

City of Cambridge

PETITION OF *Planning Board Technical Changes*

Petition filed with the City Clerk

Dec. 19, 1980

(All hearings to be completed 65 days from filing date with the City Clerk.)

*9 days Dec.
31 days Jan.
25 days Feb*

65 days = February 25, 1981 all hearings

In City Council

Dec 22, 1980

Referred to Planning Board for report

Dec 22, 1980

Planning Board Hearing

Jan. 20, 1981

(CITY COUNCIL must act within 90 days of the Planning Board's hearing which would be *April 20, 1981*.)

*11 days Jan.
28 days Feb.
31 days Mar
20 days April
90 days =*

April 20, 1981

City Council Hearing published

- Herald - Cambridge

Jan. 9, 1981 "

Jan. 16, 1981

Hearing before the City Council

Jan. 27, 1981 730 pm.

Report to the City Council

Feb. 2, 1981

Passed to a second reading
Published

Feb. 2, 1981

Chronicle - Feb. 12, 1981

Ready for Ordination
Published

Failed of Ordination

AS Amended by seven

4/18/81

COMPLETION DATE:

April 20, 1981 amendments

3

City of Cambridge

MASSACHUSETTS

In City Council

April 13

1981

*Let all Agreement
Failed*

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane	✓			
Mr. Thomas W. Danehy	✓			
Ms. Sandra Graham			✓	
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan	✓			
Mr. Alfred Vellucci		✓		
Mr. David A. Wylie		✓		
Mayor Francis H. Duehay		✓		

4 4 1

Margaret Dehny

2

City of Cambridge

MASSACHUSETTS

In City Council

April 13,

198 1

*Wylie moved to #1 separately -
Failed*

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane		✓		
Mr. Thomas W. Danehy.		✓		
Ms. Sandra Graham			✓	
Mr. Leonard J. Russell	✓			
Mr. David E. Sullivan		✓		
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci		✓		
Mr. David A. Wylie	✓			
Mayor Francis H. Duehay		✓		

2 6 1

Unfinished Business #3

I

843
p^m

City of Cambridge

MASSACHUSETTS

In City Council

April 13

1981

MOTION

Strike #5 and #6 from the petition

Ed Sullivan

	YEA	NAY	ABSENT	PRESENT
Mr. Kevin P. Crane		✓		
Mr. Thomas W. Danehy		✓		
Ms. Sandra Graham			✓	
Mr. Leonard J. Russell		✓		
Mr. David E. Sullivan	✓			
Mr. Walter J. Sullivan		✓		
Mr. Alfred Vellucci			✓	
Mr. David A. Wylie	✓			
Mayor Francis H. Duehay	✓			

3 4 2

Motion failed

Technical Amendments

1. Existing Zoning

Dwelling unit. A room or group of rooms forming a habitable unit for one family, used or intended to be used for living, sleeping, cooking, and eating.

Proposed Change (original)

Amend the text of the Ordinance in Article 2.000, definitions, by changing the definition of "dwelling unit" to read as follows:

"Dwelling unit. A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary facilities for the exclusive use of such family for living, sleeping, cooking and eating."

2. Existing Zoning

3.32 Where the zone divides a lot under a single ownership at the time of this ordinance and more than one-half the area of said lot is in the less restricted district, the Board of Zoning Appeal may grant a special permit allowing a use permitted in the less restricted district to extend to the entire lot with such provisions as may be deemed appropriate; but in no case may the regulations of the less restricted district be permitted to extend more than twenty-five feet within the more restricted district.

Proposed Change (original)

A. Replace subsection 3.32 of Section 3.30, Rules for Interpretation of District Boundaries, with the following new subsection 3.32:

"3.32 Where a zoning district boundary line divides a lot under single ownership at the time of the effective date of this Ordinance, the regulations for each zoning district shall apply to portions of the lot within the respective districts except as provided in this subsection 3.32."

"3.321 Where more than one-half the area of said lot is in a less restricted district, (either in terms of the district's overall regulations or a single regulation) the Board of Zoning Appeal may grant a special permit allowing any of the less restrictive dimensional regulation(s) to extend up to twenty-five feet into the more restricted district. Uses not allowed in the more restricted districts shall not extend into the more restricted districts."

"3.322 Dwelling units and/or gross floor area allowed in the more restricted district, according to the formulas specified in subsection 5.27, may be located in the less restricted district, but dwelling units or gross floor area allowed in the less restricted district may be located in that portion of the lot located in the more restricted district only to the extent permitted by Section 3.321."

B. Amend Section 5.20, Standards for Dimensional Regulations, by adding the following new subsection:

"5.27 The maximum residential density (lot area per dwelling unit) and gross floor area allowed on lots located in two or more zoning districts shall be calculated using the formulas specified in this subsection 5.27."

"5.271 The total number of dwelling units allowed shall be the sum of the total dwelling units allowed in each district, determined by adding the lot area in each district divided by the minimum lot area per dwelling unit for each district.

$$\text{Max. \# dwelling units} = \frac{\text{Lot area in district 1}}{\text{district 1 min. lot area/du}} + \frac{\text{Lot area in district 2}}{\text{district 2 min. lot area/du}}$$

Where the computation of the total number of dwelling units allowed in each district results in two fractional numbers and where the sum of the resulting remainders from both districts equals or exceeds one, an additional unit shall be permitted."

"5.272 The maximum gross floor area shall be the sum of the total allowed dwelling units in each district, determined by adding the lot area in each district multiplied by the maximum allowed floor area ratio (FAR) for each district.

Maximum Gross Floor Area =

Lot area in district 1 x district 1 FAR

Lot area in district 2 x district 2 FAR

3. Existing Zoning

The purpose of the third amendment is to allow the Planning Board to approve variances (except use variances) and special permits customarily requiring Board of Zoning Appeal approval, within the scope of all Planning Board special permit review (PUD's, Parkway Overlay District). Presently, the ordinance only gives the Planning Board this authority for variances within the purview of a townhouse or multi-family special permit. Such a change would avoid making some applicants appear before two municipal agencies (Planning Board and Board of Zoning Appeals). This would reduce unnecessary delays in the development review process and would avoid possible contradictory conditions imposed by the two boards.

Proposed Change (original)

10.45 Any development requiring a special permit from the Planning Board which contains one or more violations of the regulations specified in this Ordinance, other than use violations, may be allowed by the Planning Board within the scope of the Special Permit and shall not require a separate variance. Any request for a use variance shall require separate proceedings before the Board of Zoning Appeal.

Recommended Change

Delete subsections 4.255 and 11.125 and recodify subsections 11.126 and 11.127 as 11.125 and 11.126 respectively. Recodify subsection 10.45 as 10.46 and subsections 10.46-10.464 as 10.47-10.474. Add new subsection 10.45 as follows:

10.45 Any development application requiring a special permit from the Planning Board which contains:

1. one or more violations of the regulations specified in this ordinance, other than use violations, or
2. elements requiring a special permit from the Board of Zoning Appeal,

may be allowed by the Planning Board within the scope of the Planning Board special permit and shall not require a separate application to the Board of Zoning Appeal. Any request for a use variance shall require separate proceedings before the Board of Zoning Appeal.

4. Existing Zoning

11.637 The development standards specified in this Section 11.60 shall apply to all development within the Parkway Overlay District not exempted by subsections 11.632, 11.633 and 11.634. Divergence from these standards may be allowed by special permit from the Planning Board if it is determined that such divergence will better serve the objectives of this Section 11.60 and provided that the criteria specified in Section 10.43 will be satisfied.

Proposed Change (original)

Amend Section 11.63, (Parkway Overlay District) Applicability, as follows:

a. In subsection 11.636, insert "11.637," after "11.635".

b. Replace subsection 11.637 with the following new subsection:

"11.637 The development standards specified in this Section 11.60 shall apply to all development within the Parkway Overlay District not exempted by Subsections 11.632, 11.633 and 11.634. Divergence from these standards may be allowed only by issuance of a special permit by the Planning Board as specified in subsection 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.60 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied."

5. Existing Zoning

Minimum Setbacks

	<u>Front</u>	<u>Side</u>	<u>Rear</u>
Office 2	$\frac{H+L}{4}$	$\frac{H+L}{5}$	$\frac{H+L}{4}$
Office 3	$\frac{H+L}{5}$	$\frac{H+L}{6}$	$\frac{H+L}{5}$

Proposed Change (original)

Minimum Yard in Feet

	<u>Front</u>	<u>Side</u>	<u>Rear</u>
Office 2	15'	10'	10'
Office 3	15'	10'	10'

Recommended Change

Amend Table 5-2 of Dimensional Requirements - Office Districts by adding new footnotes (e) and (f) to the minimum side yard requirements in the Office 2 and 3 districts respectively.

Minimum Yard in Feet

Office 2	$\frac{H+L}{5}$ (e)
Office 3	$\frac{H+L}{6}$ (f)

"(e) The minimum side yard setback may be reduced to not less than 15 feet upon issuance of a special permit from the Board of Zoning Appeals. Such reduction shall be permitted only where the decreased setback is deemed compatible with abutting properties.

(f) The minimum side yard setback may be reduced to not less than 10 feet upon issuance of a special permit from the Board of Zoning Appeals. Such reduction shall be permitted only where the decreased setback is deemed compatible with abutting properties."

6. Existing Zoning

Development Parcel. The total land area included within a Planned Unit Development, irrespective of the number or configuration of lots. A development parcel may include land in more than one ownership. In computing the area of a development parcel, both land and water areas within such parcel may be counted. A development parcel shall contain a contiguous area only, unless the regulations for a specific planned unit development explicitly provide for development parcels containing noncontiguous areas.

Proposed Change (original)

A. Amend Article 2.000, the definition of "Development Parcel" to read as follows:

"Development Parcel. The total land area included within a Planned Unit Development, irrespective of the number or configuration of lots. A development parcel may include land in more than one ownership. In computing the area of a development parcel, both land and water areas within such parcel may be counted. A development parcel shall contain contiguous lots only, unless the regulations for a specific planned unit development district explicitly provides for development parcels containing non-contiguous lots."

B. Amend Article 13.000, Planned Unit Development Districts, as follows:

- (i) In subsection 13.332 add the following new sentence after "43,560 square feet." "A development parcel within the PUD-2 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (East Cambridge Riverfront)
- (ii) In subsection 13.342 add the following new sentence after "two (2) acres." "A development parcel within the PUD-3 may contain noncontiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Broad Canal Area)
- (iii) In subsection 13.532 add the following new sentence after "43,560 square feet." "A development parcel within the PUD-4 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Lechmere Canal Area)
- (iv) In subsection 13.631 add the following new sentence after "20 acres." "A development parcel within the PUD-5 District may contain non-contiguous lots." (Alewife Area)

Recommended Change

Add the following sentence to end of the original definition of "Development Parcel" (see above):

"However in no instance shall non-contiguous lots be separated by more than 1200 feet measured in a straight line from lot to lot."

