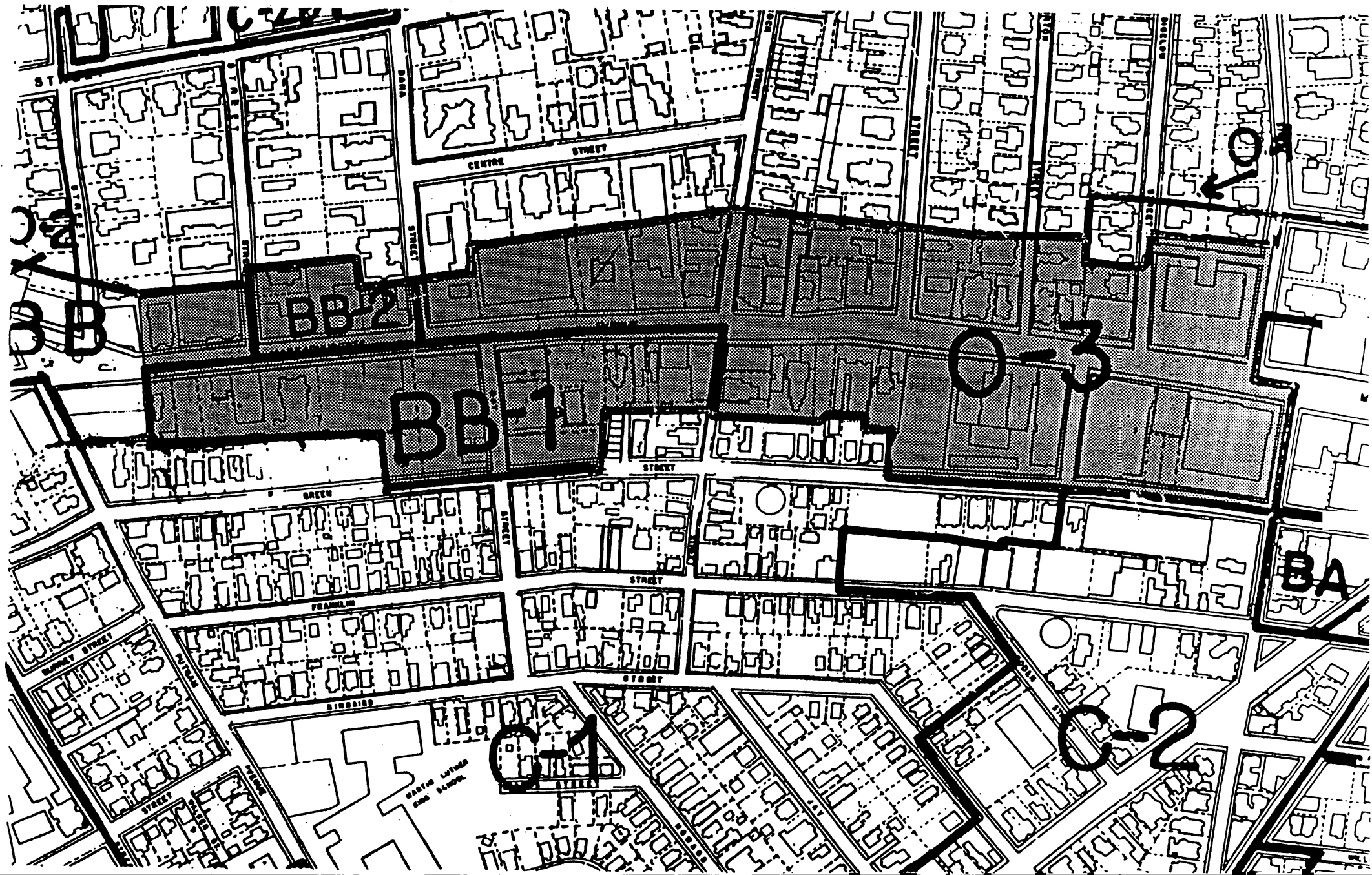
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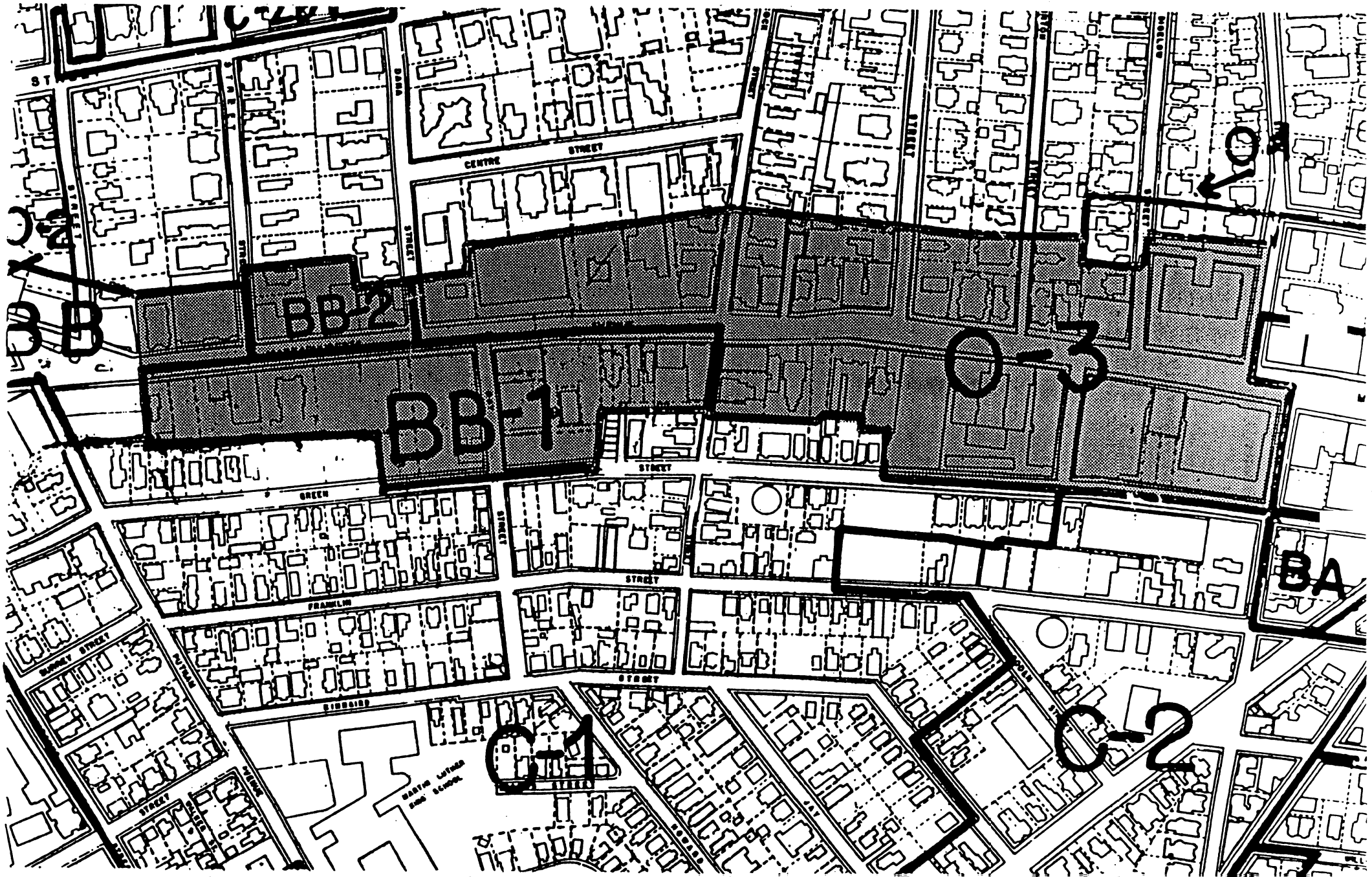
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Proposed Mid Massachusetts Avenue Overlay District - Cambridge Planning Board 7/30/97





