



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

(617) 876-6800
EXTENSION 344

June 23, 1978

To the Honorable, the City Council:

SUBJECT: PARCEL 1B AND HARVARD SQUARE HEIGHT CONTROLS

On June 15, the Council Committee on Ordinances held a public hearing on the petition of Robert L. Wolff, Jr., to increase the maximum height limitation of the Planned Unit Development District 1, covering the MBTA Yards (Parcel 1B), from 80 feet to 120 feet. Various techniques for controlling building height were discussed at that hearing. This letter responds to several Councillors' requests for further information concerning height controls.

CITY COUNCIL APPROVAL OF PLANNED UNIT DEVELOPMENTS

Councillor Graham has asked whether the City Council can be given the approval power for development of Parcel 1B. The planned unit development (PUD) review established for Parcel 1B is a special permit process. Under the State Zoning Law (Ch. 40A, G.L.), the City Council may be designated as a special permit granting authority. If the Council were so designated, for planned unit developments, it would have the final plan approval power on Parcel 1B. Under this option the Council would negotiate with the developers, review the plans and conduct the public hearings. Designating the City Council as a special granting authority would require a separate amendment to the PUD ordinance which would delay the Parcel 1B development process.

PREVIOUS HARVARD SQUARE HEIGHT CONTROL PROPOSALS

Councillor Duehay has requested that the Planning Board resubmit proposals drafted previously for controlling height in Harvard Square. Three ordinance amendments were drafted by the Planning Department and presented to the Council a few years ago. Two of the amendments proposed a city-wide height limitation overlay system which would have allowed building heights to exceed established limits if granted a special permit. The other established a special overlay district for Harvard Square with height restrictions that could be relaxed through a design review process. Copies of these proposals are appended to this letter.

HEIGHT LIMITATION CRITERIA

Councillor Duehay also asked that the Planning Board issue more specifics for height limitations in the Harvard Square area. The Board will continue to formulate a reasonable system of height regulations, both for Parcel 1B and

for the remainder of the Harvard Square area. The way the PUD ordinance (Sec. 12.64) is presently worded, the Planning Board may increase the allowable height of development from 60 to 80 feet if the Board finds that the provision of certain enumerated amenities in the development will provide substantial public benefit. The Ordinance could be tightened further by requiring that the Board also determine that the additional height would not adversely impact the PUD site and its surroundings. Such criteria are included in the suggested amendment to the Wolff petition which follows this letter.

DEVELOPER NEGOTIATION

Councillor Vellucci asked that the Community Development Department sit down with the developers to negotiate a development package for Parcel 1B. Such negotiations are an essential part of the planned unit development process mandated in Section 12.30 of the ordinance. The process begins with a pre-application conference between the developer and the Planning Board and continues through an intensive 5-month series of reviews, plan revisions and public hearings. Discussions among the developer and city agencies will occur throughout the process.

HARVARD SQUARE REZONING

Councillor Preusser suggested that the entire Harvard Square area be rezoned. That cannot be accomplished through an amendment to the Wolff petition. A separate petition will be required. An appropriate first step would be for various interested parties to review the 1973 Harvard Square overlay district proposal to see if it is now an appropriate development control mechanism.

PRE-COMMITMENT ON HEIGHT

Councillor Preusser also asked that the Planning Board determine the acceptable height of buildings on Parcel 1B before further action is taken on the Wolff petition and before the PUD review process begins. The Planning Board cannot make such a pre-commitment at this time. The Board has not yet reviewed the development plans. A pre-commitment on one aspect of this complex proposal would unreasonably limit the scope and flexibility of the PUD review and would be contrary to the intent of the Ordinance.

LAND COST

Councillor Preusser requested that the land value of Parcel 1B be reconsidered. The fair market value of this site has already been determined by two independent appraisals. The Commonwealth cannot sell this land for less than the fair market value unless specifically authorized to do so by the General Court and then only if the land is to be used for a public purpose.

PERCENTAGE BASED HEIGHT LIMITS

Councillor Wylie suggested that a height overlay system be developed for the entire Harvard Square area. His proposal would establish a set of increasing height thresholds which a decreasing percentage of the building coverage could exceed. For example, 50% of the building pad (ground coverage of structures) might be allowed to exceed 60 feet but only 10% might be allowed to exceed 100 feet. Again, it is not legally possible to apply such a system to all of Harvard Square within the scope of the Wolff petition but it is possible to implement such a technique for Parcel 1B. This is being suggested as part of the amended Wolff petition which follows.

Very truly yours,

David R. Vickery
Assistant City Manager for
Community Development.

DRV:jp
Enclosures

PROPOSED AMENDED VERSION OF ROBERT WOLFF, JR., PETITION

Amend the text of the Zoning Ordinance by deleting Section 12.64 and replacing it with the following new section:

12.64 Height.

12.641 The maximum height of any building shall be 60 feet, except as modified by sections 12.642, 12.643 and 12.644 below.

12.642 The maximum allowable height may be increased to 120 feet upon permission of the Planning Board, if the Planning Board finds that provision of any of the following amenities provides substantial public benefits:

- (1) open space or recreational facilities dedicated to public use;
- (2) walkways or similar facilities which enable the public to have access through the PUD to existing areas of unique natural or man-made value;
- (3) development design, which enhances any unique natural or man-made features of the site or abutting areas;
- (4) pedestrian malls, arcades, decks, bridges, or similar facilities within the interior of the PUD which are designed to appeal to the general public;
- (5) designs for residential development which are intended to appeal to a family population;

12.643 In evaluating a development proposal requesting building height in excess of 60 feet, the Planning Board shall give consideration to evidence presented on the following:

- a. that increased height will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity to a significantly greater extent than if the building height did not exceed 60 feet;
- b. that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space, and monotonous development;
- c. that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristics of the particular location through more harmonious relationships to the terrain and to proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building;
- d. that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and

- e. that the orientation and location of the proposed structure shall not otherwise diminish the health and safety of the Harvard Square area.

12.644 Section 12.642 notwithstanding, the Planning Board shall not approve any final development plan in which *% or more of the land area of the PUD-1 District is covered with buildings or parts of buildings in excess of 80 feet in height or in which *% or more of the land area of said district contains building coverage in excess of 100 feet in height.

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*Editorial note: Appropriate percentage figures are now being formulated based on an analysis of the Carpenter and Car barn development proposals. These figures will be presented to the Council at its June 26th meeting.

A P P E N D I C E S

1. Excerpts from Harvard Square Comprehensive Policy Plan (5/76)
2. Proposed City-wide Height Limitation Zoning
Amendment (10/75)
3. Proposed City-wide Height Overlay District
Regulations (10/73)
4. Proposed Harvard Square Overlay District (1/73)
5. PUD Ordinance

HARVARD SQUARE

COMPREHENSIVE POLICY PLAN

adopted by votes of the
Harvard Square
Development Task Force

prepared by
Community Development Department,
City of Cambridge

assisted by
Monacelli Associates, consultants,
Cambridge, Mass.

May 1976

FINAL DRAFT

7. URBAN FORM

Context: The density and grain of surrounding areas is low when compared to the commercial area. Buildings outside the commercial area are isolated forms unified by a system of open space. Buildings in the commercial area are contiguous, often covering the entire lot and are unified by the space of the streets and an understated building articulation. Within the commercial area contiguous buildings create extended "walls" which range in height from two to six stories and in length up to 1000 feet. These extended "walls" create two types of spaces: 1) where the walls are parallel the street space is defined as a channel and 2) where the walls are curved, they generally define triangular spaces, which notwithstanding the geometry, are referred to locally as "Squares".

POLICIES

- 7.1 Redevelopment of the commercial area and alterations to the surrounding areas must respect density precedents. New or redeveloped buildings in the commercial area should be part of the continuous wall system and contiguous building form. The Brattle Square area, Eliot Square and that part of the commercial area that lies in the southwest area should be considered a part of the contiguous building form of the commercial area.
- 7.2 Future development in the commercial area should perpetuate and enhance the dynamic sequences of space and vistas which result from the curvilinear configurations of walls, while at the same time provide for creation of special "focal" places of congregation and interaction at the kiosk area, Brattle Square, Eliot Square and in the southwest area. New development in the other areas should have a greater amount of open space and natural landscape treatment.