B. above shall remain as is.

7. Existing Zoning

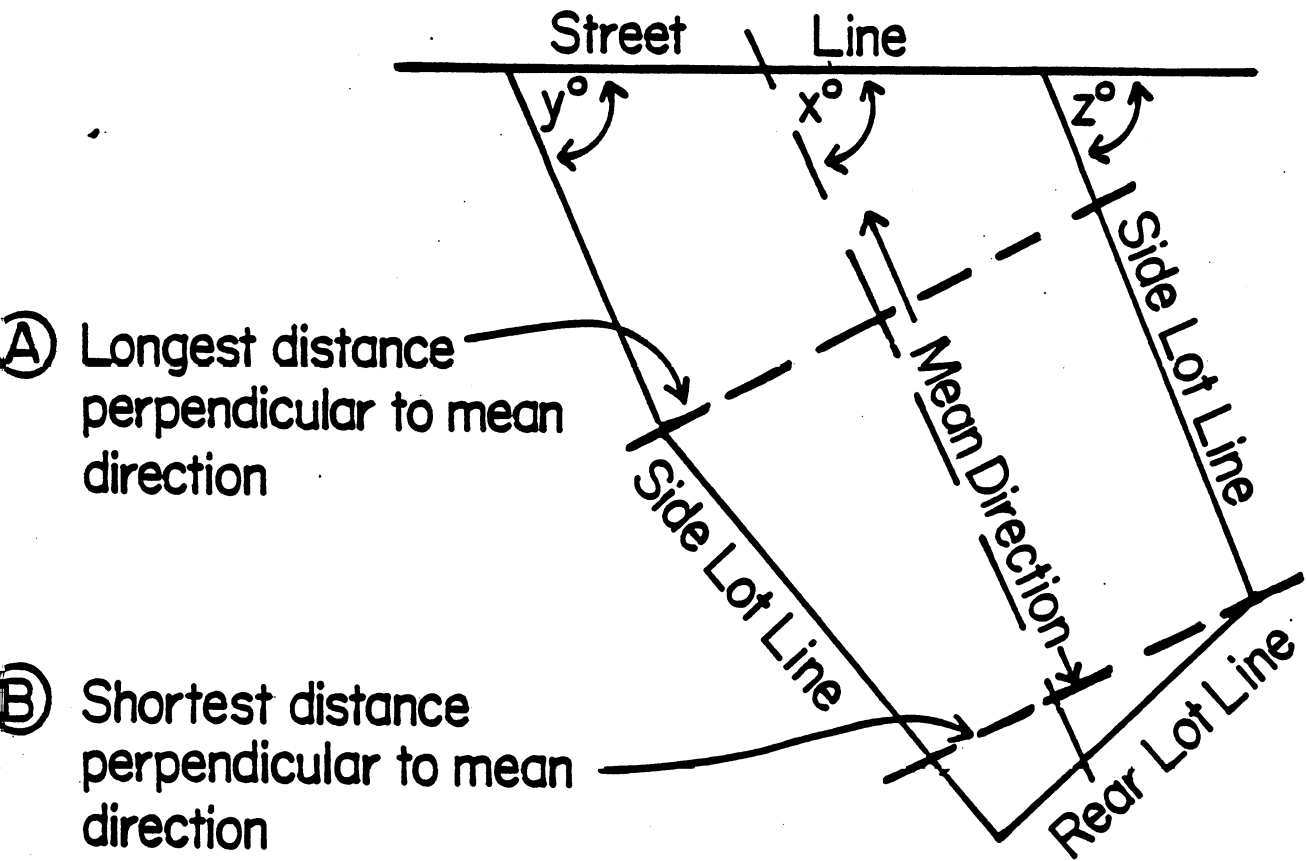
Lot width. The horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

Proposed Change

Amend text of the ordinance in Article 2.000, Definitions, by changing the definition of "Lot Width" to read as follows:

Lot width. The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

EXAMPLE:



(for illustration purposes only)

To find mean direction = x°

$$y^\circ + z^\circ = Q^\circ \div 2 = x^\circ$$

To find mean horizontal distance:

$$A + B = C \div 2 = \text{mean horizontal width}$$

Mean horizontal width must be equal to or greater than required width.

8. Existing Zoning

Floor area, gross. The sum, in square feet, of the gross horizontal areas of all the floors of a building, as measured from the exterior walls separating two buildings. Gross floor area shall include:

- (a) roofed porches and balconies whether enclosed or unenclosed;
- (b) unroofed porches and balconies above the second floor;
- (c) elevator shafts and stairwells on each floor;
- (d) attic space, whether finished or unfinished, not excluded in (5) below;
- (e) interior balconies mezzanines, and penthouses; and
- (f) basement and cellar areas not excluded in (2) below.

Gross floor area shall not include:

- (1) areas used for parking garages, accessory parking, or off-street loading purposes;
- (2) basement and cellar areas devoted exclusively to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;
- (3) open or lattice-enclosed exterior fire escapes;
- (4) unroofed porches and balconies no higher than the second floor; and
- (5) attic space and other areas for elevator machinery or mechanical equipment necessary for the operation of the building.

Original

GROSS FLOOR AREA

8. In Article 2.000, revise the definition of Gross Floor Area as follows:

Gross Floor Area. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls of a building or the centerline of party walls between buildings. Gross floor area shall include:

- (a) roofed porches and balconies whether enclosed or unenclosed.
- (b) unroofed porches and balconies above the third floor;
- (c) elevator shafts and stairwells on each floor, not excluded in (6) below;
- (d) attic space, whether finished or unfinished, not excluded in (5) and (7) below;
- (e) interior balconies, mezzanines, and penthouses; and
- (f) basement and cellar areas not excluded in (1), (2), and (8) below.

Gross floor area shall not include:

- (1) areas used for parking garages, accessory parking or off-street loading purposes;
- (2) basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;
- (3) open and lattice-work fire escapes;
- (4) unroofed porches and balconies no higher than the third floor;
- (5) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building;
- (6) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;
- (7) attic space with less than five (5) feet of ceiling height measured from the floor to the lowest projection from the ceiling. Said projection shall include structural members necessary for the construction of the building but shall exclude other projections such as light fixtures, sprinklers, etc., etc..
- (8) basement and cellar areas with less than seven feet, three inches (7 1/2) of ceiling height measured from the floor to the lowest projection from the ceiling. Said projection shall include structural members necessary for the construction of the building but shall exclude other projections such as light fixtures, sprinklers, etc., etc.

(Note-underlined words reflect new language)

Recommended Change

GROSS FLOOR AREA

8. In Article 2.000, revise the definition of Gross Floor Area as follows:

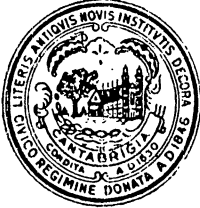
Gross Floor Area. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls of a building or the centerline of party walls between buildings. Gross floor area shall include:

- (a) roofed porches and balconies whether enclosed or unenclosed.
- (b) unroofed porches and balconies above the third floor;
- (c) elevator shafts and stairwells on each floor, not excluded in (6) below;
- (d) attic space, whether finished or unfinished, not excluded in (5) and (7) below;
- (e) interior balconies, mezzanines, and penthouses; and
- (f) basement and cellar areas not excluded in (1), (2), and (8) below.

Gross floor area shall not include:

- (1) areas used for parking garages, accessory parking or off-street loading purposes;
- (2) basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;
- (3) open and lattice-work fire escapes;
- (4) unroofed porches and balconies no higher than the third floor;
- (5) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building;
- (6) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;
- (7) attic space within the area of the plane that is less than five (5') feet above the attic floor and which touches side walls or a finished ceiling or if an unfinished ceiling, touches the underside of roof rafters.
- (8) basement and cellar spaces with less than seven feet, three inches (7½') of ceiling height measured from the floor to the finished ceiling or if an unfinished ceiling to the line of the bottom of the floor joists.

(Note-underline words reflect new language)



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-One

AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

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

The Zoning Map accompanying the ordinance passed to be ordained September 26, 1977 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by amending the text of the Ordinance in Article 2.000, definitions, by changing the definition of "Dwelling Unit" to read as follows:

"Dwelling Unit. A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary facilities for the exclusive use of such family for living, sleeping, cooking, and eating.

2a. Remove subsection 3.32 of Section 3.30, Rules for Interpretation of District Boundaries, with the following new subsection 3.32:

"3.32 Where a zoning district boundary line divides a lot under single ownership at the time of the effective date of this Ordinance, the regulations for each zoning district shall apply to portions of the lot within the respective districts except as provided in this subsection 3.32."

"3.321 Where more than one-half the area of said lot is in a less restricted district, (either in terms of the district's overall regulations or a single regulation) the Board of Zoning Appeal may grant a special permit allowing any of the less restrictive dimensional regulation(s) to extend up to twenty-five feet into the more restricted district. Uses not allowed in the more restricted districts shall not extend into the more restricted districts."

"3.322 Dwelling units and/or gross floor area allowed in the more restricted district, according to the formulas specified in subsection 5.27, may be located in the less restricted district, but dwelling units or gross floor area allowed in the less restricted district may be located in that portion of the lot located in the more restricted district only to the extent permitted by Section 3.321.

2b. Amend Section 5.20, Standards for Dimensional Regulations, by adding the following new subsection:

"5.27 The maximum residential density (lot area per dwelling unit) and gross floor area allowed on lots located in two or more zoning districts shall be calculated using the formulas specified in this subsection 5.27.

"5.271 The total number of dwelling units allowed shall be the sum of the total dwelling units allowed in each district, determined by adding the lot area in each district divided by the minimum lot area per dwelling unit for each district.

Max. # dwelling units =

$$\frac{\text{Lot area in district 1}}{\text{district 1 min. lot area/du}} + \frac{\text{Lot area in district 2}}{\text{district 2 min. lot area/du}}$$

"Where the computation of the total number of dwelling units allowed in each district results in two fractional numbers and where the sum of the resulting remainders from both districts equals or exceeds one, an additional unit shall be permitted."

"5.272 The maximum gross floor area shall be the sum of the total allowed dwelling units in each district, determined by adding the lot area in each district multiplied by the maximum allowed floor area ratio (FAR) for each district.

$$\begin{aligned} &\text{Max. \# Gross floor area} = \\ &\quad \text{Lot area in district 1} \times \text{district 1 FAR)} \\ &\quad + \\ &\quad \text{Lot area in district 2} \times \text{district 2 FAR)} \end{aligned}$$

- 3. Delete subsections 4.254 and 11.125 and recodify subsections 11.126 and 11.127 as 11.125 and 11.126 respectively. Recodify subsection 10.45 as 10.46 and subsections 10.46-10.464 as 10.47 - 10.474. Add new subsection 10.45 as follows:

"10.45 Any development requiring a special permit from the Planning Board which contains one or more violations of the regulations specified in this Ordinance, other than use violations, may be allowed by the Planning Board within the scope of the Special Permit and shall not require a separate variance. Any request for a use variance shall require separate proceedings before the Board of Zoning Appeal."

- 4. Amend Section 11.63, (Parkway Overlay District) Applicability, as follows:

- a. In subsection 11.636, insert "11.637," after "11.635".

- b. Replace subsection 11.637 with the following new subsection:

"11.637 The development standards specified in this Section 11.60 shall apply to all development within the Parkway Overlay district not exempted by Subsections 11.632, 11.633 and 11.634. Divergence from these standards may be allowed only by issuance of a special permit by the Planning Board as specified in subsection 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.60 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied."