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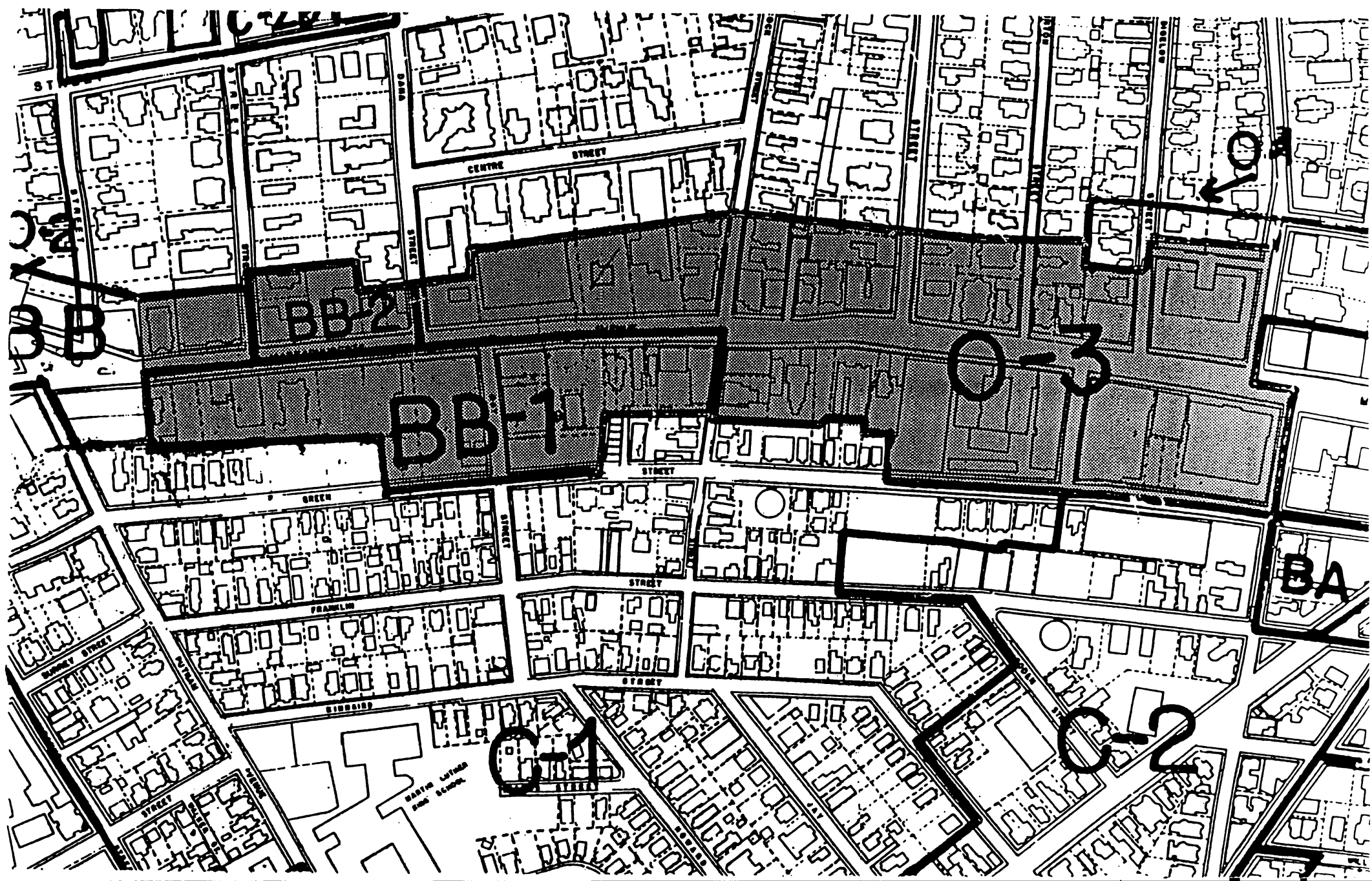
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### NEW SECTION 11.500 MID MASSACHUSETTS AVENUE OVERLAY DISTRICT