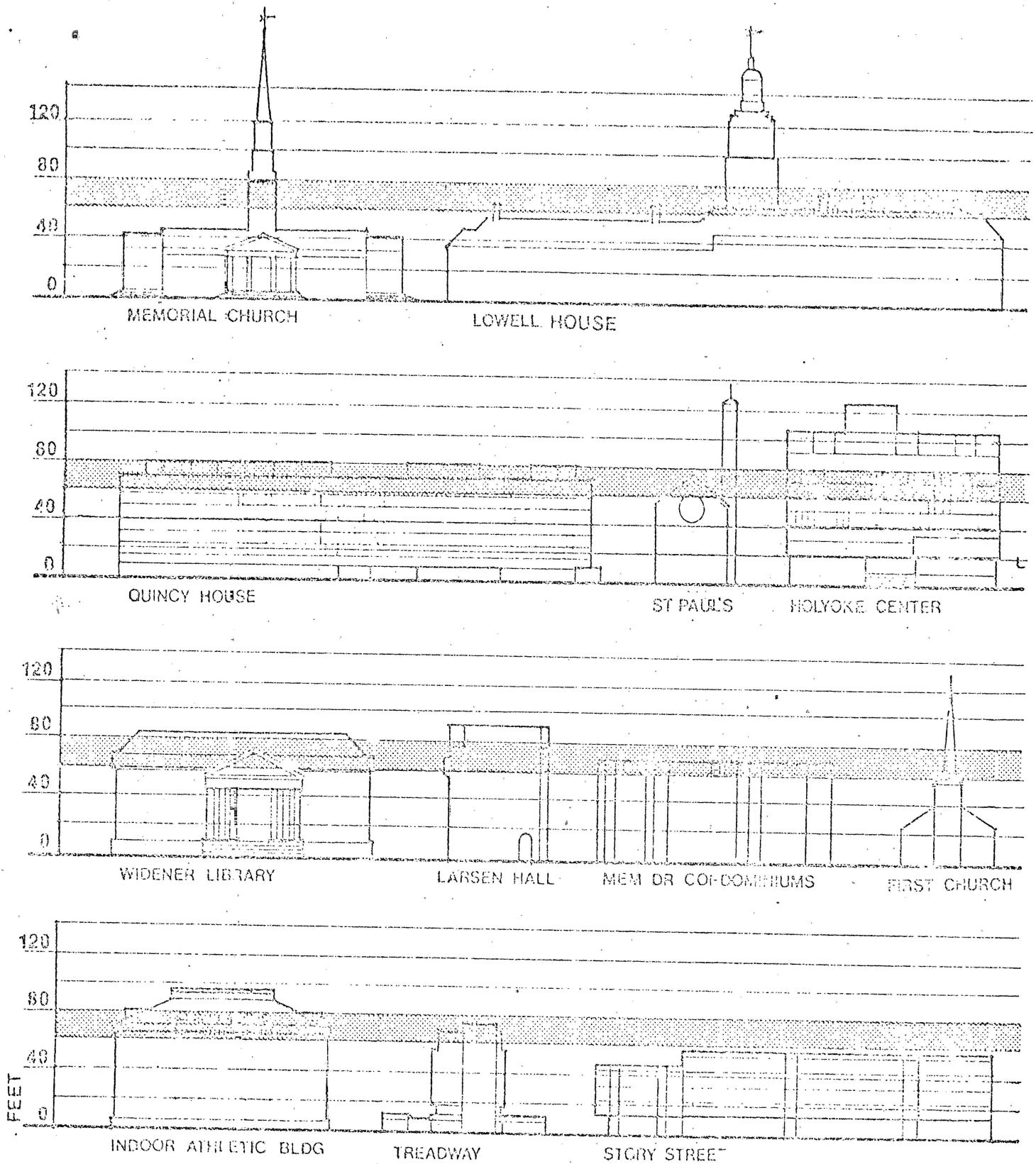


Figure 17

HEIGHT OF VARIOUS BUILDINGS

HARVARD SQUARE

The illustration above compares the heights of some of the major buildings in Harvard Square and identifies the zone of common maximum height. Only Holyoke Center extends beyond the 80' height zone.

Context: Economic pressures inherent in new development will tend to favor high rise construction, a condition which is incompatible with the existing fabric of continuous and contiguous walls and pedestrian scale environment. Any building projecting higher should be allowed only under unique conditions and by special approval.

7.3 High rise development is not considered appropriate in the areas identified in the Harvard Square area and particularly in the commercial area. Height of buildings is not an abstract or solitary consideration and must be related to such elements as pedestrian scale, width of streets, open space on a lot, shadow, circulation of air etc. in an interrelated system of zoning controls which provides incentives for appropriate development. As a general rule a height limit of not more than 60 feet should be maintained. In a few cases, where special conditions apply and where an incentive zoning-urban design plan permits, a height of a maximum of 80 feet might be allowed.

7.4 The elements of streetscape (lighting, signs, paving, canopies, trash receptacles, mail boxes, seating areas, kiosks, outdoor merchandise containers, and so forth) should be organized into a unified concept. Signs or billboards which deface building facades and form should be prohibited. A new lighting system which is scaled to pedestrian evening activity should be installed. A total system of paving of pedestrian ways utilizing softer and more textured materials such as brick or stone should be installed under a public improvements program. New standards for canopies, seating, receptacles, etc. should be adhered to by public and private sectors alike.

Context: A sense of architectural scale and fabric founded broadly on traditional aspects of the Harvard Square area should be promoted. The right of the individual to decide on the detailed design of his project should be fully recognized. A very strict or narrow set of directives would eliminate the positive aspects of variety and interest. Nevertheless, there are aspects of building articulation for which guidelines should be firmly established, notably with issues such as: 1) the use of materials and form in transitional areas, and 2) the use and amount of glass and display windows.

- 7.5 • New development along Church Street, Story Street, east of DeWolfe Street and in the southwest area should be compatible in scale, form and materials with the residential areas adjacent to them. The height of buildings should not be allowed to obliterate the sun from outdoor residential areas. Materials should be natural and harmonious in tone rather than synthetic and severe in contrast.
- 7.6 All new or remodelled store fronts along primary and secondary pedestrian ways should be open (glazed). Heavy solid store fronts should be prohibited in the commercial area. All protection devices such as roll-up grills and gates should be totally out of sight when stored and of unobtrusive character when exposed.
- 7.7 Weather protection should be considered as an amenity. A system of ground floor setbacks and canopies should be adhered to in the prime pedestrian areas which could eventually allow continuous pedestrian circulation under cover.
- 7.8 In spite of economic tendencies, small scale building development should be encouraged both in the commercial area and in the surrounding area. The tendency to amass large tracts of land for redevelopment should not necessarily be promoted unless it aims to achieve a result which is both appropriate to the pedestrian scale and physical setting of its particular locations.

* * * * *

The Policy Sub-Committee has reviewed the following materials which bear on this subject. The reader may wish to examine them as well.

READING

- a. Community Development Department, Harvard Square Planning Program, Volume 6, "Physical Development," April 1974, pp. 54-70
- b. Monacelli Associates, "Investigations in Urban Design", 4 sheets particularly III, Elements of Form.

Cambridge, October 21 19 75

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

WHEREAS: Over the past four years citizens of Cambridge have expressed opposition to high-rise development through various re-zoning petitions, and

WHEREAS: One of the major issues in these re-zoning petitions has been potential height of new development and its effects on residential areas, and

WHEREAS: The City is presently completing a comprehensive plan and a comprehensive re-zoning ordinance is being prepared, and

WHEREAS: Large areas of the City are zoned so as to permit excessive height.

THEREFORE: The Planning Board of the City of Cambridge feels that until such documents are complete, the citizen should be protected in all areas of the City by a maximum height limit with the provision that such limit may be exceeded by special permit.

THE UNDERSIGNED RESPECTFULLY PRAY

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

The provisions of this petition shall remain in effect for two years from the date of enactment of this petition or until the adoption of the Comprehensive Rezoning Ordinance whichever is first.

IN ARTICLE I, SECTION 5

ADD: Paragraph 6

6. In considering Special Permit requests for an increase in height, the Board of Zoning Appeals shall give consideration, in addition to the above requirements, to evidence presented and shall state its findings, on the following:
 - a. That increased height would lessen the shadow, wind or light impact on surrounding properties;
 - b. that increased height would mitigate detrimental environmental impacts;
 - c. that increased height would result in providing non-required public amenities;

- d. that increased height would result in increased sensitivity to the visual and physical characteristics of the particular location;
- e. that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area.

IN ARTICLE V, SECTION 2 (footnotes)

ADD: Footnote

- (j) Increased height is allowed by Special Permit according to criteria stated in Article I, Section 5, Paragraph 6.