- 5. Amend Table 5.2 Table of Dimensional Requirements, Office Districts by replacing the existing setback requirements in the Office 2 and Office 3 District with the following:

MINIMUM YARD IN FEET

	<u>FRONT</u>	<u>SIDE</u>	<u>REAR</u>
"Office 2	15'	10'	10'
Office 3	15'	10'	10' "

- 6a. Amend Article 2.000, the definition of "Development Parcel" to read as follows:

"Development Parcel. The total land area included within a Planned Unit Development, irrespective of the number or configuration of lots. A development parcel may include land in more than one ownership. In computing the area of a development parcel, both land and water areas within such parcel may be counted. A development parcel shall contain contiguous lots only, unless the regulations for a specific planned unit development district explicitly provides for development parcels containing non-contiguous lots."

- 6b. Amend Article 13.000 Planned Unit Development Districts, as follows:

- (i) In subsection 13.332 add the following new sentence after "43,560 square feet." "A development parcel within the PUD-2 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (East Cambridge Riverfront)
- (ii) In Section 13.342 add the following new sentence after "two (2) acres".
"A development parcel within the PUD-3 may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Broad Canal Area)
- (iii) In section 13.532 add the following new sentence after "43,560 square feet."
"A development parcel within the PUD-4 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Lechmere Canal Area)
- (iv) In Section 13.631 add the following new sentence after "20 acres." "A development parcel within the PUD-5 District may contain non-contiguous lots." (Alewife Area)

Lot Width

7. Amend text of the ordinance in Article 2.000, Definitions by changing the definition of "Lot Width" to read as follows:

Lot width. The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

GROSS FLOOR AREA

8. In Article 2.000, revise the definition of Gross Floor Area as follows:

Gross Floor Area. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls of a building or the centerline of party walls between buildings. Gross floor area shall include:

- (a) roofed porches and balconies whether enclosed or unenclosed.
- (b) unroofed porches and balconies above the third floor;
- (c) elevator shafts and stairwells on each floor, not excluded in (6) below;
- (d) attic space, whether finished or unfinished, not excluded in (5) and (7) below;
- (e) interior balconies, mezzanines, and penthouses; and
- (f) basement and cellar areas not excluded in (1), (2), and (8) below.

Gross floor area shall not include:

- (1) areas used for parking garages, accessory parking or off-street loading purposes;
- (2) basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;
- (3) open and lattice-work fire escapes;
- (4) unroofed porches and balconies no higher than the third floor;
- (5) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building;
- (6) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;
- (7) attic space with less than five (5) feet of ceiling height measured from the floor to the lowest projection from the ceiling. Said projection shall include structural members necessary for the construction of the building but shall exclude other projections such as light fixtures, sprinklers, etc., etc..
- (8) basement and cellar areas with less than seven feet, three inches (7 1/2) of ceiling height measured from the floor to the lowest projection from the ceiling. Said projection shall include structural members necessary for the construction of the building but shall exclude other projections such as light fixtures, sprinklers, etc., etc.

Passed to a second reading at the City Council meeting held on February 2, 1981 and on or after February 23, 1981 the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.



Yickie Post

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

Notice of a Public Hearing

RECEIVED BY
OFFICE OF CITY CLERK
JAN 7 2 12 PM '81
CAMBRIDGE, MASS.

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, January 20, 1981 at 8:30 p.m. in the Community Development Department Conference Room, 57 Inman Street, Cambridge, Massachusetts on a petition by the Planning Board to amend the text of the zoning ordinance by adopting a package of eight (8) technical zoning amendments. The purpose of the technical amendment package is to correct ambiguities, inconsistencies and omissions in the text of the zoning ordinance. These amendments include changes to the following sections of the zoning ordinance;

- Article 2.000, Definition of "Dwelling unit"
- Section 3.32, Clarification - "Split Lots"
- Section 11.60, Parkway Overlay District (2 changes)
- Section 5.32, Office 2 & Office 3 - setback requirements
- Article 13.000, Clarification of "Development Parcel"
- Article 2.000, Definition of "Lot width"
- Article 2.000, Definition of "Gross Floor Area"

Legally correct copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts. Questions concerning this petition may be addressed to Marc Levye or Elizabeth McCarthy at 498-9034.

Revised Petition from
Planning Board

Three different petitions have to
wait to see what version is
ordained.

Cambridge,.....December 18.....19 80

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray

that the Zoning Ordinance of the City of Cambridge be amended as follows:

1. Amend the text of the Ordinance in Article 2.000, definitions, by changing the definition of "dwelling unit" to read as follows:

"Dwelling unit. A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary facilities for the exclusive use of such family for living, sleeping, cooking and eating."

A. Replace subsection 3.32 of Section 3.30, Rules for Interpretation of District Boundaries, with the following new subsection 3.32:

"3.32 Where a zoning district boundary line divides a lot under single ownership at the time of the effective date of this Ordinance, the regulations for each zoning district shall apply to portions of the lot within the respective districts except as provided in this subsection 3.32."

"3.321 Where more than one-half the area of said lot is in a less restricted district, (either in terms of the district's overall regulations or a single regulation) the Board of Zoning Appeal may grant a special permit allowing any of the less restrictive dimensional regulation(s) to extend up to twenty-five feet into the more restricted district. Uses not allowed in the more restricted districts shall not extend into the more restricted districts."

"3.322 Dwelling units and/or gross floor area allowed in the more restricted district, according to the formulas specified in subsection 5.27, may be located in the less restricted district, but dwelling units or gross floor area allowed in the less restricted district may be located in that portion of the lot located in the more restricted district only to the extent permitted by Section 3.321.

B. Amend Section 5.20, Standards for Dimensional Regulations, by adding the following new subsection:

"5.27 The maximum residential density (lot area per dwelling unit) and gross floor area allowed on lots located in two or more zoning districts shall be calculated using the formulas specified in this subsection 5.27.

"5.271 The total number of dwelling units allowed shall be the sum of the total dwelling units allowed in each district, determined by adding the lot area in each district divided by the minimum lot area per dwelling unit for each district.

Max. # dwelling units =

$$\frac{\text{Lot area in district 1}}{\text{district 1 min. lot area/du}} + \frac{\text{Lot area in district 2}}{\text{district 2 min. lot area/du}}$$

"Where the computation of the total number of dwelling units allowed in each district results in two fractional numbers and where the sum of the resulting remainders from both districts equals or exceeds one, an additional unit shall be permitted."

"5.272 The maximum gross floor area shall be the sum of the total allowed dwelling units in each district, determined by adding the lot area in each district multiplied by the maximum allowed floor area ratio (FAR) for each district.

Max. # Gross Floor Area =

$$\begin{aligned} & \text{Lot area in district 1} \times \text{district 1 FAR} \\ & + \\ & \text{Lot area in district 2} \times \text{district 2 FAR} \end{aligned}$$

3. Delete subsections 4.255 and 11.125 and recodify subsections 11.126 and 11.127 as 11.125 and 11.126 respectively. Recodify subsection 10.45 as 10.46 and subsections 10.46-10.464 as 10.47 - 10.474. Add new subsection 10.45 as follows:

"10.45 Any development requiring a special permit from the Planning Board which contains one or more violations of the regulations specified in this Ordinance, other than use violations, may be allowed by the Planning Board within the scope of the Special Permit and shall not require a separate variance. Any request for a use variance shall require separate proceedings before the Board of Zoning Appeal."

4. Amend Section 11.63, (Parkway Overlay District) Applicability, as follows:

a. In subsection 11.636, insert "11.637," after "11.635".

b. Replace subsection 11.637 with the following new subsection:

"11.637 The development standards specified in this Section 11.60 shall apply to all development within the Parkway Overlay district not exempted by Subsections 11.632, 11.633 and 11.634. Divergence from these standards may be allowed only by issuance of a special permit by the Planning Board as specified in subsection 10.45 . The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.60 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied."

Original

- 5. Amend Table 5.2 Table of Dimensional Requirements, Office Districts by replacing the existing setback requirements in the Office 2 and Office 3 District with the following:

Minimum Yard in Feet

	<u>Front</u>	<u>Side</u>	<u>Rear</u>
"Office 2	15'	10'	10'
Office 3	15'	10'	10' "

Recommended Change

- 5. Amend Table 5-2 of Dimensional Requirements - Office Districts by adding new footnotes (e) and (f) to the minimum side yard requirements in the Office 2 and 3 districts respectively

Minimum Yard in Feet

	<u>Side</u>
Office 2	$\frac{H+L}{5}$ (e)
Office 3	$\frac{H+L}{6}$ (f) "

"(e) The minimum side yard setback may be reduced to not less than 15 feet upon issuance of a special permit from the Board of Zoning Appeals. Such reduction shall be permitted only where the decreased setback is deemed compatible with abutting properties.

(f) The minimum side yard setback may be reduced to not less than 10 feet upon issuance of a special permit from the Board of Zoning Appeals. Such reduction shall be permitted only where the decreased setback is deemed compatible with abutting properties."

Original

- 6a. Amend Article 2.000, the definition of "Development Parcel" to read as follows:

"Development Parcel. The total land area included within a Planned Unit Development, irrespective of the number or configuration of lots. A development parcel may include land in more than one ownership. In computing the area of a development parcel, both land and water areas within such parcel may be counted. A development parcel shall contain contiguous lots only, unless the regulations for a specific planned unit development district explicitly provides for development parcels containing non-contiguous lots."

- 6b. Amend Article 13.000 Planned Unit Development Districts, as follows:

- (i) In subsection 13.332 add the following new sentence after "43,560 square feet." "A development parcel within the PUD-2 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (East Cambridge Riverfront)
- (ii) In Section 13.342 add the following new sentence after "two (2) acres".
"A development parcel within the PUD-3 may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Broad Canal Area)
- (iii) In section 13.532 add the following new sentence after "43,560 square feet."
"A development parcel within the PUD-4 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Lechmere Canal Area)
- (iv) In Section 13.631 add the following new sentence after "20 acres." "A development parcel within the PUD-5 District may contain non-contiguous lots." (Alewife Area)

Recommended Change

Add the following sentence to end of the original definition of "Development Parcel" (see above):

"However in no instance shall non-contiguous lots be separated by more than 1200 feet measured in a straight line from lot to lot."

