

## Zoning Analysis

1 Cedar Street is located in the Business A-2 base zoning district and the Massachusetts Avenue Overlay District.

### *Business A-2*

The structure conforms to the front, rear and right yard, open space, height and lot area per dwelling unit requirements of the Business A-2 Zoning District. The structure does not conform to the left yard requirement. Footnote i. of Table 5-3 increases the side yard setback requirement to twenty (20) feet in the Business A-2 Zoning District when, as in this case, the lot is adjacent to a lot located in a residential district and that lot does not face Massachusetts Avenue. Given that 1 Cedar Street abuts 5 Cedar Street in the Residence B Zoning District, the left yard setback increases to twenty (20) feet.

The applicant obtained a Variance from the Board of Zoning Appeal (BZA Case No. 102119, February 11, 2021) that granted relief from that setback requirement.

### *Massachusetts Avenue Overlay District*

The Massachusetts Avenue Overlay District modifies the base dimensional regulations, and provides additional design guidelines as follows:

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

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

The proposed building is 34'9"

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

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

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

The proposed structure has not relied upon this provision.

**20.104.3** Additional Dimensional Standards for Lots Located in both a Business C zoning district and an abutting Residence C-1 or Residence B Zoning District.

Not Applicable

**20.105** *Restrictions in Required and/or Provided Setbacks.*

That area between the principal wall plane of a building and a public street or public park whether required or provided shall be devoted to Green Area Open Space as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, park, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of the lot facing the street or park. Areas devoted to vehicular use are prohibited from this area with the exception of access drives to parking facilities located elsewhere on the site and which shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage.

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

The area between the principal wall plane of 1 Cedar Street and the public street shall be landscaped in accordance with the landscaping depicted on the site plan in the BZA application. An existing 10' 2 3/8" driveway shall remain, servicing the rear parking.

**20.106** *Use Restrictions*

The ground (first) floor of that portion of a building facing a public street or public park shall consist of Gross Floor Area devoted to any one or combination of the following uses: Residential (Section 4.31), Office (Section 4.34), retail business (Section 4.35), Institutional (Section 4.33) meeting the following conditions:

The proposed building contains Residential uses on the ground floor.

1. At least eighty (80) percent of the floor elevation of the ground (first) floor shall be no higher than the four (4) feet above the mean grade of the adjacent public sidewalk or public park, at the property line, except that Retail Business uses in new construction shall be located at mean grade;

**The proposed building complies with this provision and is less than four (4) feet above the mean grade.**

2. The use shall have a depth of at least twenty (20) feet;

**The ground floor of the building is primarily residential, aside from stairwell access to the veteran's club located in the basement. The residential use extends the full length of the building.**

3. Where a lot fronts on two streets the provisions of this Section 11.106 shall apply only to the principal arterial street frontage provided the remainder of the ground floor of the building facing the public street shall be screened with a permanent wall in materials equal in quality to those of the rest of the building and having a minimum opacity of fifty (50) percent.

**Not applicable**

4. The ground (first floor use of any building, to a minimum depth of forty (40) feet from the ground floor building facade fronting the principal arterial street, shall not include areas of parking facilities in a structure that is not underground according to the standards and definitions set forth in Section 5.25 of this Zoning Ordinance. Without limitation, in accordance with Section 5.25, this exclusion shall apply to parking spaces and vehicular access drives that are either fully enclosed within the building, or covered by a structure above while remaining open on the sides. Access drives that are open to the sky are permitted in accordance with the requirements of Section 20.105 above. North of Porter Square, one parking space for each unit in a Townhouse shall be exempt from the limitations of this Section 20.106.

**The parking is located in a pre-existing parking lot in the rear of the site. Portions of the parking lot will be covered by the second and third stories of the building.**

### **20.107** *Design Standards*

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

1. Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue;

**Not applicable**

2. Where office and/or retail uses are accommodated on the ground floor each separately leased space shall have an individual public entrance onto the abutting street where any portion of the space fronts towards the street;

**Not applicable**

3. Facades facing a public street, a public park, or designated city landmark building, or building in a local historic district or neighborhood conservation district, on an abutting lot, shall consist of a minimum twenty-five (25) percent clear glass in total for the facade, with clear glass increased to fifty (50) percent on the ground floor where retail and office uses are established. The maximum amount of clear glass permitted shall be seventy-five (75) percent of the facade. Reflective and opaque glass shall be prohibited.

**The building contains twenty-seven (27) percent clear glass across it's Cedar Street and Linear Park frontages.**

### **20.110** *Additional Standards Applicable in the Business A-2 Districts.*

Within the portions of the Overlay District having a base Business A-2 zoning district designation (the BA-2 Districts) the regulations set forth above in Subsections 20.103 to 20.109 shall apply except as modified by this Section 20.110. However, the provisions of this Section 20.110 shall not apply in the portion of the BA-2 District north of the centerline of Richard Avenue.

#### **20.110.2** Use Regulations.

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

#### **20.110.21** Required Ground Floor Non-Residential Uses.

The ground floor of any building that fronts directly onto Massachusetts Avenue shall consist of at least one (1) active non-residential use meeting the following requirements:

**The building does not front directly onto Massachusetts Avenue.**

#### **20.110.3** Dimensional Regulations.

**20.110.31** FAR. Notwithstanding the general applicability standards set forth in Subsection 20.103.1, the following Floor Area Ratio (FAR) limitations shall apply in place of those set forth in the base zoning district or elsewhere in the Overlay District to the portions of a lot contained within the BA-2 Districts, provided that such lot has direct frontage onto

Massachusetts Avenue. For a lot with no direct frontage onto Massachusetts Avenue, and for portions of a lot that are not contained within the BA-2 Districts, the FAR requirements generally applicable in the base district or elsewhere in the Overlay District shall apply.