The amendment to the text of the Zoning Ordinance and the Zoning Map to create a new Overlay District, Section 11.500 - Mid Massachusetts Avenue Overlay District that would apply to an area between the Central Square Overlay District and the Harvard Square Overlay District and designated for residential, office or retail use. This new overlay district would reduce the height and the Floor Area Ratio allowed in the Business B, Business B-1, Business B-2, and the Office 3 base zoning districts in the affected area. Special permit provisions would allow an increase in height from 55 feet as permitted as-of-right to 80 feet. Other special permit provisions are provided including a waiver of yard requirements.

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Proposed Mid Massachusetts Avenue Overlay District - Cambridge Planning Board 7/30/97





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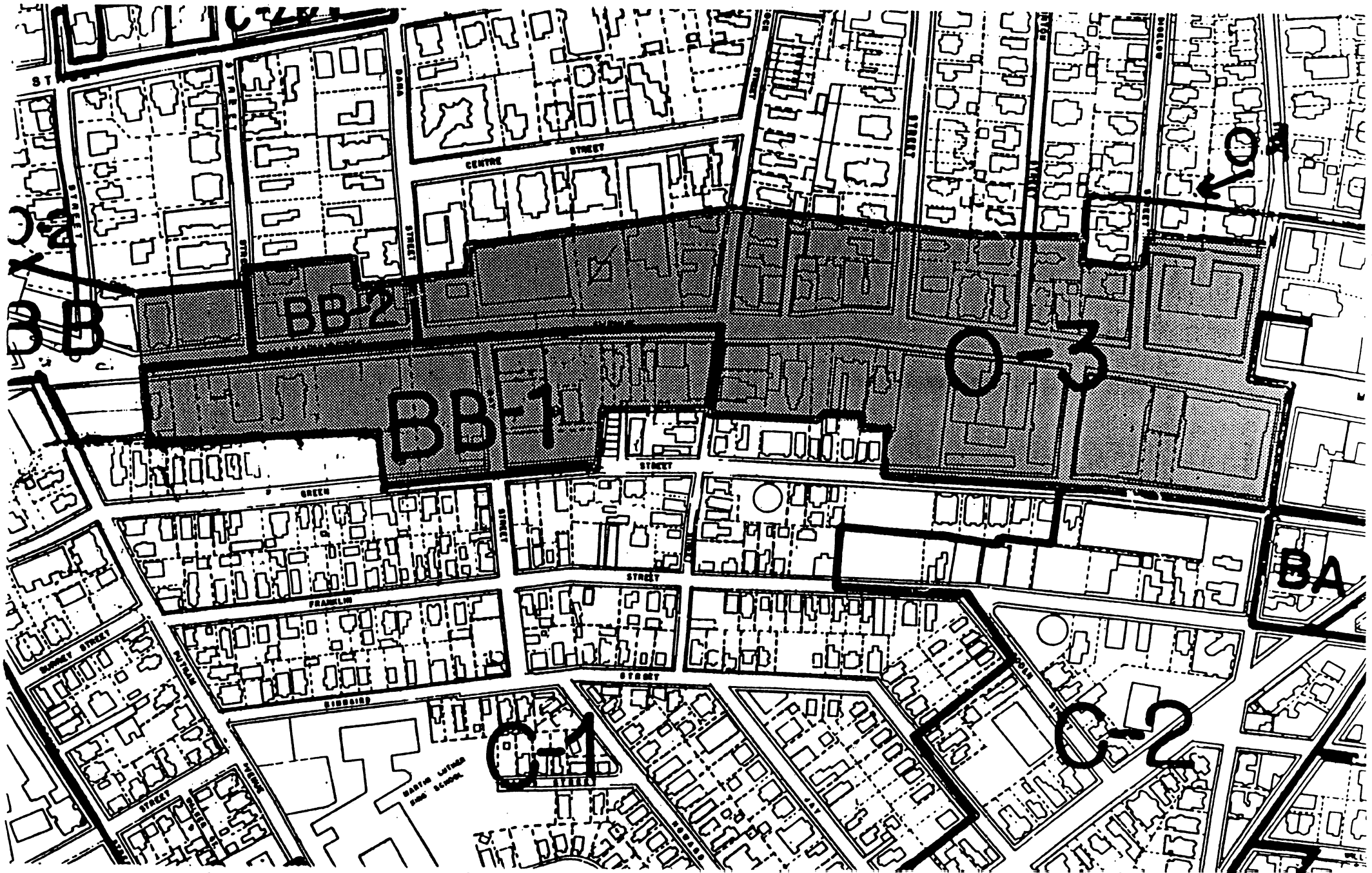
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### NEW SECTION 11.500 MID MASSACHUSETTS AVENUE OVERLAY DISTRICT

The amendment to the text of the Zoning Ordinance and the Zoning Map to create a new Overlay District, Section 11.500 - Mid Massachusetts Avenue Overlay District that would apply to an area between the Central Square Overlay District and the Harvard Square Overlay District and designated for residential, office or retail use. This new overlay district would reduce the height and the Floor Area Ratio allowed in the Business B, Business B-1, Business B-2, and the Office 3 base zoning districts in the affected area. Special permit provisions would allow an increase in height from 55 feet as permitted as-of-right to 80 feet. Other special permit provisions are provided including a waiver of yard requirements.

This new Mid Massachusetts Avenue Overlay District is shown on the map.

Proposed Mid Massachusetts Avenue Overlay District - Cambridge Planning Board 7/30/97



# City of Cambridge

The Ordinance Committee held a public hearing on October 7, 1997, beginning at 6:00 p.m. in the Sullivan Chamber for the purpose of considering a proposed amendment to the Zoning Ordinance to create a new overlay district, the Mid Massachusetts Avenue Overlay District, that would apply to the area between the Central Square Overlay District and the Harvard Square Overlay District.

Present at the hearing were Councillor Francis H. Duehay, Chair of the Committee, Vice Mayor Kathleen L. Born, Councillor Henrietta Davis, Councillor Michael A. Sullivan, Councillor Katherine Triantafillou, and City Clerk D. Margaret Drury. Also present were Lester Barber, Director of Land Use and Zoning, Community Development Department, and Nancy Glowa, First Assistant City Solicitor.

Councillor Duehay convened the hearing and explained the purpose of the hearing and the procedures. He noted that this petition is proposed by the Planning Board, and he invited Mr. Barber to describe the proposal.

Mr. Barber stated that the proposal would establish a new overlay district on Massachusetts Avenue between Central and Harvard Square, which are both the subject of overlay districts. It would be designated for residential, office or retail use. The new overlay district would reduce the height and the floor area ratio (FAR) allowed in Business B, Business B-1, Business B-2, and the Office 3 base zoning districts in the affected area. Special permit provisions would allow an increase in height from 55 feet as permitted as-of-right now to 80 feet. Other special permit provisions are provided, including a waiver of yard requirements. A copy of the proposed amendment is attached. Attachment A.

Mr. Barber stated that, in addition, the proposal would require active uses on the ground floor, with a minimum of glass on the first floor. By special permit, there could be a waiver of the loading and setback requirements, as in the Harvard Square and Central Square overlay districts. Special permits would not be allowed where an existing building would be demolished. He noted that the amendment would make a number of buildings non-conforming as to height and FAR, but the Planning Board feels that it is important to gain control over the area and protect the adjacent neighborhoods.