ARTICLE V, SECTION 2 TABLE OF DIMENSIONAL REQUIREMENTS

Delete those dimensions or words in column (6) that are circled.

Sec. 2. Table of Dimensional Requirements

District	(1) Max. Ratio of Floor Area to Lot Area	(2) Minimum Lot Size in Sq. Ft.	(3) Min. Lot Area For Each D.U. in Sq. Ft.	(4) Minimum Lot Width in Feet	(5) Minimum Yard in Feet ^(a)			(6) Maximum Height in Feet	(7) Min. Ratio of Usable Open Space to Lot Area
					Front	Side	Rear		
Res. A-1	0.5	8,000	6,000	80	25	15 (sum of 35)	25	35	25
Res. A-2	0.5	6,000	4,500	65	20	10 (sum of 25)	20	35	25
Res. B	0.5	5,000	2,500	50	15	7'6" (sum of 20)	20	35	20
Res. C-1	0.75	5,000	1,200	50	] $\frac{H+1}{4}$ (b)	$\frac{H+1}{5}$	$\frac{H+1}{4}$ (d)	35	15
Res. C-2	1.75	5,000	100	50				35	85	15
Res. C-3	3.0	5,000	100	50	] $\frac{H+1}{5}$ (c)	$\frac{H+1}{6}$	$\frac{H+1}{5}$ (d)	35	10
Office -1	0.75	5,000	1,200	50				35	none	15
Office -2	1.75	5,000	100	50	] $\frac{H+1}{4}$ (b)	$\frac{H+1}{5}$	$\frac{H+1}{4}$ (d)	35	15
Office -3	3.0	5,000	100	50				35	85	15
Office -4	3.0	5,000	100	50	] $\frac{H+1}{5}$ (c)	$\frac{H+1}{6}$	$\frac{H+1}{5}$ (d)	35	10
Dist. A ⁽¹⁾	1.0	none	---	none				none	none	none	35	none (g)
Dist. B ⁽¹⁾	4.0	none	---	none	none	none	none	35	none (g)
Ind. A	2.0	none	---	none	none	none	none	35	none
Ind. B	4.0	none	---	none	none	none	none	35	none

Add the following in those circled areas.

Sec. 2. Table of Dimensional Requirements

District	(1) Max. Ratio of Floor Area to Lot Area	(2) Minimum Lot Size in Sq. Ft.	(3) Min. Lot Area For Each D.U. in Sq. Ft.	(4) Minimum Lot Width in Feet	(5) Minimum Yard in Feet ^(A)			(6) Maximum Per. in Feet	(7) Min. Ratio of Usable Open Space to Lot Area
					Front	Side	Rear		
Res. A-1	0.5	8,000	6,000	80	25	15 (sum of 25)	25	25	
Res. A-2	0.5	6,000	4,500	65	20	10 (sum of 20)	20	25	
Res. B	0.5	5,000	2,500	50	15	7'6" (sum of 20)	20	20	
Res. C-1	0.75	5,000	1,200	50	} $\frac{H+1}{4}$ (b)	$\frac{H+1}{5}$	$\frac{H+1}{4}$ (c)	35	15
Res. C-2	1.75	5,000	600	50				45	15
Res. C-3	3.0	5,000	300	50	} $\frac{H+1}{5}$ (c)	$\frac{H+1}{6}$	$\frac{H+1}{5}$ (d)	45	10
Office -1	0.75	5,000	1,200	50				35	15
Office -2	1.75	5,000	600	50	} $\frac{H+1}{4}$ (b)	$\frac{H+1}{5}$	$\frac{H+1}{4}$ (c)	45	15
Office -3	3.0	5,000	300	50				35	10
Bus. A (1)	1.0	none	---	none	none	none	} $\frac{H+1}{5}$ (d)	35	none (f)
Bus. B (1)	4.0	none	---	none	none	none		45	none (g)
Ind. A	2.0	none	---	none	none	none	} $\frac{H+1}{5}$ (d)	45	none
Ind. B	4.0	none	---	none	none	none		45	none

Respectfully submitted,

RECEIVED BY
OFFICE OF CITY CLERK
Cambridge, October 17, 1973

To the Honorable, the City Council of the
City of Cambridge: 10/17/73

CAMBRIDGE, MASS.

The undersigned respectfully pray
that the Zoning Ordinance of the City of Cambridge be amended by adding an
Article XII

ARTICLE XII HEIGHT OVERLAY DISTRICT REGULATIONS

SECTION 1.1 Height Overlay Regulations

SECTION 1.11 Title, Intent, and Purpose

1.111 The provisions of Section 1.1 shall be known as Special Permit
City Wide Height Regulations

1.112 The provisions of this section shall apply throughout the City
of Cambridge

1.113 It is the intent of this Article to augment existing zoning
regulations to respond to the unique pressures high density,
high rise development impose on the City and its neighborhoods

1.114 The purpose of the regulations are:

- (a) To promote more harmonious development which will preserve
and enhance the environmental and visual character of
existing neighborhoods and commercial areas.
- (b) to ensure a more harmonious transition between residential
and non-residential areas.
- (c) To maximize the environmental qualities of adequate light
and air.

SECTION 1.12 Applicability

1.121 The regulations of this Article shall apply in addition to any
regulations imposed by districts now existing or here establish-
ed under the provisions of Article III and designed on the
Zoning Map. The Special Permit City-wide Height Regulations
shall supercede regulations of such existing districts only with
respect to building height except as specified in section 1.122.

1.122 In any situation where the regulations established under Article
V and the Special Permit City Wide Height Regulations conflict,
the more restrictive provision shall apply.

SECTION 1.13 Building Height

1.131 Maximum permitted height shall be sixty feet. Where so author-
ized by Article V, Section 2, maximum height up to one hundred
and twenty feet may be permitted by special permit pursuant to
Article I Section 5 and Article XII, Section 1.14 Special Permit

SECTION 1.14

Criteria for Evaluation of Special Permit

RECEIVED BY
OFFICE OF CITY CLERK

Oct 18 9 46 AM '73

CAMBRIDGE, MASS.

In evaluating a request for a Special Permit for increased building height the Board of Zoning Appeal shall give consideration to the following criteria:

- (1) The orientation and location of the proposed structure shall not impinge on the health, safety, and welfare of the immediate residential neighborhood.
- (2) The proposed structure shall be related harmoniously to the terrain and to existing buildings in the vicinity that have functional or visual (scale and bulk) relationship to the proposed building.
- (3) The additional height of the proposed structure shall not cast shadows that adversely affect the light and air of existing residential buildings in the vicinity.
- (4) The additional height of the proposed structure shall not adversely affect the visual and natural environment of nearby residential areas.

Article V, Section 2, of the text of the existing Zoning Ordinance as heretofore ordained and amended is further amended in the following respects:

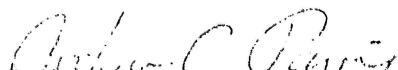
(1) In Article V, Section 2, in the Table of Dimensional Requirements in Column (6) make the following changes:

- for the Res. C-2 district change "65" and insert in place thereof "60" "footnote i"
- for Res. C-3 district delete "none" and insert in place thereof "60" "footnote j"
- for the Office district change "none" and insert in place thereof "60" "footnote j"
- for Bus. B. District change "none" and insert in place thereof "60" "footnote j"
- for Ind. A district change "none" and insert in place thereof "60" "footnote j"
- for Ind. B. district change "none" and insert in place thereof "60" "footnote j"

(2) In Article V, Section 2, in the Table of Dimensional Requirements add footnotes of (i) and (j) as follows:

- (j) Under the provision of Article XII, a Special Permit in a Res. C-3, office, Bus. B, Ind. A or Ind. B District may be granted for a maximum height not in excess of 120 feet.
- (i) Under the provisions of Article XII, a Special Permit in a Res. C-2 district may be granted for a maximum height not in excess of 85 feet.

by Arthur C. Paris, Chairman



Cambridge, Mass. January 30, 19 73

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 by adding an
Article X as follows:

ARTICLE X - HARVARD SQUARE OVERLAY DISTRICT

SECTION 1.1 Harvard Square Overlay District Regulations

Section 1.11 Title, Intent and Purpose

- 1.111 The provisions of SECTION 1.1 shall be known as the Harvard Square Overlay District Regulations.
- 1.112 The provisions of this SECTION shall apply only in the Harvard Square Overlay District. It is the intent of this SECTION that the Harvard Square Overlay be restricted to a single zone, described generally as the Harvard Square business district; and designated officially as HSO on the Zoning Map.
- 1.113 It is the intent of this SECTION to augment existing Harvard Square zoning regulations to respond to the unique pressures and problems particular to the Harvard Square area arising from the unusual impact which the Kennedy Library has imposed on that area prior to, during, and after its construction.
- 1.114 The purpose of the regulations are:
- (a) To channel the extreme development pressures which have accompanied and will continue to accompany the planning of the proposed Kennedy Library in directions which will preserve or enhance the unique functional, environmental and visual character of Harvard Square.
 - (b) To insure, through a design review process, that any future developments in the area surrounding the proposed Kennedy

Library adheres to standards which will complement the setting of the Library.