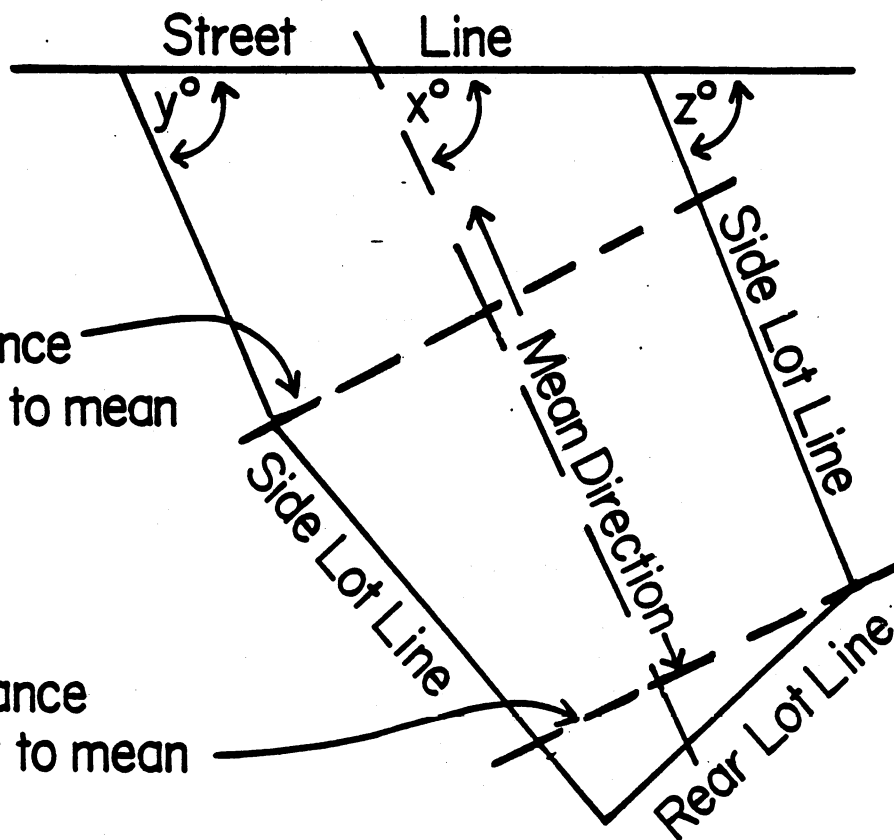
- 6b. (above) shall remain as is.

Lot Width

7. Amend text of the ordinance in Article 2.000, Definitions by changing the definition of "Lot Width" to read as follows:

Lot width. The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

EXAMPLE:



(for illustration purposes only)

To find mean direction = x°

$$y^\circ + z^\circ = Q^\circ \div 2 = x^\circ$$

To find mean horizontal distance:

$$A + B = C \div 2 = \text{mean horizontal width}$$

Mean horizontal width must be equal to or greater than required width.

Original

GROSS FLOOR AREA

8. In Article 2.000, revise the definition of Gross Floor Area as follows:

Gross Floor Area. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls of a building or the centerline of party walls between buildings. Gross floor area shall include:

- (a) roofed porches and balconies whether enclosed or unenclosed.
- (b) unroofed porches and balconies above the third floor;
- (c) elevator shafts and stairwells on each floor, not excluded in (6) below;
- (d) attic space, whether finished or unfinished, not excluded in (5) and (7) below;
- (e) interior balconies, mezzanines, and penthouses; and
- (f) basement and cellar areas not excluded in (1), (2), and (8) below.

Gross floor area shall not include:

- (1) areas used for parking garages, accessory parking or off-street loading purposes;
- (2) basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;
- (3) open and lattice-work fire escapes;
- (4) unroofed porches and balconies no higher than the third floor;
- (5) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building;
- (6) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;
- (7) attic space with less than five (5) feet of ceiling height measured from the floor to the lowest projection from the ceiling. Said projection shall include structural members necessary for the construction of the building but shall exclude other projections such as light fixtures, sprinklers, etc., etc..
- (8) basement and cellar areas with less than seven feet, three inches (7 1/2) of ceiling height measured from the floor to the lowest projection from the ceiling. Said projection shall include structural members necessary for the construction of the building but shall exclude other projections such as light fixtures, sprinklers, etc., etc.

(Note-underlined words reflect new language)

Recommended Change

GROSS FLOOR AREA

8. In Article 2.000, revise the definition of Gross Floor Area as follows:

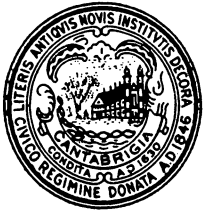
Gross Floor Area. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls of a building or the centerline of party walls between buildings. Gross floor area shall include:

- (a) roofed porches and balconies whether enclosed or unenclosed.
- (b) unroofed porches and balconies above the third floor;
- (c) elevator shafts and stairwells on each floor, not excluded in (6) below;
- (d) attic space, whether finished or unfinished, not excluded in (5) and (7) below;
- (e) interior balconies, mezzanines, and penthouses; and
- (f) basement and cellar areas not excluded in (1), (2), and (8) below.

Gross floor area shall not include:

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- (5) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building;
- (6) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;
- (7) attic space within the area of the plane that is less than five (5') feet above the attic floor and which touches side walls or a finished ceiling or if an unfinished ceiling, touches the underside of roof rafters.
- (8) basement and cellar spaces with less than seven feet, three inches (7½') of ceiling height measured from the floor to the finished ceiling or if an unfinished ceiling to the line of the bottom of the floor joists.

(Note-underline words reflect new language)



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

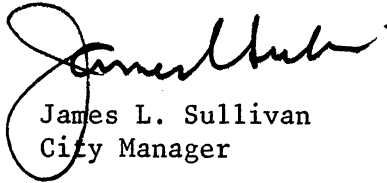
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

March 16, 1981

To the Honorable, the City Council:

Enclosed please find a revised technical zoning amendment package which responds to the concerns raised by Councillors at the City Council public hearing of January 27, 1981 and which have been approved by the Planning Board.

Very truly yours,



James L. Sullivan
City Manager

JLS/mbf
Enc.

Revised technical zoning amendment.

In City Council,

March 16, 1981

2/16/1981

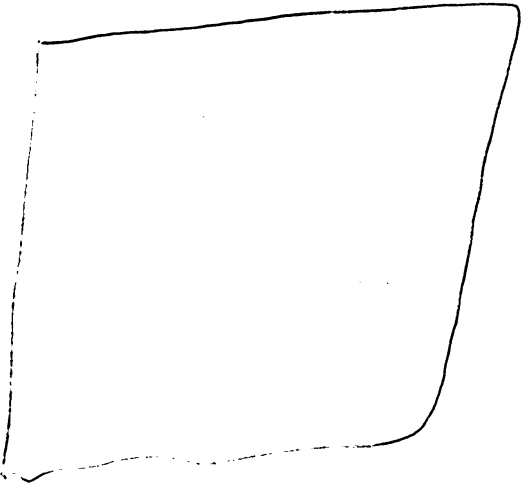
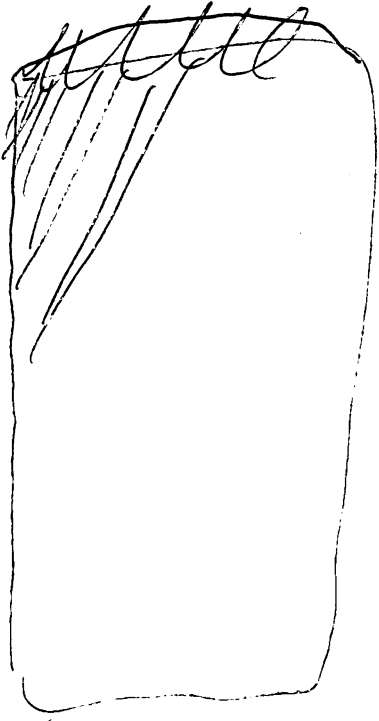
*Referred to the
- PETITION - Calendar
Item #3 Furnished
BUSINESS*

2/4/51

Mr. Healey,

I am sending you three copies of the technical amendment package - a version which the Council is most likely to adopt. In the right hand corner of each page you will notice a reference to ~~the~~ the status of that particular amendment - either an original, Planning Board, or Council recommendation. Please call ~~at~~ me if you have any questions.

Maria A. Levy



Cambridge,.....December 18.....19 80

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray

that the Zoning Ordinance of the City of Cambridge be amended as follows:

1. Amend the text of the Ordinance in Article 2.000, definitions, by changing the definition of "dwelling unit" to read as follows:

"Dwelling unit. A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary facilities for the exclusive use of such family for living, sleeping, cooking and eating."

2a. Remove subsection 3.32 of Section 3.30, Rules for Interpretation of District Boundaries, with the following new subsection 3.32:

"3.32 Where a zoning district boundary line divides a lot under single ownership at the time of the effective date of this Ordinance, the regulations for each zoning district shall apply to portions of the lot within the respective districts except as provided in this subsection 3.32."

"3.321 Where more than one-half the area of said lot is in a less restricted district, (either in terms of the district's overall regulations or a single regulation) the Board of Zoning Appeal may grant a special permit allowing any of the less restrictive dimensional regulation(s) to extend up to twenty-five feet into the more restricted district. Uses not allowed in the more restricted districts shall not extend into the more restricted districts."

"3.322 Dwelling units and/or gross floor area allowed in the more restricted district, according to the formulas specified in subsection 5.27, may be located in the less restricted district, but dwelling units or gross floor area allowed in the less restricted district may be located in that portion of the lot located in the more restricted district only to the extent permitted by Section 3.321.

2b. Amend Section 5.20, Standards for Dimensional Regulations, by adding the following new subsection:

"5.27 The maximum residential density (lot area per dwelling unit) and gross floor area allowed on lots located in two or more zoning districts shall be calculated using the formulas specified in this subsection 5.27.

"5.271 The total number of dwelling units allowed shall be the sum of the total dwelling units allowed in each district, determined by adding the lot area in each district divided by the minimum lot area per dwelling unit for each district.

Max. # dwelling units =

$$\frac{\text{Lot area in district 1}}{\text{district 1 min. lot area/du}} + \frac{\text{Lot area in district 2}}{\text{district 2 min. lot area/du}}$$

"Where the computation of the total number of dwelling units allowed in each district results in two fractional numbers and where the sum of the resulting remainders from both districts equals or exceeds one, an additional unit shall be permitted."

"5.272 The maximum gross floor area shall be the sum of the total allowed dwelling units in each district, determined by adding the lot area in each district multiplied by the maximum allowed floor area ratio (FAR) for each district.

$$\begin{aligned} \text{Max. \# Gross floor area} &= \\ &\text{Lot area in district 1 x district 1 FAR)} \\ &+ \\ &\text{Lot area in district 2 x district 2 FAR)} \end{aligned}$$

- 3. Delete subsections 4.255 and 11.125 and recodify subsections 11.126 and 11.127 as 11.125 and 11.126 respectively. Recodify subsection 10.45 as 10.46 and subsections 10.46-10.464 as 10.47 - 10.474. Add new subsection 10.45 as follows:

"10.45 Any development requiring a special permit from the Planning Board which contains one or more violations of the regulations specified in this Ordinance, other than use violations, may be allowed by the Planning Board within the scope of the Special Permit and shall not require a separate variance. Any request for a use variance shall require separate proceedings before the Board of Zoning Appeal."

4. Amend Section 11.63, (Parkway Overlay District) Applicability, as follows:

a. In subsection 11.636, insert "11.637," after "11.635".

b. Replace subsection 11.637 with the following new subsection:

"11.637 The development standards specified in this Section 11.60 shall apply to all development within the Parkway Overlay district not exempted by Subsections 11.632, 11.633 and 11.634. Divergence from these standards may be allowed only by issuance of a special permit by the Planning Board as specified in subsection 10.45 . The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.60 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied."