Councillor Duehay stated that there have been numerous attempts to rezone this area which have failed. Councillor Duehay asked about comments he has heard to the effect that the discretion of special permits should not be allowed.

Mr. Barber stated that the Planning Board believes that some flexibility is needed in this situation because the area includes many different types of buildings. He noted that there would be no discretion to go above 80 feet. The discretion is only between 55 feet and 80 feet.

Vice Mayor Born noted that three zoning districts would be covered by this proposed overlay district and asked what the present allowed heights are. Mr. Barber distributed a chart with that information. Attachment B.

Vice Mayor Born asked if the City Council could remove the special permit provisions by amendment.

Ms. Glowa stated that the question is whether the proposed amendment would fundamentally change the petition. She would have to do more analysis before she could answer that question.

Vice Mayor Born asked about the effect on the granting of variances by the Planning Board. Ms. Glowa stated that the Planning Board has no authority to issue variances under state law.

Mr. Barber added that there is a section of the Zoning Ordinances, Section 10.45, that provides for the Planning Board to approve special permit projects which would otherwise need variances without any further variance from the Board of Zoning Appeal. However, the Law Department has raised issues of legal authority and the Planning Board no longer hears any variance requests.

Vice Mayor Born suggested an amendment to eliminate that provision. Ms. Glowa said that this should be done by a separate petition. She stated that the Law Department questions whether there is authority under M.G.L. Ch. 40A and does believe the section should be eliminated.

Councillor Duehay and Vice Mayor Born requested that the Law Department prepare an amendment to eliminate that provision.

Councillor Davis asked why the special permit provision is included in the Mid-Massachusetts Avenue Overlay proposal. Mr. Barber stated that there is a wide variety of heights in the area. Sometimes it is preferable and beneficial to the residential neighbors to have height instead of a building pressed more closely to the residential neighborhood.

Councillor Davis asked how close the Massachusetts Avenue buildings can be to the lot line on Green Street. Mr. Barber stated that in the Business B-1 district, there is a 40 foot height limit.

Councillor Duehay then invited testimony in support of the proposal.

Mr. James Williamson, 17 Perry Street, stated that he is in favor of a substantial change but that this proposal does not go far enough. Since he moved here in 1971, that section of Massachusetts Avenue has been destroyed. The fact that there are a lot of huge buildings does not mean that they are the appropriate context for judging what else can happen. Fifty five feet is more than enough height for any new building. He noted that MIT sold a building in that neighborhood for \$1.5 million and the building is worth \$3 million.

Mr. Michael Brandon, 27 Seven Pines Avenue, stated that he is generally in favor of overlay districts. However, he noted a problem with the North Massachusetts Overlay District. It is supposed to provide for pedestrian friendly users but it has not prevented Midas Muffler's expansion and two more automobile-centered establishments, even though they were denied special permits by the Planning Board. He questioned whether the language is strong enough. He also stated his support for eliminating the section that provides for the Planning Board to issue variances.

Mr. Jack Joseph, 991 Massachusetts Avenue, proposed giving the Planning Board the right to expand the FAR beyond 2.5.

Councillor Duehay then invited testimony in opposition to the petition.

Mr. Robert LaTremouille, 835 Massachusetts Avenue, stated that the Planning Board is trying to convert this residential neighborhood to be just like Central Square and Harvard Square. The petition is destructive to the residential neighborhood. First floor commercial uses are destructive to the residential neighborhood.

Councillor Duehay asked whether he would favor the petition if the special permit provision was eliminated. Mr. LaTremouille stated that he would not.

Marilyn Wellons, Green Street, spoke in opposition to the proposal, particularly to the special permit provisions. She stated that the provisions for special permits change the burden of proof. Special permits look like a wonderful tool for flexibility, but in actuality, it is easier for a development to get a special permit than a variance; and in the process, the burden of proof is changed so that neighbors find themselves fighting for each of the protections guaranteed under zoning. The developers have the money to hire lawyers, take the city to court, etc. It also divides the neighborhood. She stated that if the City Council really wants to control growth, it should do it; and not put in this waffle clause that makes the neighbors fight it out case-by-case at the Planning Board.

Councillor Duehay asked whether she or her neighbors have a counter proposal. Ms. Wellons stated that she did not know of any.

Councillor Davis asked what the Green Street neighbors would think of the proposal without the special permit provisions.

Ms. Wellons stated that she is not sure what would be left for an overlay district as opposed to just changing height and FAR, but she would need to look more closely.

Councillor Davis stated that she is hearing that there is a presumption that the special permit will be granted. She said that she sees it as something that has to be earned because of other overriding benefits to the neighborhood and the community. There should be no presumption in favor of a special permit.

Ms. Harriet Feinberg, 639 Green Street, stated that special permits are to developers as red flags are to bulls. The existence of the possibility becomes psychological motivation. She would favor more modest provisions which are clear and firm.