- (c) To reduce the visual impact of Harvard Square development on adjacent residential neighborhoods.

Section 1.12 Applicability

1.121 The regulations of this SECTION shall apply in addition to any regulations imposed by districts now existing or hereafter established under the provisions of Article III and designated on the Zoning Map. The Harvard Square Overlay District shall supercede regulations of such existing districts only with respect to building height, sign regulation, and design review, except as specified in Section 1.122.

1.122 In any situation where the regulations of districts established under Article III and the regulations of the Harvard Square Overlay District conflict, the most restrictive provision shall apply.

Section 1.13 Building Height and Yard Requirements

1.131 Maximum permitted height shall be 60 feet. Maximum height up to 100 feet may be permitted by Special Permit granted pursuant to Section 1.16 hereof.

1.132 A Special Permit may be granted pursuant to Section 1.16 hereof for a Front, Side, or Rear yard of less dimension than that specified in Article V for the district in which the structure is located for a building complying with Section 1.131 above.

Section 1.14 Signs

1.141 Signs or advertising devices which contain animation or moving parts or which have flashing, animated or intermittent illumination are not permitted with the exception of time or temperature statements.

1.142 No sign or advertising device shall extend above the roofline or wall coping of the structure upon which it is located, but in no case shall a sign extend more than thirty feet above ground level.

Section 1.15 Harvard Square Design Review Board

1.151 There is hereby established in accordance with this SECTION and for the purposes contained herein a board to be known as the Harvard Square Design Review Board ("Design Review Board").

1.152 The Harvard Square Design Review Board shall consist of 5 members appointed by the City Manager as follows:

- (a) Two members who shall be selected from a list of at least seven nominees submitted by the Executive Committee of the Greater Boston Chapter of the American Institute of Architects.
- (b) One member who shall be selected from a list of at least five nominees submitted by the Executive Committee of the Boston Society of Landscape Architects.
- (c) One member who shall be selected from a list of at least five nominees submitted by the Cambridge Chamber of Commerce.
- (d) One member who shall be selected directly and who shall represent the interests of the residential neighborhoods abutting Harvard Square.

1.153 Members shall initially be appointed for one-, two-, three-, four-, and five-year terms expiring respectively, on September 30, of 1973, 1974, 1975, 1976 and 1977. Upon the expiration of any term, the resulting vacancy shall be filled by an appointment for a five-year term to be effective upon the expiration of the preceding terms. A member appointed to fill any vacancy resulting from an unexpired term shall serve for the remainder of that term.

1.154 No member of the Design Review Board shall be a City employee or a member of the Planning Board, the Board of Zoning Appeal, or the Board of Appeal during his term of office. Each member of the Design Review Board shall be a resident of the City of Cambridge during his entire term of membership.

1.155 The Board may adopt from time to time such rules of practice and procedure as it may deem necessary to exercise its powers under Section 1.166.

Section 1.16 Design Review Procedure

1.161 No application for Special Permit or variance in the Harvard Square Overlay District under the provisions of ARTICLE I, Enforcement and Administration, shall be approved by the Board of Zoning Appeal unless the design review procedure described herein has been followed.

1.162 In the event an application is made to the Board of Zoning Appeal for a Special Permit or variance within the Harvard Square Overlay District, the Board of Zoning Appeal shall notify the Design Review Board of such application and transmit a copy thereof. The Design Review Board shall review such application in the manner hereinafter stated and shall report thereon in writing to the Board of Zoning Appeal on such application.

1.163 The Board of Zoning Appeal shall make available to the Design Review Board any maps, plans and any other materials which the latter may request in the proper exercise of its review responsibilities. The Design Review Board may meet with the applicant in connection with its review of his application if it is deemed appropriate.

1.164 Meetings of the Design Review Board shall be open to the general public in accordance with applicable provisions of the General Laws. Reports of the Board shall become public information upon their receipt by the Board of Zoning Appeal.

1.165 In reviewing an application for a Special Permit or variance within the Harvard Square Overlay District the Board of Zoning Appeal shall give due consideration to the recommendations, concerns and other information contained in the report of the Design Review Board.

1.166 In reviewing each application for a Special Permit or variance in the

Harvard Square Overlay District the Design Review Board shall have the following powers and duties:

- (a) The Board shall evaluate the proposed Special Permit or variance in terms of the specific and general impact of the use and/or dimensions proposed therein on the Harvard Square Overlay Zone and adjoining areas where applicable. Such evaluation shall be conducted in light of the purposes of the Harvard Square Overlay District hereinbefore stated and shall further take account of the following considerations: scale, bulk, density, aesthetic qualities, land use, functional characteristics, parking, loading, and impact on public services and facilities.
- (b) The Board shall make recommendations to the Board of Zoning Appeal for approval or disapproval of any such application and in connection therewith may suggest specific project adjustments and alterations to further the purposes of this Section.

Section 1.17 Adoption

1.171 In the event a zoning amendment petition by the Cambridge Planning Board, dated April 14, 1972 and entitled "Article IX, Riverfront District" has not been duly adopted by the City Council of the City of Cambridge at the time of adoption of this Article (presently identified as Article X), this Article shall thereupon be identified as Article IX.

PROPOSED AMENDMENTS TO TEXT OF EXISTING ZONING ORDINANCE
 IN CONJUNCTION WITH PROPOSED HARVARD SQUARE OVERLAY DISTRICT

A. In Article I, Section 5, paragraph 1, strike the first three sentences, from "Certain uses" to ". . . . of this ordinance applicable thereto." and substitute in place thereof the following:

"Certain uses and dimensions are designated in Article IV, Section 2 (Table of Use Regulations) and in Article X, Section 1.13 as requiring a special permit. The Board of Zoning Appeal may, in accordance with Chapter 40A of the General Laws, grant special permits for such designated uses or dimensions without any finding of hardship. A special permit is a permit to use or build on property for the purpose or within the dimensions specified and shall not waive, vary, or relax any provision of this ordinance applicable thereto."

* * * * *

B. In Article III, Section 1, Establishment of Districts, change numbers 11 and 12 to 12 and 13 respectively, and add number 11 as follows:

"11. Harvard Square Overlay District Height and Sign
 Controls and Design
 Review Process in
 Harvard Square area"

So that the text shall read:

"10. Business B. District General Business
 11. Harvard Square Overlay District Height and Sign
 Controls and Design
 Review Process in
 Harvard Square area"
 12. Industry A District Warehouse, Storage
 and Light Manufac-
 turing"

* * * * *

C. In Article V, Section 2, Table of Dimensional Requirements add a (foot-note) (i) as follows:

"(i) Specific Dimensional Requirements for the Harvard Square Overlay District are enumerated in Article X, Section 1.13."