5. Amend Table 5-2 of Dimensional Requirements - Office Districts by adding new footnotes (e) and (f) to the minimum side yard requirements in the Office 2 and 3 districts respectively

Minimum Yard in Feet

Side

Office 2

$\frac{H+L}{5}$ (e)

Office 3

$\frac{H+L}{6}$ (f) "

"(e) The minimum side yard setback may be reduced to not less than 15 feet upon issuance of a special permit from the Board of Zoning Appeals. Such reduction shall be permitted only where the decreased setback is deemed compatible with abutting properties.

(f) The minimum side yard setback may be reduced to not less than 10 feet upon issuance of a special permit from the Board of Zoning Appeals. Such reduction shall be permitted only where the decreased setback is deemed compatible with abutting properties."

- 6a. Amend Article 2.000, the definition of "Development Parcel" to read as follows:

"Development Parcel. The total land area included within a Planned Unit Development, irrespective of the number or configuration of lots. A development parcel may include land in more than one ownership. In computing the area of a development parcel, both land and water areas within such parcel may be counted. A development parcel shall contain contiguous lots only, unless the regulations for a specific planned unit development district explicitly provide for development parcels containing non-contiguous lots." However, in no instance shall non-contiguous lots be separated by more than 300 feet measured in a straight line from lot to lot."

- 6b. Amend Article 13.000 Planned Unit Development Districts, as follows:

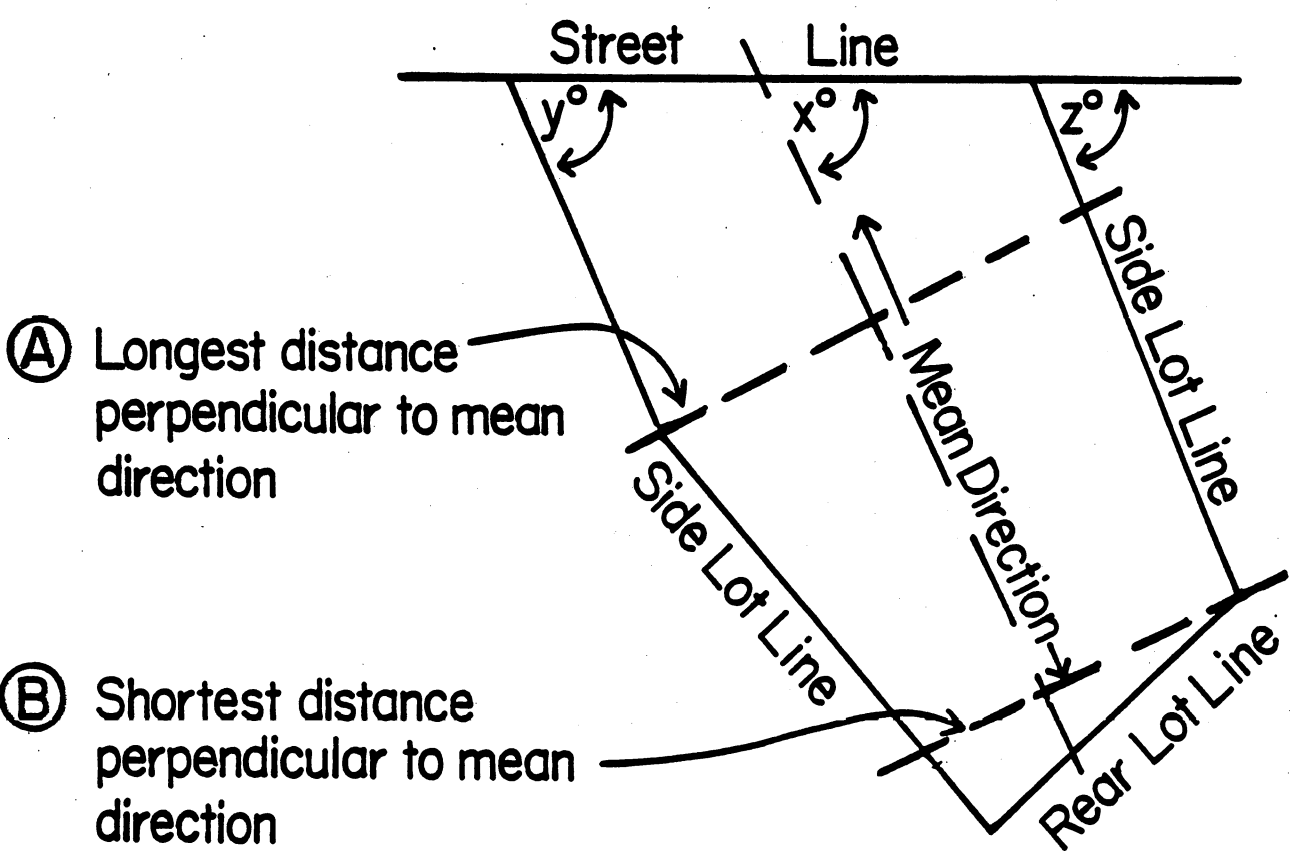
- (i) In subsection 13.332 add the following new sentence after "43,560 square feet." "A development parcel within the PUD-2 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (East Cambridge Riverfront)
- (ii) In Section 13.342 add the following new sentence after "two (2) acres".
"A development parcel within the PUD-3 may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Broad Canal Area)
- (iii) In section 13.532 add the following new sentence after "43,560 square feet."
"A development parcel within the PUD-4 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Lechmere Canal Area)
- (iv) In Section 13.631 add the following new sentence after "20 acres." "A development parcel within the PUD-5 District may contain non-contiguous lots." (Alewife Area)

Lot Width

- 7. Amend text of the ordinance in Article 2.000, Definitions by changing the definition of "Lot Width" to read as follows:

Lot width. The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

EXAMPLE:



To find mean direction = x°

$$y^\circ + z^\circ = Q^\circ \div 2 = x^\circ$$

To find mean horizontal distance:

$$A + B = C \div 2 = \text{mean horizontal width}$$

Mean horizontal width must be equal to or greater than required width.

GROSS FLOOR AREA

8. In Article 2.000, revise the definition of Gross Floor Area as follows:

Gross Floor Area. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls of a building or the centerline of party walls between buildings. Gross floor area shall include:

- (a) roofed porches and balconies whether enclosed or unenclosed.
- (b) unroofed porches and balconies above the third floor;
- (c) elevator shafts and stairwells on each floor, not excluded in (6) below;
- (d) attic space, whether finished or unfinished, not excluded in (5) and (7) below;
- (e) interior balconies, mezzanines, and penthouses; and
- (f) basement and cellar areas not excluded in (1), (2), and (8) below.

Gross floor area shall not include:

- (1) areas used for parking garages, accessory parking or off-street loading purposes;
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- (3) open and lattice-work fire escapes;
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- (8) basement and cellar spaces with less than seven feet, three inches (7½') of ceiling height measured from the floor to the finished ceiling or if an unfinished ceiling to the line of the bottom of the floor joists.

(Note-underline words reflect new language)



RECEIVED BY
OFFICE OF THE
DEC 13 10 48 AM '80
CITY OF CAMBRIDGE, MASS.
CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 HENMAN STREET, CAMBRIDGE 02139

December 18, 1980

To the Honorable, the City Council:

The Planning Board hereby petitions the City Council to amend the text of the Zoning Ordinance by adopting the following package of technical amendments. These amendments were prepared by the Community Development Department's zoning staff to correct ambiguities, inconsistencies and omissions in the Ordinance. Each of the proposed amendments is summarized briefly below.

1. The proposed definition of "dwelling unit" would clarify the present definition by specifying that cooking and sanitary facilities are requisite equipment and by eliminating the ambiguous phrase "used or intended to be used." The new definition would stipulate that the physical configuration of space rather than the intent of the builder/owner would be the critical factor in determining whether or not a portion of a building is a dwelling unit. This amendment would ease the Building Department's job in reviewing plans and inspecting buildings.
2. The proposed amendment deals with lots that are split by zoning district boundaries. Subsection 3.32 of the ordinance allows the Board of Zoning Appeals to grant a special permit for extending less restrictive zoning rules into a more restrictive district. The language is ambiguous concerning which regulations may be extended and appears to be conflicting with respect to the extension of uses permitted in the less restrictive district. The proposed amendment would allow dimensional but not use regulations to be extended up to 25 feet into the more restricted district on special permit provided that at least half the lot is in the less restricted district. The proposal would also incorporate into the ordinance the existing, but unwritten, method of determining and allocating density and FAR permits for split lots.

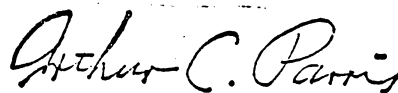
3. The purpose of the third amendment is to allow the Planning Board to consider and approve violations, customarily requiring a variance other than use violations, within the scope of all Planning Board special permit review. (PUD's, Parkway Overlay District) Presently, the ordinance only gives the Board this authority within the purview of a townhouse or multi-family special permit. Such a change would avoid making some applicants appear before two municipal agencies (Planning Board and Board of Zoning Appeals). This would reduce unnecessary delays in the development review process and would avoid possible contradictory conditions imposed by the two boards.
4. An amendment to the Parkway Overlay District regulations would clarify that the Planning Board has jurisdiction to grant relief from those regulations.
5. The fifth amendment would eliminate the existing formulas used to calculate minimum front, side and rear setbacks in the Office 2 and Office 3 districts. The amendment would replace the sliding setbacks based on building height and face length with fixed distances. The present formulas used in calculating the setback requirements in the Office 2 district has been found to be unreasonably restrictive and do not work for parcels zoned Office 2 and 3.

Another amendment clarifies the definition of "Development Parcel", and allows for noncontiguous development within Planned Unit Development Districts 2, 3, 4, and 5. This would permit development rights transfer, increasing development flexibility in these districts.

7. The existing definition of "lot width" is ambiguous. It is defined as the "horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines." There are at least two ways of interpreting this requirement:
 1. That the width must meet the minimum at all points between side lot lines or
 2. That it must satisfy this requirement only at one point. The proposed new definition would require that the minimum width must be based on the average distance between side lot lines.
8. The proposed definition of "gross floor area" would eliminate numerous ambiguities in the existing definition. It would either change or clarify the manner in which areas of porches, balconies, attics, basements and cellars are counted in the Ordinance.

Respectfully submitted,

For the Planning Board



Arthur C. Parris
Chairman

Cambridge, December 18 19 80

To the Honorable, the City Council of the
City of Cambridge:

The undersigned respectfully pray

that the Zoning Ordinance of the City of Cambridge be amended as follows:

1. Amend the text of the Ordinance in Article 2.000, definitions, by changing the definition of "dwelling unit" to read as follows:

"Dwelling unit. A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary facilities for the exclusive use of such family for living, sleeping, cooking and eating."

2a. Remove subsection 3.32 of Section 3.30, Rules for Interpretation of District Boundaries, with the following new subsection 3.32:

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"3.322 Dwelling units and/or gross floor area allowed in the more restricted district, according to the formulas specified in subsection 5.27, may be located in the less restricted district, but dwelling units or gross floor area allowed in the less restricted district may be located in that portion of the lot located in the more restricted district only to the extent permitted by Section 3.321.