**This lot has no direct frontage onto Massachusetts Avenue. The proposed building conforms to all of the dimensional standards of the base Business A-2 Zoning District.**

1. Mixed Use Lots. The maximum allowed FAR shall be 1.75 for any lot that consists entirely of residential or dormitory uses, as listed in Subsections 4.31 (a-h) and paragraph 4.33(b)(7), above the ground floor and includes ground floor active non-residential uses meeting the requirements of Subsection 20.110.21.

**Not applicable**

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

**Not applicable**

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

**Not applicable**

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

1. The exempted bays and projections must not extend more than three and a half (3.5) feet from the principal exterior wall plane of the building, and no individual bay or projection may exceed twelve (12) feet in width.

**The proposed bays have not been exempted from the definition of Gross Floor Area.**

2. No more than fifty (50) percent of the area of each principal wall plane may be covered with such projections.

**The proposed bays have not been exempted from the definition of Gross Floor Area.**

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

**The proposed building conforms to the thirty-five (35) foot height requirement of the base Business A-2 Zoning District.**

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

**Not applicable**

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

**One Cedar is located north of Arlington Street and thus, this provision is not applicable.**

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

**20.110.41** Building Facades. The requirements for public entrances and clear glass set forth in Subsection 20.107.1 Paragraphs 2 and 3 shall apply to any ground-floor non-residential use, including those uses required by Subsection 20.110.21. Required clear glass on the ground floor façade shall be distributed on the façade such that at least seventy-five (75) percent of the required glass is located below the midpoint between the finished floor and the underside of the joists above.

**Not applicable**

**20.110.42** Measurement of Building Facades. For purposes of this Section 20.110, where reference is made to the area of the façade of any given floor, the vertical dimension of that floor shall be measured from the finished interior floor to the underside of the structural joists of the floor above. The horizontal dimension shall be measured to the centerline of the demising wall of a separately leased space, or to the exterior wall of the building, as applicable. Where reference is made to the entire façade, the vertical dimension shall be measured from the mean grade of the façade facing the street (or other feature) to the underside of the structural rafters supporting the roof.

**These dimensions are being complied with.**

**20.110.5** Parking Exemption for Seasonal Outdoor Seating. Notwithstanding any provision of the applicable base zoning district, seasonal, temporary outdoor seating available for any length of time between April 15 and October 31 shall be exempt from the parking requirements of Section 6.36.5 (e) and (f) for any retail use listed in Section 6.36.5 (e) or (f), provided that the total number of seasonal seats does not exceed fifty (50) or fifty percent of the total number of permanent seats provided at the establishment, whichever is less.

**Not applicable**

**20.110.6** Existing and Historic Structures

**20.111.61** The building design standards and conditions set forth in Section 20.106 Paragraphs (1) and (2), Section 20.107, and Subsection 20.110.21 Paragraphs (2), (3) and (6) shall not apply to any building constructed before April 5, 2012. However, a building constructed before April 5, 2012, which in whole or in part meets the requirements of this Section 20.100, shall not be altered so as to increase the degree to which it does not comply with this Section 20.100.

**Not applicable**

**20.110.62** Any lot containing a historic structure as listed below, or as may be designated a Preferably Preserved Significant building by the Cambridge Historical Commission, shall be exempt from the requirements of 20.110.21. If the applicable requirements of Section 20.110.21 are not met, the lot shall not be considered a Mixed Use Lot under the provisions of Subsection 20.110.31 above. However, notwithstanding any other provisions of Subsection

20.110.31, the Planning Board may grant a special permit to increase the allowed FAR in the BA-2 Districts, but not to exceed 1.75, for any combination of permitted uses upon finding that the increased FAR would (a) facilitate the preservation of the historic structure through economic reuse, (b) preserve the essential historically significant elements of the structure's architecture and setting, (c) introduce uses that are respectful of the structure's historic character, and (d) advance the stated purpose of the Massachusetts Avenue Overlay District and the purpose of the standards applicable in the BA-2 Districts.

Lots Containing Identified Historic Structures. The following street address numbers on Massachusetts Avenue shall designate lots containing historic structures for the purpose of this Subsection 20.110.62: 1675, 1676, 1679, 1684,1686, 1696, 1705, 1720,1734, 1735, 1741, 1749, 1751, 1753, 1759, 1771, 1800, 1991, 1996-2006, 2014-2018, 2020-2024, 2026-2080, 2029, 2067, 2088-2098, 2103, 2161, 2179, 2200, 2203, 2210, 2211, 2218, 2222-2224 , 2240, 2254, 2270, 2301, 2307, 2343, 2508-2596, 2535, 2557-2585; and in addition, 3 Linnaean Street.

The Executive Director of the Cambridge Historical Commission determined that the original structure was not significant and did not subject it to a hearing under the Demolition Delay Ordinance.

Due to the fact that the lot does not front on to Massachusetts Avenue, the use requirements of 20.110.21 do not apply.

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

Not applicable