* * * * *

D. In Article VI, Section 5, paragraph 3, after "3. In all other only as follows: add "except as set forth in Article X, Section 1.15:"

So that text shall read:


"3. In all other only as follows, except as set forth in Article X, Section 1.14:"

For the Cambridge Planning Board

Arthur C. Parris
Chairman



For the Harvard Square Development
Task Force



Thaddeus R. Beal
Chairman

Cambridge, Mass., January 30, 1973

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

The undersigned respectfully pray

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

By establishing an overlay zone designated "Harvard Square Overlay District"
insofar as said Zoning Map relates to the following described area of land:

Premises of the following parcels as designated on Assessors' Plat #133; even numbers 1256 through 1230 Massachusetts Avenue, odd numbers 3 through 39 Bow Street, even numbers 4 through 44 Plympton Street, odd numbers 43 through 53 Mt. Auburn Street, and which includes all of lots numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 48, 49, 51, 52, 53, 54, 55, 56 as shown on Assessors' Plat #133;

Premises of the following parcels as designated on Assessors' Plat #160; even number 1268 through 1392 Massachusetts Avenue; odd numbers 1 through 35 Plympton Street; even numbers 8 through 10 Linden Street; odd numbers 3 through 9 Linden Street, even numbers 2 through 26 Holyoke Street; odd numbers 11 through 23 Holyoke Street; even numbers 2 through 36 Dunster Street; odd numbers 5 through 35 Dunster Street; even numbers 2 through 42 Boylston Street; odd numbers 1 through 41 Boylston Street; even numbers 10 through 36 Brattle Street; odd numbers 57 through 101 Mt. Auburn Street; odd numbers 47 through 57 Bow Street; and which includes all of lots numbered 11, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 30, 36, 37, 38, 46, 48, 51, 52, 53, 54, 55, 57, 58, 59, 60, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84 as shown on Assessors Plat #160;

Premises of the following parcels as designated on Assessors' Plat #161; odd numbers 57 through 61 Plympton Street; even numbers 52 through 72 Mt. Auburn Street; even numbers 2 through 16 Holyoke Place; odd numbers 1 through 35 Holyoke Place; even numbers 28 through 30 Holyoke Street; and which includes all of lots numbered 2, 3, 4, 5, 81, 82, 83 as shown on Assessors' Plat #161;

Premises of the following parcels as designated on Assessors' Plat #162; even numbers 74 through 104 Mt. Auburn Street; even numbers 2 through 28 Eliot Street; odd numbers 53 through 65 Boylston Street; even numbers 44 through 60 Boylston Street; odd numbers 43 through 77 Dunster Street; even numbers 44 through 56 Dunster Street; odd numbers 25 through 33 Holyoke Street; odd numbers 39 through 107 Winthrop Street; even numbers 56 through 106 Winthrop Street; odd numbers 17 through 21 South Street; and which includes all of lots numbered 4, 5, 7, 9, 10, 11, 14, 16, 17, 18, 19, 26, 29, 31, 32, 35, 36, 47, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 62, 63, 64, 65, 66, 67, 68, 69, 71, 72, 73, 74, 75 as shown on Assessors' Plat #162;

Premises of the following parcels as designated on Assessors' Plat #169; even numbers 1394 through 1442 Massachusetts Avenue; even numbers 2 through 8 Brattle Street; odd numbers 1 through 51 Brattle Street; odd numbers 1 through 35 Palmer Street; even numbers 2 through 32 Palmer Street; even numbers 2 through 66 Church Street; odd numbers 21 through 67 Church Street; even number 2 Farwell Place; and which includes all of lots numbered 7, 8, 10, 11, 12, 14, 17, 39, 40, 41, 42, 43, 44, 45, 46, 47, 50, 67, 68, 80, 81, 82, 83, 84, 85, 86, 89, 96; as shown on Assessors' Plat #169;

Premises of the following parcels as designated on Assessors' Plat #168; even numbers 38 through 54 Brattle Street; odd numbers 109 through 125 Mt. Auburn Street; even numbers 8 through 20 Mifflin Place; odd numbers 5 through 19 Mifflin Place; even numbers 4 through 18 Story Street; odd numbers 5 Story Street; and which includes all or part of lots numbered 4, 5, 13, 16, 17, 20, 21, 22, 23, 24, 25, 30, 31, 32, 33, 36, 37, 55, 56, 57, 60 as shown on Assessors' Plat #168;

Premises of the following parcels as designated on Assessors' Plat #164; odd numbers 15 through 29 Eliot Street; odd numbers 69 through 117 Boylston Street; numbers 971 through 974 Memorial Drive; and which includes all of lots numbered 2, 3, and 4; as shown on Assessors' Plat #164;

Premises of the following parcels as designated on Assessors' Plat #165; even numbers 108 through 128 Mt. Auburn Street; even numbers 2 through 44 University Road; odd numbers 1 through 43 University Road; odd numbers 1 through 7 Nutting Road; numbers

975 through 982 Memorial Drive; and which includes all or part of lots numbered 15, 23, 24, 26, 28, 29, 34, 38, 39, 40, 41, 42, 43, 44, 45, 46 as shown on Assessors' Plat #165;

Premises of the following parcels as designated on Assessors' Plat #166 even numbers 132 through 138 Mt. Auburn Street; even numbers 2 through 16 Nutting Road; odd numbers 1 through 7 and even numbers 2 through 10 Revere Street; all numbers on Mt. Auburn Place; even numbers 2 through 8 Gerry Street; and which includes all or parts of lots numbered 33, 34, 35, 37, 38, 41, 42, 50, 51, 73, 74, 75, as shown on Assessors' Plat #166;

Premises of the following parcels as designated on Assessors' Plat #168: odd numbers 127 through 133 Mt. Auburn Street; 15 through 17 Story Street; 18 through 22 Hilliard Street; and which includes all or part of lots numbered 40, 41, 48, 49, 53, 54, as shown on Assessors' Plat #166; and which is bounded and described as follows:

Beginning at a point, said point being the intersection of the centerline of Massachusetts Avenue and the center line of Church Street;

Thence, running westerly along the centerline of Church Street, 240 feet more or less to a point, said point being the intersection of the centerline of Church Street and the extension of the western lot line of lot 79, Assessors' Plat #169;

Thence, running northerly along the west lot line of lot 79, Assessors' Plat #169, 70 feet more or less to a point, said point being the intersection with the northern lot line of lots 8, 67, and 68 of Assessors' Plat #169;

Thence, running westerly along the northern lot line of lots 8, 67, 68, of Assessors' Plat #169, 147 feet more or less to a point, said point being the intersection of the northern lot line of lots 8, 67, 68 of Assessors' Plat #169 and the eastern lot line of lot 10 of Assessors' Plat #169;

Thence, running northerly along the eastern lot line of lot 10, Assessors' Plat #169, 127 feet more or less to a point, said point being the intersection of the eastern lot line of lot 10, Assessors' Plat #169, and the southern lot line of lots 19, 18, 17, 16, 15, and 14 of Assessors' Plat #169;

Thence, running westerly along the southern lot line of lots 19, 18, 17, 16, 15 and 14 of Assessors' Plat #169, 290 feet more or less to a point, said point being the intersection with a line parallel to and 100 feet from the northeastern street line of Brattle Street;

Thence, running northerly along a line parallel to and 100 feet from the northeastern street line of Brattle Street, 95 feet more or less to a point, said point being the intersection with the centerline of Farwell Place;

Thence, running southwesterly along the centerline of Farwell Place, 135 feet more or less to a point, said point being the intersection of the centerline of Farwell Place and the centerline of Brattle Street;

Thence, running northwesterly along the centerline of Brattle Street, 55 feet more or less to a point, said point being the intersection of the centerline of Brattle Street and a line parallel to and 100 feet from the northwestern street line of Story Street;

Thence, running westerly along line parallel to and 100 feet from the northwestern street line of Story Street, 130 feet more or less to a point, said point being the intersection of a line parallel to and 100 feet from the northwestern street line of Story Street and a line parallel to and 100 feet from the southwestern street line of Brattle Street;

Thence, running southerly along a line parallel to and 100 feet from the southwestern street line of Brattle Street, 115 feet more or less to a point, said point being the intersection with the centerline of Story Street;

Thence, running southwesterly along the centerline of Story Street, 235 feet more or less to a point, said point being the intersection of the centerline of Story Street and a line parallel to and 100 feet from the northeast street line of Mt. Auburn Street;

Thence, running northwesterly along a line parallel to and 100 feet northeasterly of the northeast street line of Mt. Auburn Street, 255 feet more or less to a point, said point being at the intersection of the above line and the centerline of Hilliard Street;

Thence, running southwesterly along the centerline of Hilliard Street, 120 feet more or less to a point, said point being the intersection of the centerline of Hilliard Street and the centerline of Mt. Auburn Street;

Thence, running northwesterly along the centerline of Mt. Auburn Street, 50 feet more or less to a point, said point being the intersection of the centerline of Mt. Auburn Street and the centerline of Gerry Street;

Thence, running southwesterly along the centerline of Gerry Street, 193 feet more or less to a point, said point being the intersection of the centerline of Gerry Street and the centerline of Revere Street;

Thence, running southeasterly along the centerline of Revere Street and an extension thereof, 135 feet more or less to a point, said point being the intersection of the extension of the centerline of Revere Street and the southeastern lot line of lot 41 as shown on Assessors' Plat #166;