2b. Amend Section 5.20, Standards for Dimensional Regulations, by adding the following new subsection:

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Max. # dwelling units =

$$\frac{\text{Lot area in district 1}}{\text{district 1 min. lot area/du}} + \frac{\text{Lot area in district 2}}{\text{district 2 min. lot area/du}}$$

"Where the computation of the total number of dwelling units allowed in each district results in two fractional numbers and where the sum of the resulting remainders from both districts equals or exceeds one, an additional unit shall be permitted."

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$$\begin{aligned} \text{Max. \# Gross floor area} &= \\ &\text{Lot area in district 1 x district 1 FAR)} \\ &+ \\ &\text{Lot area in district 2 x district 2 FAR)} \end{aligned}$$

3. Delete subsections 4.254 and 11.125 and recodify subsections 11.126 and 11.127 as 11.125 and 11.126 respectively. Recodify subsection 10.45 as 10.46 and subsections 10.46-10.464 as 10.47 - 10.474. Add new subsection 10.45 as follows:

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Office 3	15'	10'	10' "

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- 6b. Amend Article 13.000 Planned Unit Development Districts, as follows:

- (i) In subsection 13.332 add the following new sentence after "43,560 square feet." "A development parcel within the PUD-2 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (East Cambridge Riverfront)
- (ii) In Section 13.342 add the following new sentence after "two (2) acres".
"A development parcel within the PUD-3 may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Broad Canal Area)
- (iii) In section 13.532 add the following new sentence after "43,560 square feet."
"A development parcel within the PUD-4 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Lechmere Canal Area)
- (iv) In Section 13.631 add the following new sentence after "20 acres." "A development parcel within the PUD-5 District may contain non-contiguous lots." (Alewife Area)

Lot Width

7. Amend text of the ordinance in Article 2.000, Definitions by changing the definition of "Lot Width" to read as follows:

Lot width. The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

GROSS FLOOR AREA

8. In Article 2.000, revise the definition of Gross Floor Area as follows:

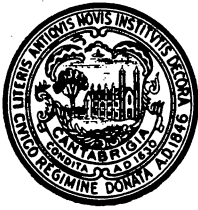
Gross Floor Area. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls of a building or the centerline of party walls between buildings. Gross floor area shall include:

- (a) roofed porches and balconies whether enclosed or unenclosed.
- (b) unroofed porches and balconies above the third floor;
- (c) elevator shafts and stairwells on each floor, not excluded in (6) below;
- (d) attic space, whether finished or unfinished, not excluded in (5) and (7) below;
- (e) interior balconies, mezzanines, and penthouses; and
- (f) basement and cellar areas not excluded in (1), (2), and (8) below.

Gross floor area shall not include:

- (1) areas used for parking garages, accessory parking or off-street loading purposes;
- (2) basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;
- (3) open and lattice-work fire escapes;
- (4) unroofed porches and balconies no higher than the third floor;
- (5) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building;
- (6) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;
- (7) attic space with less than five (5) feet of ceiling height measured from the floor to the lowest projection from the ceiling. Said projection shall include structural members necessary for the construction of the building but shall exclude other projections such as light fixtures, sprinklers, etc., etc..
- (8) basement and cellar areas with less than seven feet, three inches (7) of ceiling height measured from the floor to the lowest projection from the ceiling. Said projection shall include structural members necessary for the construction of the building but shall exclude other projections such as light fixtures, sprinklers, etc., etc.

(Note-underlined words reflect new language)



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex Inman & Broadway EXTENSION 9034

To James L. Sullivan, City Manager
From David R. Vickery Assistant City Manager for Community Development Date Feb. 2, 1981
Subject Technical Amendment Package

The City Council raised three questions concerning the above amendments at their public hearing of 1/27/81. These questions and answers are as follows:

- Question 1. What is the Board of Zoning Appeal's response to amendment #3 on page 4 of the 12/18/80 package? This amendment would give the Planning Board the authority to grant variances, other than use, on all Planning Board special permits.
- Response 1. A letter was sent to the BZA explaining the proposed amendment. At this time, we have not heard from them. However, one building official who works closely with the BZA felt that they (BZA) would have no objections because the amendment would prevent an unnecessary review by the BZA in light of the fact that the Planning Board would be reviewing it in any event.
- Question 2. With regard to amendment #6a on pg. 7 of the 12/18/80 package, the Council was concerned that allowing development parcels in Planned Unit Districts (PUD) to be non-contiguous without any restrictions was too liberal.
- Response 2. The staff recommends that development parcels containing non-contiguous lots must be within 300 feet of each other (see revised amendment 6a., attached).
- Question 3. With regard to amendment #5 on pg. 6 of the 12/18/80 package, the Council raised two issues. First, in light of the information presented at the hearing showing that the existing setback formulas in the Office 2 and 3 districts do not work, what would the applicable floor area ratios (FAR) have to be changed to in order to function given the existing formulas? Secondly, assuming an FAR change would be too drastic, what alternative amendment would be appropriate?
- Response 3. Additional research completed by the staff indicated that in the Office 2 district the FAR would have to be lowered from 2.0 to 1.2 (a 40% reduction) in order to provide the

existing minimum setbacks. In the Office 3 district, the FAR would have to be decreased from 3.0 to 1.71 (a 43% reduction). These reductions would be significant. As an alternative, the staff recommends that the existing formulas be left as is. However, two new footnotes should be added to the existing side yard formulas allowing a decreased setback by special permit from the BZA (see revised amendment #5, attached).

Attachment

Cambridge, December 18, 19 80
revised January 26, 1981

To the Honorable, the City Council of the revised January 29, 1981
City of Cambridge:

The undersigned respectfully pray

That the Zoning Ordinance of the City of Cambridge be amended as follows:

6a. Amend Article 2.000, the definition of "Development Parcel" to read as follows:

"Development Parcel. The total land area included within a Planned Unit Development, irrespective of the number or configuration of lots. A development parcel may include land in more than one ownership. In computing the area of a development parcel, both land and water areas within such parcel may be counted. A development parcel shall contain contiguous lots only, unless the regulations for a specific planned unit development district explicitly provide for development parcels containing non-contiguous lots." However, in no instance shall non-contiguous lots be separated by more than 300 feet measured in a straight line from lot to lot.

Cambridge, December 18, 1980
revised January 26, 1981,

To the Honorable, the City Council of the City of Cambridge: revised January 29, 1981

The undersigned respectfully pray

That the Zoning Ordinance of the City of Cambridge be amended as follows:

5. Amend Table 5-2 of Dimensional Requirements - Office Districts by adding new footnotes (e) and (f) to the minimum side yard requirements in the Office 2 and 3 districts respectively

Minimum Yard in Feet

	<u>Side</u>
Office 2	$\frac{H+L}{5}$ (e)
Office 3	$\frac{H+L}{6}$ (f) "

"(e) The minimum side yard setback may be reduced to not less than 15 feet upon issuance of a special permit from the Board of Zoning Appeals. Such reduction shall be permitted only where the decreased setback is deemed compatible with abutting properties.

(f) The minimum side yard setback may be reduced to not less than 10 feet upon issuance of a special permit from the Board of Zoning Appeals. Such reduction shall be permitted only where the decreased setback is deemed compatible with abutting properties."

PUBLIC NOTICE
RELATIVE TO ZONING.

City of Cambridge

MASSACHUSETTS

Office of the City 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, that a public hearing will be held on Tuesday, January 27, 1981 at 7:30 p.m. in the City Council Chamber, City Hall, Cambridge, Massachusetts on the petition of the Planning Board to amend the text of the Zoning Ordinances by adopting a package of technical amendments.

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,

Councillor David A. Wylie,
Chairman.

NOTE: Pursuant to the provisions of General Laws, Chapter 40, Section 32A, 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 or the second publication.

RECEIVED BY
OFFICE OF CITY CLERK

JAN 7 3 04 PM '81

CAMBRIDGE, MASS.

let file fwd

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RELATIVE TO ZONING.

City of Cambridge

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2nd flr bnd

RECEIVED BY
OFFICE OF CITY CLERK

JAN 7 3 05 PM '81

CAMBRIDGE, MASS.

Four Trowbridge Place
Cambridge, MA. 02138
Telephone 657-3604
491-7181 (home)
January 19, 1981

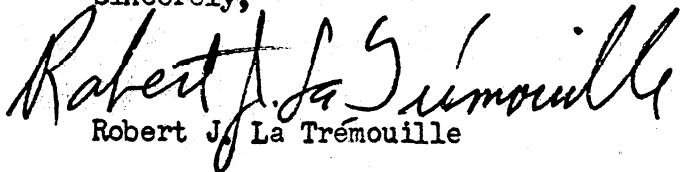
City Council
City of Cambridge

Reference: "Technical amendments" to the zoning ordinance initiated by the Planning Board's letter of December 18, 1980

Enclosed are my comments on these proposed changes which I hope you will consider and use to improve this document. I object to the use of the word "technical" with regard to sections 5 and 6b.

I am opposed, and wish to be recorded as opposed, to section 5. I consider this section bad planning.

Sincerely,


Robert J. La Trémouille

COMMENTS ON PLANNING BOARD PROPOSAL OF DECEMBER 18, 1980

SECTION 1, redefinition of "dwelling unit".

This section bothers me because it broaches many areas of law with which I have limited knowledge. Because of that, it may have repercussions of which I have no knowledge. I must discuss it only from a zoning reference. Perhaps complementary laws resolve my questions.

As a general matter, this new definition appears to improve the regulation of new construction or subdivision. The requirement that each dwelling unit contain cooking and sanitary facilities for the exclusive use of the family is a considerable improvement. Technically, the term "a family" in the third line should be amended to read "one family".

My serious questions about this definition revolve about the term "occupied or capable of being occupied" in the first two lines, and about application to existing structures.

For example, I shall apply my concerns to a building with which I am familiar and which I know is not an unusual case. It is a three story building with two main entrances, one for the first floor, one for the second and third floors. The first floor is arranged as and used as one dwelling unit. The second and third floors have one bathroom each. On the second floor there are three "efficiency apartments"; on the third floor there are two. These apartments are each large rooms, separately locked, which have been modified to include complete kitchen facilities in each room. The apartments share bathrooms. Under the existing law this building has six dwelling units.

Under the proposed change, it would appear that each floor of this building is "occupied or capable of being occupied" by one family, whether or not such is the present case, and, thus, for zoning purpose with regard to further construction on the lot, the owner would be charged with only three dwelling units on the site. He could add three more "dwelling units" on the site returning to the original total of six without any change, except in the ordinance. I suggest that you work into the proposal the existing terminology, "forming a habitable unit for one family", in place of "occupied or capable of being occupied".

With these modifications, what does this change do to existing structures? Does the requirement of a bathroom for the exclusive use of the dwelling unit, by itself, convert this six dwelling unit building into three dwelling units for purposes of expansion. The exclusivity clause may have this affect. The excess kitchen facilities would be irrelevant. I suggest that you add language clarifying the affect on existing structures. A grandfathering effect should not be considered automatic, since grandfathering only relates to more restrictive provisions, not to less restrictive provisions.