Ms. Ellin Sarot, 654 Green Street, stated that she favors a fixed, firm law instead of special permits. She believes it would also help developers to know what the real limits are early on.

Councillor Duehay stated that it is clear that the residents present would prefer ordinary zoning. His sentiments are going towards voting against it and requesting a more restrictive proposal, but this is a matter for debate by the full City Council.

Vice Mayor Born asked when this petition would expire. Mr. Barber stated that it would be 90 days from this hearing. Mr. Barber stated that nothing in an overlay district requires special permits. It may be possible to amend this proposal to accomplish that.

Vice Mayor Born moved that it be referred to the full City Council without recommendation and that it be accompanied with a request for a legal opinion as to the latitude of the City Council to amend the petition, particularly with respect to an amendment to eliminate the special permit provisions. The motion passed without objection on a voice vote.

Councillor Duehay recommended addition opportunity for citizen input, perhaps with meetings in the neighborhoods to get the opinions of a lot of people who live and work in this neighborhood.

Councillor Duehay thanked those present for those attendance. The meeting was adjourned at 7:00 p.m.

For the Committee,

*Francis H. Duehay DMD*  
Councillor Francis H. Duehay  
Chair

**III. Amendment to create a new Mid Massachusetts Avenue Overlay District in the Cambridge Zoning Ordinance**

**A. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Section 11.500 to read as follows**

**11.500 *Mid Massachusetts Avenue Overlay District***

**11.501 *Establishment and Scope.*** There is hereby established the *Mid Massachusetts Avenue Overlay District* which shall be governed by the regulations and procedures specified in this Section 11.500. It is the intent of this section that these regulations will apply to an area between the Central Square Overlay District and the Harvard Square Overlay District along Massachusetts Avenue and designated for residential, office or retail use on the Zoning Map.

**11.502 *General Purpose.*** It is the purpose of this Section 11.500 to augment existing zoning regulations to respond to the unique problems and pressures for change particular to Massachusetts Avenue abutting the Mid Cambridge and Riverside neighborhoods. The regulations in this Section 11.500 provide for more careful public scrutiny of development proposals that may negatively impact the residential neighborhoods that lie immediately adjacent to the narrow corridor of commercial activity along Massachusetts Avenue. These regulations are intended to channel new development activity in ways that will reduce and mitigate its negative impact on residential properties in adjacent residentially zoned areas; contribute to a more cohesive visual environment; enhance the quality of the pedestrian experience along Massachusetts Avenue; provide incentives for the residential uses; preserve historic structures and other buildings that express the history of this area of the City and its diversity of building scales and ages; and to provide sufficient regulatory flexibility so as to advance the general purposes of this Section 11.500.

**11.503 *General Provisions.***

**11.503.1 *Applicability.***

The Mid Massachusetts Avenue Overlay District shall be an overlay district on the zoning map established in Section 3.20. The buildings and land uses within said district shall be controlled by the pertinent regulations within the base zoning districts, except as modified by the requirements of this Section 11.500, which shall apply in addition to regulations imposed by the base zoning map designations. Where base zoning regulations differ from requirements of this Section 11.500, the stricter provisions shall apply.

**11.503.2 *Area of Special Planning Concern.***

The Mid Massachusetts Avenue Overlay District shall be considered an area of special planning concern

Development proposals listed in Subsection 11.42 of the Zoning Ordinance shall be subject to the review procedures specified in Section 11.40 - Development Consultation Procedure.

**11.503.3 National Register and Contributing Buildings.**

For the purposes of this Section 11.500 the following definitions shall apply:

- a. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.
- b. A contributing building shall be
  - (1) Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or
  - (2) Any building fifty (50) years old or older subject to review by the Cambridge Historical Commission under the provisions of City of Cambridge Ordinance #965.

However, a building shall no longer be considered a contributing building as defined in this Subsection 11.503.2 (b) for the purpose of this Section 11.500 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

**11.504 Detailed Provisions.**

**11.504.1 Building Height Limitations**

The maximum height of buildings in the Massachusetts Avenue at Mid Cambridge Overlay District shall be governed by the requirements of this Section 11.504.1; at locations where the base zoning district establishes a more restrictive height limit, the more restrictive provisions shall apply.

- a. As of Right Height Limitations.

The maximum as of right height of any building shall be fifty-five (55) feet.

- b. Special Permit for Additional Height.

The maximum allowable height in the Massachusetts Avenue at Mid Cambridge Overlay District may be increased up to eighty (80) feet upon

issuance of a Special Permit from the Planning Board provided that those portions in excess of fifty-five (55) 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 fifty-five (55) feet above any streetline in the district and rising over one or more lots at a forty-five degree (45°) angle.

c. The bulk control plane restrictions of paragraph b above, or similar provisions that may apply in any base district regulations for portions of buildings abutting Massachusetts Avenue, may be waived by the Planning Board upon issuance of a Special Permit.