Thence, running southwesterly along the southeastern lot lines of lots 41, 43, 44, 61, and an extension thereof, as shown on Assessors' Plat #166, 446 feet more or less to a point, said point being the intersection of the extension of the southwestern lot line of lot 61 as shown on Assessors' Plat #166 and the centerline of Memorial Drive;

Thence, running southerly along the centerline of Memorial Drive, 1,232 feet more or less to a point, said point being the intersection of the centerline of Memorial Drive and the centerline of Boylston Street;

Thence, running northeasterly along the centerline of Boylston Street, 780 feet more or less to a point, said point being the intersection of the centerline of Boylston Street and the centerline of South Street;

Thence, running southeasterly along the centerline of South Street, 310 feet more or less to a point, said point being the intersection of the centerline of South Street and the centerline of Dunster Street;

Thence, running northerly along the centerline of Dunster Street, 210 feet more or less to a point, said point being the intersection of the centerline of Dunster Street and the centerline of Winthrop Street;

Thence, running easterly along the centerline of Winthrop Street, 220 feet more or less to a point, said point being the intersection of the centerline of Winthrop Street and the centerline of Holyoke Place;

Thence, running easterly along the centerline of Holyoke Place and the extension of the centerline, 460 feet more or less to a point, said point being the intersection of the extension of the centerline of Holyoke Place and the centerline of Plympton Street;

Thence, running northerly along the centerline of Plympton Street, 190 feet more or less to a point, said point being the intersection of the centerline of Plympton Street and the centerline of Mt. Auburn Street;

Thence, running southeasterly along the centerline of Mt. Auburn Street; 280 feet more or less to a point, said point being the intersection of the centerline of Mt. Auburn Street and the centerline of DeWolfe Street;

Thence, running northeasterly along the centerline of DeWolfe Street, 140 feet more or less to a point, said point being the intersection of the centerline of DeWolfe Street and the centerline of Bow Street;

Thence, running northerly along the centerline of Bow Street, 380 feet more or less to a point, said point being the intersection of the centerline of Bow Street and the centerline of Massachusetts Avenue;

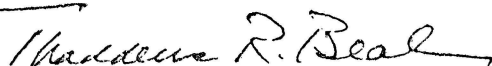
Thence, running northwesterly along the centerline of Massachusetts Avenue, 1,350 feet more or less to a point, said point being the intersection of the centerline of Massachusetts Avenue and the centerline of Church Street, and which comprises an area of 2,475,073 square feet more or less.

For the Cambridge Planning Board

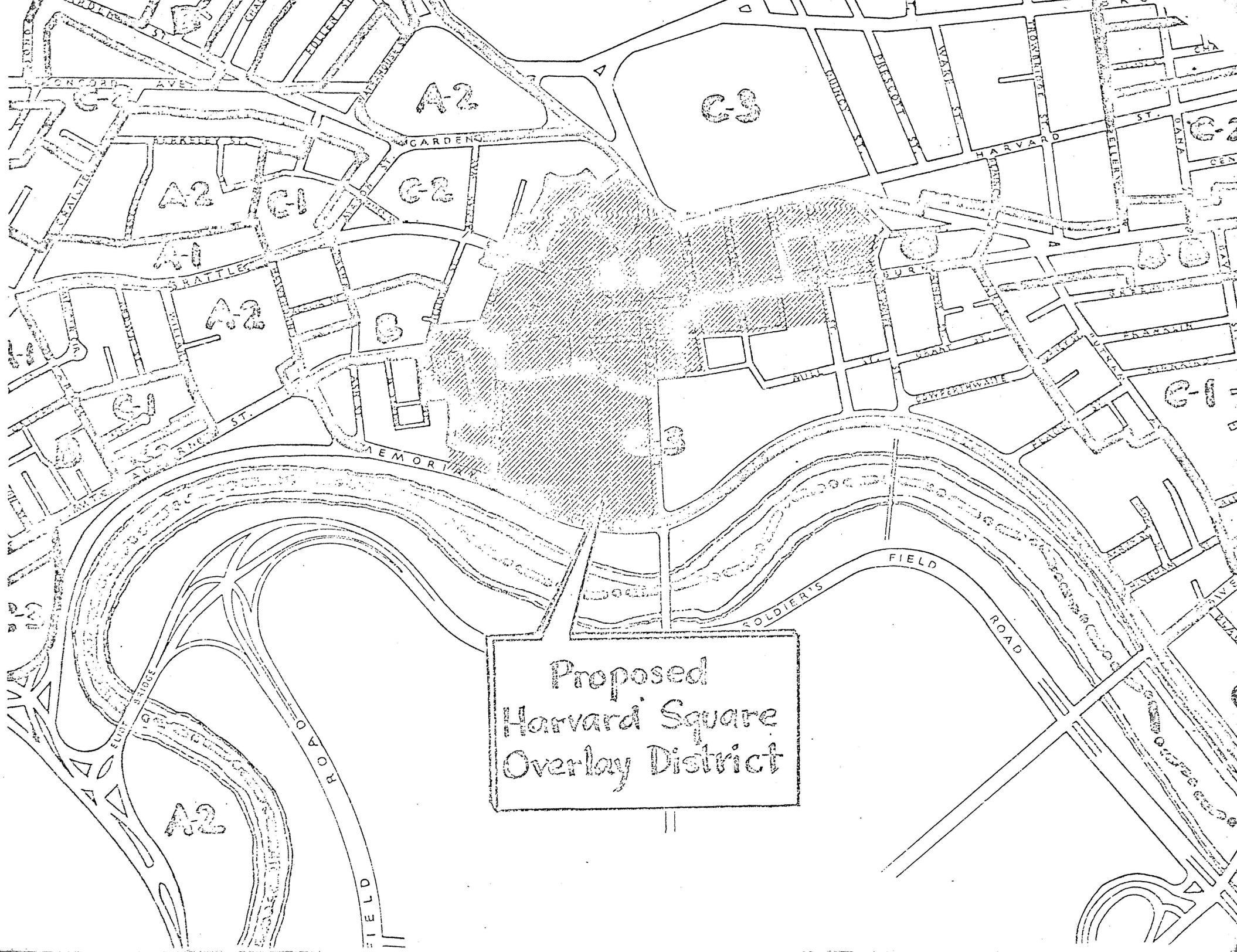


Arthur C. Parris, Chairman

For the Harvard Square Development
Task Force



Thaddeus R. Beal, Chairman



Proposed
Harvard Square
Overlay District

ARTICLE 12.000 PLANNED UNIT DEVELOPMENT DISTRICTS

- 12.10 STATEMENT OF PURPOSE
- 12.20 AREA OF APPLICABILITY
- 12.30 REVIEW OF PLANNED UNIT DEVELOPMENT APPLICATIONS
- 12.40 ENFORCEMENT
- 12.50 GENERAL DEVELOPMENT CONTROLS
- 12.60 PUD-1 DISTRICT: DEVELOPMENT CONTROLS

12.10 STATEMENT OF PURPOSE

This Article of the Zoning Ordinance of the City of Cambridge is hereby adopted to encourage the construction of Planned Unit Developments. The Planned Unit Development districts and uses created herein are intended to provide greater opportunity for the construction of quality developments on large tracts of land by providing flexible guidelines which allow the integration of a variety of land uses and densities in one development.

12.20 AREA OF APPLICABILITY

A Planned Unit Development shall be allowed by Special Permit in PUD districts so designated from time to time on the zoning map and shall be regulated by the general development controls set forth in Section 12.50 and by the specific development controls for the individual PUD district in which the project is located. Planned Unit Development Districts shall be overlay districts on the zoning map and, for any land within a PUD district, a developer may choose to conform either to all the controls which govern the base district or to all the PUD development controls and process.

12.30 REVIEW OF PLANNED UNIT DEVELOPMENT APPLICATIONS

- 12.31 Review Scope. An application to construct a Planned Unit Development must be reviewed in a manner which is consistent with the procedures set forth in this section 12.30 and those procedures required by Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended.
- 12.32 Constitution of Review Authority. The Planning Board shall review and approve or disapprove all applications for Special Permits to construct Planned Unit Developments. In reviewing an application for a Special Permit for a Planned Unit Development, the Planning Board may also seek the professional opinion of the staff of city departments, including, but not limited to, the Community Development Department, Public Works Department, Traffic and Parking Department, Police Department, Fire Department, Water Department, and School Department.
- 12.33 Pre-Application Conference. A developer desiring to obtain a Special Permit to construct a Planned Unit Development may request a Pre-Application Conference with the Planning Board prior to submitting an application for the Special Permit.