Section 2, lots in two districts.

This has improvements over the existing law. Particularly good is the explicit prohibition against permission of uses in the more restricted district which are permitted in the less restricted district. Suggested improvements:

a. New 3.32, first line: deletes "under single ownership at the time of the effective date of this ordinance" which presently modifies "lot" in that line. This phrase (with the original effective date inserted) should be reinstated. It prevents maneuvering of lot boundaries and ownerships for purposes of zoning evasion.

b. Under the existing ordinance the BZA may apply conditions to its permit. If this is not automatic from other provisions of the ordinance, it should be reinstated.

c. Under the existing section, no extension into the more restrictive district of the regulations of the less restrictive district is permitted if the lot extends further than 25 feet into the less restricted district. Deletions of this limitation grants considerable rights to developers which appear to be unwarranted in what is intended to be a transition provision.

d. I have difficulty with conceding any yard, parking setback, and similar requirements in portions of the lot which face the more restrictive district. Such requirements on ~~sides~~ ^{sides} which are in both districts could reasonable be set at an intermediate level by the BZA on condition that requirements in the less restrictive district be increased to what would also be an intermediate level.

e. Similarly, it would make good sense to grant concessions on height in the more restrictive district only to intermediate levels and, once again, in return for concessions in the less restrictive district.

Section 5, modification of yard requirements in office districts.

UNACCEPTABLE. The existing ordinance is good planning; ^{larger} the setback should be required. This seems to be a minimal esthetic consideration both from a city planning point of view and from normal concern for the rights of abutters, the ~~more~~ a building, the ~~more~~.

The cover letter states that "present formulas . . . has been found to be unreasonably restrictive and do not work . . ." Any lot on which the existing formulas "do not work" is inappropriate for a big building. The office zones abut and include residential neighborhoods, as well as important major arteries. Office use under the ordinance constitutes one added use in districts which are identical to the corresponding residence C districts. There is no need for and no sense in upzoning these areas.

Section 6. P.U.D. modifications.

Subsection 6.a. appears to be a commendable clarification. Subsection 6b, in the name of "flexibility" permits the treatment of noncontiguous parcels as one lot in all P.U.D. districts. This appears to be the opposite of meaningful regulation.

Section 7. Amendment of definition of "lot Width". Nice Job.

Section 8. Redefinition of "gross floor area".

Correction to introductory paragraph measuring gross floor area to the centerline of party walls in appropriate circumstances makes good sense. Modification to subparagraph (5) (just below the midline of the page) is good drafting. I would be interested in hearing the explanation for the change of status of third floor balconies and porches. At first blush, the new paragraphs (6), (7) and (8) appear sensible. I would like to have them explained.

2.

0

Comm. from Robert J. LaTremouille, 4
Trowbridge Place, relative to the proposed
amendments for technical changes to the
Zoning Ordinances.

In City Council,

January 26, 1981

1/26/1981

Referred to the
PETITION-



RECEIVED BY
OFFICE OF CITY CLERK

CITY OF CAMBRIDGE MASSACHUSETTS

JAN 26 4 53 PM '81
CAMBRIDGE, MASS.
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

January 26, 1981

To the Honorable, the City Council:

Subject: Planning Board recommendation on the petition to amend the Zoning Ordinance by adoption of a series of technical amendments designed to correct ambiguities, inconsistencies and omissions in such Ordinance.

In accordance with Chapter 40A of the General Laws, the Planning Board held a public hearing on Tuesday, January 20, 1981 on the above petition which was filed by the Planning Board.

The Petition

This petition was prepared by the Community Development Department's zoning staff in order to correct existing problems in the Zoning Ordinance. The zoning staff continually reviews the Zoning Ordinance to improve and update the zoning text. This petition represents the staff's review of and recommendation for changes to the zoning text during the past year. A summary of each specific amendment is contained in the original petition dated December 18, 1980 (first two pages).

The Hearing

At the January 20, 1981 public hearing, Community Development staff presented a summary of the proposed amendments. No citizens were against the amendments. One person, Peter Holmes of 3 Kelly Road said that the amendment concerning gross floor area was an improvement over the existing language. The Board also received a letter from Robert J. LaTremouille who was generally opposed to some of the amendments and in favor of others. He specifically wanted to be recorded as in opposition to amendment #5 concerning office setbacks on page 6 of the 12/18/80 package.

Planning Board discussion

Following the Public Hearing, the Planning Board and staff discussed the proposed amendments. Both the staff and Board decided that a few changes were in order. These changes include the following:

- (1) The proposed setbacks in amendment #5, page 6 of the 12/18/80 package, need to be revised. The Board noted that some existing O-2 districts do abut Residence B districts and that greater setbacks should apply in these instances. The Board further noted that many O-3 districts abut Residence districts and that the minimum rear yard requirement should be adjusted accordingly (see revised amendment #5 on page 3, attached).
- (2) In amendment #7 on page 8 of the 12/18/80 package, an illustration needs to be added to graphically explain such definition (see revised amendment #7 on page 4, attached).
- (3) In amendment #8 on the last page of the 12/18/80 package, it was decided that (7) and (8) needed clarification (see revised gross floor area page 5, attached).


Findings

After careful consideration of this petition, the testimony delivered at the public hearing, staff review, and discussion following the hearing, the Board finds that:

- (1) The proposed petition will improve the Zoning Ordinance by clarifying existing problem areas and adding other necessary language.
- (2) The Board further finds that the original petition should be amended to include the attached recommended changes.

Based on the above findings, the Board recommends that this petition be APPROVED, as amended.

Respectfully submitted for
the Planning Board,


Arthur C. Parris
Chairman

ACP:lf

(revised)

5. Amend Table 5.2 Table of Dimensional Requirements, office districts by replacing the existing setback requirements in the Office 2 and Office 3 districts with the following:

Minimum Yard in Feet

	<u>Front</u>	<u>Side</u>	<u>Rear</u>
Office 2	15'	10' (e)	10' (f)
Office 3	15'	10'	20'

add new footnotes "(e) and (f)," as follows:

- (e) A minimum setback of 20 feet shall be required where such side yard abuts a residential zoning district.
- (f) A minimum setback of 20 feet shall be required where such rear yard abuts a residential zoning district.

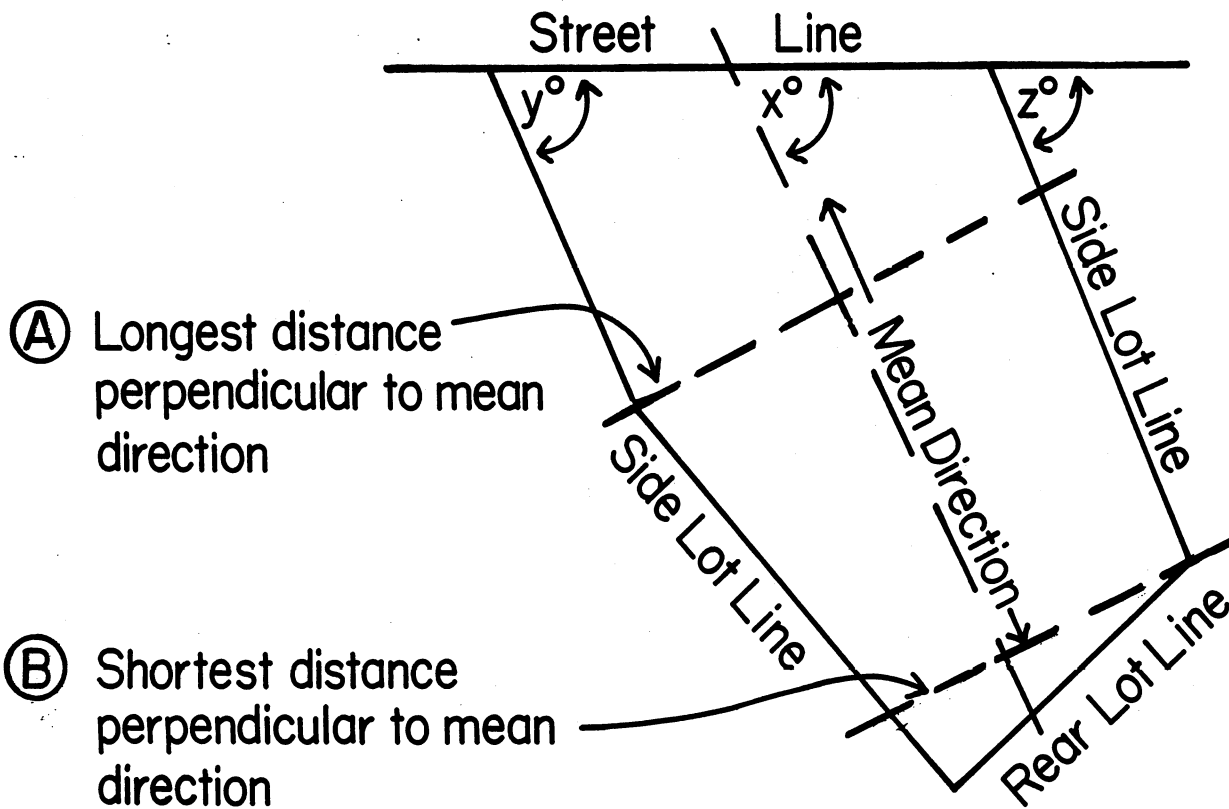
Revised

Lot Width

7. Amend text of the ordinance in Article 2.000, Definitions by changing the definition of "Lot Width" to read as follows:

Lot width. The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

EXAMPLE:



To find mean direction = x°

$$y^\circ + z^\circ = Q^\circ \div 2 = x^\circ$$

To find mean horizontal distance:

$$A + B = C \div 2 = \text{mean horizontal width}$$

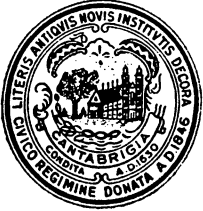
Mean horizontal width must be equal to or greater than required width.

(Revised)

8. Amend the proposed gross floor area amendment by deleting proposed (7) and (8) and replacing with new (7) and (8) as follows:

- (7) attic space within the area of the plane that is less than five (5') feet above the attic floor and which touches side walls or a finished ceiling or if an unfinished ceiling, touches the underside of roof rafters.
- (8) basement and cellar spaces with less than seven feet, three inches (7½') of ceiling height measured from the floor to the finished ceiling or if an unfinished ceiling to the line of the bottom of the floor joists.

(Note-underline words reflect new language)



City of Cambridge

In the Year One Thousand, Nine Hundred Eighty-One

AN ORDINANCE

In amendment to an ordinance entitled "The Zoning Ordinances of the City of Cambridge".

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

The Zoning Map accompanying the ordinance passed to be ordained September 26, 1977 entitled "The Zoning Ordinances of the City of Cambridge" is hereby amended by amending the text of the Ordinance in Article 2.000, definitions, by changing the definition of "Dwelling Unit" to read as follows:

"Dwelling Unit. A room or group of rooms occupied or capable of being occupied separate from any other such room or group of rooms by a family and equipped with cooking and sanitary facilities for the exclusive use of such family for living, sleeping, cooking, and eating.