**11.504.2 Floor Area Ratio Limitations.**

The maximum floor area ratio applicable to any lot in the Massachusetts Avenue at Mid Cambridge Overlay District shall be governed by the requirements of this Section 11.504.2; however, at locations where the base zoning district establishes a more restrictive FAR limit the more restrictive limit shall apply.

The maximum FAR shall be 2.0 for all non residential uses and for hotels and motels; 2.25 for residential uses excluding hotels and motels.

**11.504.3 Waiver of Setback Requirements.**

Upon issuance of a special permit from the Planning Board the yard requirements of a base zoning district may be waived except where such yard abuts that portion of any lot, but not a public way, outside the Central Square, Harvard Square or Mid Massachusetts Avenue Overlay District.

**11.304.4 Use Limitations and Restrictions.**

In addition to the use regulations applicable in each base zoning district the following use restrictions and limitations shall apply in the Mid Massachusetts Avenue Overlay District:

a. Ground Floor Restrictions.

The ground (first) floor of that portion of a building facing or abutting Massachusetts Avenue and which is on a lot which shares a common lot line with Massachusetts Avenue shall consist of gross floor area devoted to any one or combination of uses permitted in the applicable base zoning district and shall in addition meet the following conditions:

- (1) At least eighty (80) percent of the floor elevation of the ground (first) floor shall be at the mean grade of the lot at the Massachusetts Avenue streetline except that residential uses may be located no higher than four and a half (4 1/2) feet above the mean grade of the lot abutting the Avenue at the property line.

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(2) The use shall have a minimum depth of thirty (30) feet.

(3) Where other than residential uses are established, the ground (first) floor facade shall consist of a minimum of forty (40) percent clear glass; for residential uses that minimum area shall be twenty (20) percent.

**11.504.5 *Wavier of Parking and Loading Requirements.***

Uses in the Massachusetts Avenue at Mid Cambridge Overlay District which meet the following requirements shall be exempted from the loading requirements as specified in Section 6.36 - Schedule of Parking and Loading Requirements.

a. The use is contained within a structure or portion of a structure in existence on or before June 1, 1940 or if constructed later is identified as a National Register or contributing building; or

b. The use is contained in a new structure or new addition to a structure identified in (a) above, after the issuance of a special permit from the Planning Board provided:

(1) The subject lot is sufficiently small in size as to contribute to a development pattern of diverse, small scale, new structures and the retention of existing structures (for lots exceeding 10,000 square feet a specific finding shall be made that this objective has been met);

(2) The exemption from the loading requirements will result in a building design that is more appropriate to its location, will enhance the pedestrian environment along the public sidewalk, reduce the impact of the development on abutting residential neighborhoods through a reduction in the scale of the building and a reduction in the noise and fumes associated with the operation of a loading facility, or in other ways better serve the objectives of this Section 11.500;

(3) By the nature of the uses or the scale of the building proposed, the lack of accessory loading facilities will not unreasonably burden the abutting residential streets.

**11.505 *Standards for Issuance of Special Permits.***

In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the Planning Board shall consider the following in making its determination:

a. The proposed development does one or more of the following:  
encourages responsible and orderly development that minimizes its impact

on adjacent residential neighborhoods; strengthens and enhances the pedestrian environment and provides retail and service uses that serve the needs of the adjacent neighborhoods; creates a more coherent and visually consistent architectural expression along the Avenue; reduces the functional and visual impact of the automobile on the public street and as viewed from the residential neighborhood behind Massachusetts Avenue; increases the supply of housing along the Avenue and advances the general objective of increasing the supply of affordable housing units; and

b. The Board must find that no National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and that no National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

**B. Amend the FAR and height provisions of the Business B-1 and Business B-2 zoning districts.**

**1. Amend Table 5-3 - Business Districts, columns (1) and (6) in lines Bus. B-1 and Bus. B-2, to read as follows.**

District	(1)	(6)
	(b)	(c)
Bus B-1	2.0	80
		(f)
Bus. B-2	2.0	80

**2. In Section 5.33 - Business Districts, Subsection 2 - Footnotes, delete footnote (b) in its entirety and substitute therefor the following.**

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(b) The maximum floor area ratio for residential uses listed in Subsections 4.31 a, b, d, e, and g shall be 2.25

**C. Amend the Zoning Map of the City of Cambridge by creating the Mid Massachusetts Avenue Overlay District as described below.**

The boundary of the Mid Massachusetts Overlay District shall be coterminous with boundaries of the Business B district, the Business B-1 district, the Business B-2 district and the Office 3 District abutting Massachusetts Avenue between the eastern boundary of the Harvard Square Overlay District and the western boundary of the Central Square Overlay District as shown on the accompanying map.