- 12.331 The purpose of the Pre-Application Conference shall be to familiarize both the developer and the Planning Board with each other's intentions with respect to the PUD. Although a Pre-Application Conference shall not be required, this preliminary meeting between the Planning Board and the developer is desirable since it should help clarify many procedural and policy issues.
- 12.332 At the Pre-Application Conference, the Planning Board shall familiarize the developer with the process for obtaining a Special Permit for a PUD and explain to him issues that should be considered in planning the project. The developer may discuss his range of options concerning development and inform the Planning Board of his development concept. Any statement made by either the Planning Board or the developer concerning potential disposition of a Special Permit application or the final form of the development shall not be legally binding.
- 12.333 The developer shall not be required to present any written or graphic materials at the Pre-Application Conference. The Planning Board shall make available to the developer at this time any forms required for application for a Special Permit for a PUD.
- 12.34 Development Proposal. A developer who wishes to apply for a Special Permit for a PUD must submit to the Planning Board a Development Proposal completed on the appropriate forms which may be obtained from the Planning Board at the Pre-Application Conference or from the Community Development Department.
- 12.341 The written and graphic information specified in Section 12.343 and on the appropriate forms must be submitted for the entire proposed project. A copy of the Development Proposal shall remain open to the public during the application process and shall be located in the Community Development Department.
- 12.342 The purpose of the Development Proposal shall be to provide the Planning Board with an opportunity for in-depth substantive review of the PUD before final designs are developed.
- 12.343 The Development Proposal shall include written and graphic materials in the appropriate number as specified by the Planning Board.
- (1) Written materials shall include, but not be limited to, the following:
- (a) legal description of the total development parcel proposed for development including exact location and a statement of present and proposed ownership;
 - (b) statement of development concept, including the planning objectives and the character of the development to be achieved through the PUD;
 - (c) development schedule indicating the appropriate date when construction of the PUD can be expected to begin and be completed, including initiation and completion dates of separate stages of a phased development;

- (d) statement of intentions regarding the future selling or leasing of all or portions of the PUD, such as land area, dwelling units, and public facilities;
 - (e) statement of financing plan, including projected sources and amounts of funds;
 - (f) statement of how utilities and other public works will be provided, including design standards;
 - (g) the impact of the development on existing city services outside the development.
- (2) Quantitative data including:
- (a) parcel size;
 - (b) proposed lot coverage of structures;
 - (c) floor area ratio;
 - (d) total amount of usable open space, both private and public;
 - (e) total number and type of dwelling units by number of bedrooms;
 - (f) projected rent levels or selling price by unit size;
 - (g) approximate gross residential densities;
 - (h) total amount in square footage of non-residential construction by type of use;
 - (i) economic feasibility or market analysis including projected market area and proposed rent levels for commercial development;
 - (j) number of parking spaces to be provided by use;
 - (k) total length of streets to be conveyed to the city government;
 - (l) total length of streets to be held as private ways within the development;
 - (m) total length by type of other public works to be conveyed to the city government;
 - (n) number and types of public facilities.
- (3) Graphic materials shall include, but not be limited to, the following:
- (a) map of existing site conditions, including contours, water course, flood

plains, unique natural features, existing vegetation, soil types, existing buildings;

- (b) map of existing land use;
- (c) existing and proposed lot lines;
- (d) location and size of gross floor area of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, and non-residential structures by use;
- (e) location and size in square feet of all usable open space and areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses;
- (f) the existing and proposed circulation system of arterial, collector, and local streets, including off-street parking areas, service areas, loading areas, and all points of access to existing public rights-of-way;
- (g) proposed pedestrian circulation system;
- (h) existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
- (i) general landscape plan indicating the treatment of materials used for private and common open spaces;
- (j) description of adjacent land areas, including land uses, zoning, densities, circulation systems, public facilities, and unique natural features of the landscape;
- (k) proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences, and walls.

12.344 When applying for a Special Permit to construct a PUD, a developer must pay for all expenses incident to advertising for public hearings that may be incurred by the Planning Board.

12.35 Review of Development Proposal. Within 65 days of the date of receipt of a complete application for a Special Permit to construct a PUD, the Planning Board shall hold a public hearing. The purpose of the public hearing shall be to solicit public opinion concerning the Development Proposal.

12.351 Between the date of submission of the application for a Special Permit to construct a PUD and the public hearing concerning the Development Proposal, the Planning Board may submit the Development Proposal for review to city departments, including, but not limited to, the Community Development Department, Public Works Department, Traffic and Parking Department, Police Department, Fire Department, Water Department, and School Department. Any

city department desiring to comment on the Development Proposal shall submit comments in writing to the Planning Board within 60 days of the date of receipt of the application for a Special Permit or no later than 5 days before the date of the public hearing. All written comments shall be made part of the application for a Special Permit and shall remain on public record.

12.352 Within 21 days after the public hearing, the Planning Board shall make a determination concerning the Development Proposal. If the Planning Board approves the Development Proposal or conditionally approves the Development Proposal with recommendations for modifications, then the developer must submit a Final Development Plan as specified in Section 12.36. If the Planning Board disapproves the Development Proposal, then the application for a Special Permit to construct a PUD shall be denied. If the Planning Board makes no decision within the specified time limit, then the Development Proposal shall be considered approved and the developer shall prepare a Final Development Plan.

12.353 Approval of the Development Proposal shall be granted only upon determination by the Planning Board that the Development Proposal:

- (1) conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth for the specific PUD district in which the project is located;
- (2) conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located;
- (3) provides benefits to the city which outweigh its adverse effects; in making this determination the Planning Board shall consider the following:
 - (a) quality of site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public;
 - (b) traffic flow and safety;
 - (c) adequacy of utilities and other public works;
 - (d) impact on existing public facilities within the city; and
 - (e) potential fiscal impact.

12.36 Final Development Plan. The purpose of the Final Development Plan shall be to set forth in final form the specifics of the proposed development proposal and to allow review for any additional items not presented during the Development Proposal.

12.361 The developer shall submit a Final Development Plan to the Planning Board, no later than 59 days after the Public Hearing concerning the Development Proposal. Failure to submit a Final Development Plan within the specified time period shall

result in the termination of the application for a Special Permit to construct a PUD.

- 12.362 The Final Development Plan shall consist of final versions of all statements and graphics presented in the Development Proposal and must contain any revisions which are required by the Planning Board at the time of conditional approval of the Development Proposal.
- 12.363 The Planning Board shall hold a public hearing to consider the Final Development Plan no later than 69 days after the public hearing concerning the Development Proposal. The purpose of the public hearing shall be to solicit public opinion on the Final Development Plan with emphasis placed on reviewing modifications made to the Development Proposal.
- 12.364 The Planning Board shall make the decision to approve or disapprove the application for a Special Permit to construct a Planned Unit Development no later than 90 days after the public hearing concerning the Development Proposal. Approval of the Final Development Plan shall be granted only upon determination by the Planning Board that the Final Development Plan meets the evaluation criteria set forth in Section 12.354 and contains any revisions to the Development Proposal requested by the Planning Board. If the Planning Board grants the Special Permit with conditions, the conditions must be agreed to in writing by the developer before the Special Permit is granted. The Planning Board shall make its final decision in writing and shall specify its reasons for not granting a Special Permit to construct a PUD. If the Planning Board makes no decision within the specified time limit, then the Final Development Plan shall be considered approved and the Special Permit to construct a PUD shall be deemed granted.
- 12.37 Amendments to Final Development Plan. After approval of the Final Development Plan by the Planning Board, the developer may seek amendments to the Final Development Plan, only if he encounters difficulties in constructing the PUD which could not have reasonably been foreseen, such as with terrain or soil conditions or other complications.
- 12.371 Amendments to the Final Development Plan shall be considered major or minor. Minor amendments, as specified in Section 12.372 shall be authorized by written approval of the Planning Board. Major amendments, as specified in Section 12.373, shall be considered as an original application for a Special Permit to construct a PUD and shall be subject to procedures specified in Sections 12.34 through 12.36. The Planning Board shall decide whether proposed changes are major or minor.
- 12.372 Minor amendments are changes which do not alter the concept of the PUD in terms of density, floor area ratio, land usage, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to, small changes in floor space, mix of uses, density, lot coverage, height, setbacks, lot sizes, open space; changes in the location of buildings, open space, or parking; or realignment of minor streets.

- 12.373 Major amendments represent substantial deviations for the PUD concept approved by the Planning Board. Major amendments shall include, but not be limited to, large changes in floor space, mix of uses, density, lot coverage, height, setbacks, lot sizes, open space; changes in the location of buildings, open space, or parking; or changes in the circulation system.