2a. Remove subsection 3.32 of Section 3.30, Rules for Interpretation of District Boundaries, with the following new subsection 3.32:

"3.32 Where a zoning district boundary line divides a lot under single ownership at the time of the effective date of this Ordinance, the regulations for each zoning district shall apply to portions of the lot within the respective districts except as provided in this subsection 3.32."

"3.321 Where more than one-half the area of said lot is in a less restricted district, (either in terms of the district's overall regulations or a single regulation) the Board of Zoning Appeal may grant a special permit allowing any of the less restrictive dimensional regulation(s) to extend up to twenty-five feet into the more restricted district. Uses not allowed in the more restricted districts shall not extend into the more restricted districts."

"3.322 Dwelling units and/or gross floor area allowed in the more restricted district, according to the formulas specified in subsection 5.27, may be located in the less restricted district, but dwelling units or gross floor area allowed in the less restricted district may be located in that portion of the lot located in the more restricted district only to the extent permitted by Section 3.321.

2b. Amend Section 5.20, Standards for Dimensional Regulations, by adding the following new subsection:

"5.27 The maximum residential density (lot area per dwelling unit) and gross floor area allowed on lots located in two or more zoning districts shall be calculated using the formulas specified in this subsection 5.27.

"5.271 The total number of dwelling units allowed shall be the sum of the total dwelling units allowed in each district, determined by adding the lot area in each district divided by the minimum lot area per dwelling unit for each district.

Max. # dwelling units =

$$\frac{\text{Lot area in district 1}}{\text{district 1 min. lot area/du}} + \frac{\text{Lot area in district 2}}{\text{district 2 min. lot area/du}}$$

"Where the computation of the total number of dwelling units allowed in each district results in two fractional numbers and where the sum of the resulting remainders from both districts equals or exceeds one, an additional unit shall be permitted."

"5.272 The maximum gross floor area shall be the sum of the total allowed dwelling units in each district, determined by adding the lot area in each district multiplied by the maximum allowed floor area ratio (FAR) for each district.

$$\begin{aligned} \text{Max. \# Gross floor area} &= \\ &\text{Lot area in district 1} \times \text{district 1 FAR)} \\ &+ \\ &\text{Lot area in district 2} \times \text{district 2 FAR)} \end{aligned}$$

3. Delete subsections 4.254 and 11.125 and recodify subsections 11.126 and 11.127 as 11.125 and 11.126 respectively. Recodify subsection 10.45 as 10.46 and subsections 10.46-10.464 as 10.47 - 10.474. Add new subsection 10.45 as follows:

"10.45 Any development requiring a special permit from the Planning Board which contains one or more violations of the regulations specified in this Ordinance, other than use violations, may be allowed by the Planning Board within the scope of the Special Permit and shall not require a separate variance. Any request for a use variance shall require separate proceedings before the Board of Zoning Appeal."

4. Amend Section 11.63, (Parkway Overlay District) Applicability, as follows:

a. In subsection 11.636, insert "11.637," after "11.635".

b. Replace subsection 11.637 with the following new subsection:

"11.637 The development standards specified in this Section 11.60 shall apply to all development within the Parkway Overlay district not exempted by Subsections 11.632, 11.633 and 11.634. Divergence from these standards may be allowed only by issuance of a special permit by the Planning Board as specified in subsection 10.45. The Board may grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.60 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied."

5. Amend Table 5.2 Table of Dimensional Requirements, Office Districts by replacing the existing setback requirements in the Office 2 and Office 3 District with the following:

	<u>MINIMUM YARD IN FEET</u>		
	<u>FRONT</u>	<u>SIDE</u>	<u>REAR</u>
"Office 2	15'	10'	10'
Office 3	15'	10'	10' "

- 6a. Amend Article 2.000, the definition of "Development Parcel" to read as follows:

"Development Parcel. The total land area included within a Planned Unit Development, irrespective of the number or configuration of lots. A development parcel may include land in more than one ownership. In computing the area of a development parcel, both land and water areas within such parcel may be counted. A development parcel shall contain contiguous lots only, unless the regulations for a specific planned unit development district explicitly provides for development parcels containing non-contiguous lots."

- 6b. Amend Article 13.000 Planned Unit Development Districts, as follows:

- (i) In subsection 13.332 add the following new sentence after "43,560 square feet." "A development parcel within the PUD-2 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (East Cambridge Riverfront)
- (ii) In Section 13.342 add the following new sentence after "two (2) acres".
"A development parcel within the PUD-3 may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Broad Canal Area)
- (iii) In section 13.532 add the following new sentence after "43,560 square feet."
"A development parcel within the PUD-4 District may contain non-contiguous lots elsewhere in this PUD district or within a contiguous PUD district." (Lechmere Canal Area)
- (iv) In Section 13.631 add the following new sentence after "20 acres." "A development parcel within the PUD-5 District may contain non-contiguous lots." (Alewife Area)

Lot Width

7. Amend text of the ordinance in Article 2.000, Definitions by changing the definition of "Lot Width" to read as follows:

Lot width. The mean horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

GROSS FLOOR AREA

8. In Article 2.000, revise the definition of Gross Floor Area as follows:

Gross Floor Area. The sum, in square feet, of the gross horizontal areas of all floors of a building, as measured from the exterior walls of a building or the centerline of party walls between buildings. Gross floor area shall include:

- (a) roofed porches and balconies whether enclosed or unenclosed.
- (b) unroofed porches and balconies above the third floor;
- (c) elevator shafts and stairwells on each floor, not excluded in (6) below;
- (d) attic space, whether finished or unfinished, not excluded in (5) and (7) below;
- (e) interior balconies, mezzanines, and penthouses; and
- (f) basement and cellar areas not excluded in (1), (2), and (8) below.

Gross floor area shall not include:

- (1) areas used for parking garages, accessory parking or off-street loading purposes;
- (2) basement and cellar areas devoted to the operations and maintenance of the building such as heating and cooling equipment, electrical and telephone facilities, and fuel storage;
- (3) open and lattice-work fire escapes;
- (4) unroofed porches and balconies no higher than the third floor;
- (5) attic space and other areas devoted to elevator machinery or mechanical equipment necessary for the operation of the building;
- (6) elevator shafts and stairwells on floors where there is no other area which qualifies to be included in gross floor area;
- (7) attic space with less than five (5) feet of ceiling height measured from the floor to the lowest projection from the ceiling. Said projection shall include structural members necessary for the construction of the building but shall exclude other projections such as light fixtures, sprinklers, etc., etc..
- (8) basement and cellar areas with less than seven feet, three inches (7 1/2) of ceiling height measured from the floor to the lowest projection from the ceiling. Said projection shall include structural members necessary for the construction of the building but shall exclude other projections such as light fixtures, sprinklers, etc., etc.

Mr. Vickery stated that the third and fourth proposals of the Planning Board would allow that board to consider and approve violations within the scope of a Planning Board special permit review with reference to Planned Unit Developments and Parkway Overlay Districts and would eliminate the necessity of developers appearing before the BOZA for a variance and insure consistency on the imposition of conditions.

Mr. Vickery stated that the fifth proposal would eliminate unreasonable restrictive requirements for parcels zoned Office 2 and Office 3 by changing the existing formulas used to calculate minimum front, side and area setbacks and this proposal would eliminate the need for BOZA variances which are now required under the present Zoning Law.

The Planning Board in their January 26th communication set out their formula to resolve this problem, recommending changes in the Table of Dimensional Requirements.

Mr. Vickery stated that this fifth proposal would have application at Alewife and Massachusetts Avenue and that the existing regulations tend to make developers go higher.

In answer to questions by the Chair Mr. Vickery stated that the Building Department know of the proposal and that he would communicate with BOZA on the proposal.

Mr. Vickery informed the Committee that Proposal #6 would clarify the present definition of a Development Parcel and allow for noncontiguous development within Planned Unit Developments. He stated that this amendment would promote unified development and allow these areas to be treated as a package; that two public hearings would be required and that the two parcels involved would be reviewed as a single unit.

Councillor Wylie suggested that more compelling language such as the geography of the area and the protection of adjacent residential areas be drafted in the amendment. Mr. Vickery concurred and stated that one condition might be that the parcels were not three blocks away.

The Committee proceeded to a discussion of Proposal #7 which was an amendment to clarify the present definition of "lot width" and proposed that the new definition would require that the minimum length must be based on the average distance between side lot lines. Mr. Vickery proposed that an attached drawing be used in the measuring process of "lot width".

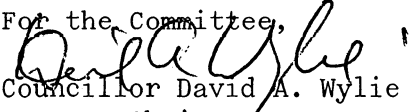
The Final Proposal, # 8, would be a new definition of "gross floor area". Mr. Vickery stated that this proposal would eliminate ambiguities presently existing and would change or clarify the manner in which porches, balconies, attics and basements are counted in the Ordinance. Mr. Vickery indicated that a Special Permit would be required for the distances involved.

The Committee heard from Robert LaTremouille of 4 Trowbridge Place who expressed his concerns regarding two adjacent lots qualifying for large construction in Bow and Arrow Streets area and along Massachusetts Avenue and Mt. Auburn Street. He stated that the proposal would increase the FAR and cautioned against changing setback requirements.

Mr. LaTremouille stated his objection was directed to Proposal # 5.

Mr. Vickery stated that if a basement is below grade it is calculated, that if the dimensions don't work out it may be a reason for seeking a variance and in response to Committee questions he stated that he would look into the possibility of FAR reduction where appropriate.

Councillor David Sullivan moved that the proposed technical amendments as submitted by the Planning Board be referred to the City Council without any recommendation and the motion - carried.

For the Committee,

Councillor David A. Wylie
Chairman.

City of Cambridge

In City Council February 2, 1981

The Ordinance

Committee

to which was referred the petition of the Planning Board to amend the text of the Zoning Ordinance by adopting a series of technical amendments, met on January 27, 1981 in the City Council Chamber.

Councillor David A. Wylie, Chairman presided.

The committee had received the original petition of the Planning Board dated December 18, 1980 outlining eight specific changes to correct ambiguities, inconsistencies and omissions in the Zoning Ordinance for consideration of the committee.

A second communication from the Planning Board dated January 26, 1981, was received, after hearing held on January 21, 1981 recommending changes in #5, #6 and #8 of the original eight proposals.

Both communications are attached to this report for consideration of the City Council.

At the call of the Chair for the proponents to appear, the committee heard from Assistant City Manager David Vickery from the Community Development Department who outlined in detail the proposed amendments for the committee.

With reference to Proposal # 1, he proposed that the language "a group of rooms equipped with sanitary and cooking facilities" be included in the definition of a "Dwelling Unit"

With reference to Proposal #2, he outlined the problems of uses permitted by a parcel which was split by two zoning districts and stated that the proposed amendment would allow dimensional but not use regulations to be extended up to 25 feet into the more restricted zoning district by special permit provided that at least half of the parcel is in the less restricted district. He stressed that this proposal would provide a method of determining and allocating FAR permits for split lots.

7.1

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REPORT

Committee on Ordinance

Technical amendments.

4/13/81
Ordinance as amended
failed of ordination
4-4-1

In City Council,

February 2, 1981

2/2/1981

Report Received

Passed to 2nd Reading