**Western boundary of the Central Square Overlay District**

1.0 The western boundary of the Central Square Overlay District is a line, said line beginning at the intersection of the centerline of Pleasant Street and Green Street,

1.1 Thence proceeding in a northeasterly direction along the centerline of Pleasant Street to its intersection with the centerline of Massachusetts Avenue

1.2 Thence turning and proceeding in a northwesterly direction along the centerline of Massachusetts Avenue to its intersection with the southwestern extension of the centerline of Inman Street,

1.3 Thence turning and proceeding in a northeasterly direction along the southwestern extension of the centerline of Inman Street, and the centerline of Inman Street to its intersection with the northwestern extension of the centerline of Bishop Allen Drive.

**Eastern boundary of the Harvard Square Overlay District**

2.0 The eastern boundary of the Harvard Square Overlay District is a line, said line being the southeasterly sideline of lot #2 on Assessor's Plat #121 and its northeasterly extension across Massachusetts Avenue to its intersection with a line 100 feet distant from and parallel to the northeasterly sideline of Massachusetts Avenue.

**Affected properties**

1.01 Premises shown on Assessor's Plat #121

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Affecting all or parts of lots #102, 103, 94, 95, 6, 114, 113

Even numbers 972-1038 Massachusetts Avenue, odd numbers 583-629 Green Street

1.02 Premises shown on Assessor's Plat #120

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Affecting all or parts of lots #101, 81, 72, 100, 40, 76, 77, 43, 44, 45, 46, 73, 74, 48, 49, 64, 68, 54

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Even numbers 922-964 Massachusetts Avenue, odd numbers 49-65 Hancock Street, odd numbers 543-551 Green Street.

1.03 Premises shown on Assessor's Plat #119

Affecting all or parts of lots #21, 91, 90, 101, 4, 5, 82, 83, 7, 12, 8, 9, 92, 93, 22, 33, 23, 32, 31, 94

Even numbers 760-910 Massachusetts Avenue, odd numbers 397-485 Green Street, odd numbers 5-7 Pleasant Street, even numbers 2-20 Sellers Street, odd numbers 13-17 Sellers Street, even numbers 52-66 Hancock Street.

1.04 Premises shown on Assessor's Plat #118

Affecting all or parts of lots #33, 7, 9, 29, 30, 31, 32, 1, 2, 3

Odd numbers 5-5A Bigelow Street, odd numbers 795-847 Massachusetts Avenue, even numbers 2-4 Clinton Street.

1.05 Premises shown on Assessor's Plat #117

Affecting all or parts of lots #56, 57, 29, 55, 30, 31, 54, 64, 65, 58, 59, 26, 27, 69, 105, 104, 1, 28, 24, 23

Odd numbers 859-907 Massachusetts Avenue, odd numbers 3-5 Clinton Street, even numbers 12-14 Lee Street, odd numbers 5-11 Lee Street, even numbers 74-92 Hancock Street.

1.06 Premises shown on Assessor's Plat #116

Affecting all or parts of lots #54, 92, 103, 98, 96, 99, 74, 59, 60, 101, 100, 94, 95, 68, 10, 11, 12, 13

Odd numbers 923-1009 Massachusetts Avenue, odd numbers 75-85 Hancock Street, 2 Dana Street, 6 Ellery Street.

1.07 Premises shown on Assessor's Plat #134

Affecting all or parts of lots #35, 34, 33, 32, 30, 31, 29

Odd numbers 1023-1039 Massachusetts Avenue, 5 Ellery Street.

Proposed Mid Massachusetts Avenue Overlay District - Cambridge Planning Board 7/30/97



### Comparison of Changes Mid-Massachusetts Avenue Overlay District

#### Dimensional Characteristics

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District	Floor Area Ratio (FAR)	Permitted Height
Office 3 existing	3.0	120
Office 3 proposed	2.0/2.25 residential	55'/80' by s.p.
Business B existing	4.0	120'
Business B proposed	2.0/2.25 residential	55'/80 by s.p.
Business B-1 existing	3.0/3.25 residential	90'**
Business B-1 proposed	2.0/2.25 residential	55'/80 by s.p.
Business B-2 existing	3.0	90'**
Business B-2 proposed	2.0/2.25 residential	55'/80 by s.p.

\*\* Subject to cornice height and other transition height requirements that will continue in the Overlay District

#### Other Provisions

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1. Yard (setback) requirements can be waived by special permit within the district. Most relevant to the Office 3 district which has formula setbacks for all buildings.
2. Active ground floor uses are required.
3. Waiver of loading requirements by special permit.
4. Establishment of Preferably Preserved Significant building status as a standard for granting special permits.

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A report from Councillor Francis H. Duehay, Chair of the Ordinance Committee, for a meeting held on October 7, 1997 for the purpose of considering a proposed amendment to the Zoning Ordinances to create a new overlay district, the Mid Massachusetts Avenue Overlay District, that would apply to the area between the Central Square Overlay district and the Harvard Square Overlay District.

In City Council October 27, 1997

Tabled on the  
motion of  
Councillor Duehay  
December 22, 1997  
Placed on File due  
to expiration of  
time limit