12.40 ENFORCEMENT

- 12.41 Commencement of Construction. The developer shall begin construction of the PUD within 12 months of the date of the granting of the Special Permit to construct a PUD. The Planning Board may grant in writing an extension of this time period of up to 12 months upon demonstration of good cause by the developer. If the developer fails to commence construction of the PUD within the specified time, the Special Permit shall lapse.
- 12.411 If the PUD is to be developed in stages, then the developer must begin the construction of each stage within the time limits specified in the Final Development Plan. Construction in each phase shall include all the elements of that phase specified in the Final Development Plan.
- 12.412 The Planning Board, or its designee, shall periodically monitor the construction of the PUD, with respect to start of construction and development phasing. If the Planning Board, or its designee, finds that either the developer has failed to begin development within the specified time period or that the developer is not proceeding in accordance with the approved development phasing, with respect to either timing or construction of an approved mix of project elements, then the Planning Board shall review the PUD and may extend the time for start of construction or the length of time needed to complete a phase, revoke the Special Permit, or recommend that the developer amend the Final Development Plan subject to procedures specified in Section 12.37. If the Planning Board revokes the Special Permit for the PUD then the Final Development Plan shall be null and void.

12.50 GENERAL DEVELOPMENT CONTROLS

- 12.51 Applicability and Conformance with Existing Policy Plans. The following regulations in this Section 12.50 shall control development within each PUD district. Each development proposal for a PUD shall, to the extent feasible, be made to conform to existing policy plans established by the Planning Board or City Council from time to time for the specific area of the city in which the PUD is located.
- 12.52 PUD Development Parcel Size. The minimum size of a development parcel for a PUD shall be two and one-half (2½ acres) except that a larger minimum size of a development parcel may be established for individual PUD districts.
- 12.53 Standards for Construction of Roadways. All new roadways within a PUD shall be constructed in conformance with standards established by the Department of Traffic and Parking.

- 12.531 Any existing private way or subsequently constructed private way in a PUD may be accepted by the City as a public way only if it meets the Minimum Standards for Acceptance of Existing Private Ways as Public Ways as adopted by the Planning Board.
- 12.532 The design of the overall circulation pattern shall be prepared in accordance with the principles and concepts established in "Recommended Practices for Subdivision Streets" prepared by the Institute of Traffic Engineers (1965).
- 12.54 Standards for Construction of Utilities and Public Works. All improvements to the site which include the installation of utilities, public lighting, sewers, and other public works shall be constructed according to criteria established by the Public Works Department, Water Department, Electrical Department, the Planning Board, and other appropriate departments. If the developer provides public works, roadways, and utility improvements to the site, the Planning Board may require the developer to post a performance bond.
- 12.55 Landscaping. All open areas within a PUD which are not used as driveways, walkways, or parking lots shall be landscaped in an appropriate manner utilizing both natural and manmade materials such as grass, trees, shrubs, and benches. Wherever possible, deciduous trees should be planted along new and existing streets. Plazas, arcades, malls, and similar manmade developments shall be counted as landscaped areas. In addition, landscaping within a PUD shall conform to any landscaping criteria or requirements which may be adopted by the Planning Board or City Council from time to time, except that any PUD's developed prior to the establishment of formal landscaping regulations shall not have to conform to them. Outdoor lighting shall be considered in the landscaping plan and shall be designed to complement both manmade and natural elements of the PUD.
- 12.56 Environmental Performance Standards. All uses in a PUD district shall conform to all applicable federal, state, and local laws and regulations regarding the environment such as laws and regulations concerning noise, air quality, water quality, radiation, and radioactivity.

12.60 PUD-1 DISTRICT: DEVELOPMENT CONTROLS

- 12.61 Purpose. The PUD-1 district is intended to provide the opportunity for a medium-density mixed use development with commercial, office, and a variety of residential uses.
- 12.62 Uses Allowed in a PUD-1 District.
- 12.621 The following uses alone or in combination with other uses shall be allowed upon permission of the Planning Board:
- (1) All Residence Uses specified in Section 4.31
 - (2) Conversion of Dwelling Structure as allowed in Section 4.32
 - (3) All Institutional, Transportation, and Utility Uses specified in Section 4.33
 - (4) All Office and Laboratory Uses specified in Section 4.34

(5) All Retail Business and Consumer Service Establishment uses specified in Section 4.35

12.622 Any other use, alone or in combination with other uses, contained in Article 4.000 may be allowed by permission of the Planning Board only if a substantial public benefit can be demonstrated by the applicant.

12.63 District Dimensional Regulations.

12.631 The maximum ratio of floor area to total area of the development parcel shall be 3.0.

12.632 The minimum size of the development parcel for PUD shall be two and one half (2½) acres. There shall be no specified minimum lot size for lots located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

12.633 For the purpose of computing residential density, the minimum land area for each dwelling unit shall be 600 square feet. Residential density shall be computed based on the entire development parcel.

12.634 There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. There shall be no minimum required front, rear, and side yard requirements for a development parcel or for lots located within a development parcel. The Planning Board shall approve all such building setbacks.

12.64 Height.

12.641 The maximum height of any building shall be 60 feet, except as modified in Section 12.642.

12.642 The maximum allowable height may be increased to 80 feet upon permission of the Planning Board, if the Planning Board finds that provision of any of the following amenities provides substantial public benefits:

- (1) open space or recreational facilities dedicated to public use;
- (2) walkways or similar facilities which enable the public to have access through the PUD to existing areas of unique natural or man-made value;
- (3) development design, which enhances any unique natural or man-made features of the site or abutting areas;
- (4) pedestrian malls, arcades, decks, bridges, or similar facilities within the interior of the PUD which are designed to appeal to the general public;
- (5) designs for residential development which are intended to appeal to a family population;

- (6) provision of residential development for a mixture of economic groups, utilizing federal, state, or private programs, conditional upon the provision of appropriate legal assurances that a mixed income development will be implemented; and
- (7) other amenities that the developer may propose which the Planning Board feels provide unique advantages to the general public or which contribute to achieving city development goals.

12.65 Usable Open Space. The minimum ratio of usable open space to the total area of the development parcel as defined in Article 2.000, Section 5.22 shall be 15%, except as modified below.

12.651 The Planning Board may reduce the usable open space requirement if the development is located adjacent to a public open space and if the development is physically and functionally integrated with the open space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors.

12.652 Usable open space shall include parks, plazas, landscaped areas open to the sky, playgrounds, balconies, roofs developed for recreational or leisure usage, and pedestrian ways such as bridges, decks, arcades, loggias, and gallerias as specified by the Planning Board.

12.66 Perimeter and Transition. Any part of the perimeter of a PUD-1 which fronts on an existing street or public open space shall be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening.

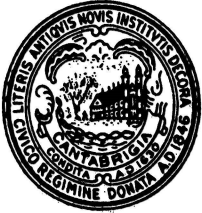
12.67 Parking and Loading Requirements. Development in a PUD-1 district shall conform to the off-street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 12.67.

12.671 Off-street parking facilities shall be provided as follows:

- (1) Residence: Minimum number of spaces per group of dwelling units: 10 per 10.
- (2) Public Assembly: Number of seats requiring one space: 15.

12.672 Institutional, Retail, and Office: Number of Square Feet of Gross Floor Area Requiring One Space:

- (1) Institutional: 1,800 square feet
- (2) Retail and Office:
 - Ground Floor: 900 square feet
 - Other Level: 1,800 square feet



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
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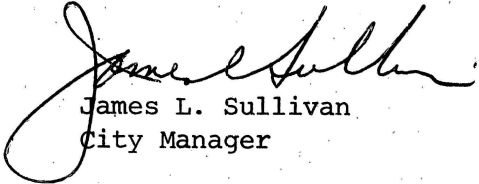
EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

June 26, 1978

To the Honorable, the City Council:

I transmit herewith communication from David Vickery,
Assistant to the City Manager for Community Development,
relative to the City Council hearing on Parcel 1B, Harvard
Square, in response to series of questions by the City
Council to establish height limitations for Parcel 1B.

Very truly yours,


James L. Sullivan
City Manager

JLS/b

0-38

RE: height limitations for Parcel 1B,
Harvard Square.

6/26/78

Referred to the
Petition and Papers
of the Robert Wolff

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In City Council, PETITION

June 26, 1978

6/26/78

File in Ordinances