



CITY OF CAMBRIDGE

Community Development Department

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Date: September 28, 2023
Subject: Revisions to Affordable Housing Overlay Petition

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As discussed at the City Council meeting on September 18, 2023, Community Development Department (CDD) staff have continued to discuss revisions to the Affordable Housing Overlay (AHO) Zoning Petition (the "Petition") with affordable housing providers to clarify some provisions in a way that will make them easier to implement as intended.

The attached text, which was developed by staff in CDD and the Law Department, proposes the following changes:

- Revisions to Paragraph (d) of Section 11.207.5.1 clarify that a project may choose to apply the zoning standards covering a majority of a lot to the entire lot, but could also utilize the existing general provisions of Section 3.32.
- The provision in which the normal height limits can be exceeded if existing open space is preserved, with a limit on total floor area, is revised to limit the increase to no more than three additional stories and to simplify the calculation of allowed floor area.
- The provision that allows an AHO project to "match" the height of an existing building is clarified to include a building on the same lot as well as an adjacent lot, and the concept of "matching" the height is written to be more precise.

Some clerical edits and revisions to the numbering and ordering of paragraphs are also included. Markups are shown in the attached version, and annotations are provided to explain specific changes.

Amend Article 2.000 as follows:

AHO Lot – A Lot, as defined in this Article 2.000, on which an AHO Project is proposed, whether or not there are other existing or proposed uses on the Lot that do not meet the definition of an AHO Project.

AHO Corridor Lot – An AHO Lot that has a Front Lot Line on one or more of the following streets: Albany Street, Alewife Brook Parkway, Bishop Allen Drive, Broadway, Cambridge Street, Concord Avenue, First Street, Fresh Pond Parkway, Massachusetts Avenue, Memorial Drive, Mount Auburn Street, Prospect Street, and Sidney Street.

AHO Square District – One of the following Zoning Districts or areas: the Central Square Overlay District, Harvard Square Overlay District, Lesley Porter Overlay District, or the area bounded by the centerline of Elm Street to the west, the Somerville/Cambridge municipal boundary to the north, the centerline of Windsor Street to the east, and Cambridge Street to the south; but not including the premises shown on Cambridge Assessor’s Map #81 Lots 81-50, 81-101, or 81-100.

Amend Section 11.207 as follows:

11.207.5.1 General Provisions

- (a) For the purposes of this Section, the phrase "District Development Standards" shall refer to the development standards of the base zoning district as they may be modified by the development standards of all overlay districts (with the exception of this Affordable Housing Overlay) that are applicable to a lot.
- (b) District Dimensional Standards shall include the most permissive standards allowable on a lot, whether such standards are permitted as-of-right or allowable by special permit. A District Dimensional Standard that is allowable by special permit shall include any nondiscretionary requirements or limitations that would otherwise apply.
- (c) An AHO Project that conforms to the following development standards shall not be subject to other limitations that may be set forth in Article 5.000 or other Sections of this Zoning Ordinance, except as otherwise stated in this Section.
- (d) [Section 3.32 shall generally apply to an AHO Project where a zoning district boundary line divides the AHO Lot, except that the AHO Project may choose to apply ~~An AHO Project~~](#)

See cover memo. This provision is reworded to allow the zoning standards of the majority of the district to be applied to the whole lot, but does not require it, because it might be more restrictive than applying the general standards of Section 3.32 to a split lot.

~~containing more than one base zoning district shall follow the requirements of the zoning district that covers the largest percentage majority of the area of the lot or development parcel AHO Lot, as if to the entirety of the lot AHO Lot was served by as if it were within a single zoning district. Section 3.32 shall generally not apply to development that proceeds under the provisions of this Section 11.207.~~

11.207.5.2.1 Building Height and Stories Above Grade. For an AHO Project, the standards set forth below shall apply in place of any building height limitations set forth in the District Development Standards.

- (a) Where the District Dimensional Standards set forth a maximum residential building height of forty (40) feet or less, an AHO Project shall contain no more than four (4) Stories Above Grade and shall have a maximum height of forty-five (45) feet, as measured from existing Grade. For AHO Projects containing active non-residential uses on the ground floor, the maximum height may be increased to fifty (50) feet but the number of Stories Above Grade shall not exceed four (4) stories.
- (b) Where the District Dimensional Standards set forth a maximum residential building height of more than forty (40) feet but not more than sixty-five (65) feet, an AHO Project shall contain no more than nine (9) Stories Above Grade and shall have a maximum height of one hundred (100) feet, as measured from existing Grade, except as further limited below.
 - (i) Except where the AHO Project abuts a non-residential use, portions of an AHO Project that are within thirty-five (35) feet of a lot whose District Dimensional Standards allow a maximum residential building height of forty (40) feet or less shall be limited by the provisions of Paragraph (a) above.
- (c) The height of an AHO Project on an AHO Corridor Lot may be increased from the height limits in Paragraphs (a) or (b) above, not to exceed twelve (12) Stories Above Grade and a building height of one hundred and forty (140) feet, subject to the limitations in Section 11.207.5.2.1(b)(i) above.
- (d) Where the District Dimensional Standards set forth a maximum residential building height of more than sixty-five (65) feet, an AHO Project shall contain no more than thirteen (13) Stories Above Grade and shall have a maximum height of one hundred and fifty (150) feet, as measured from existing Grade, except as further limited below.

- (i) Except where the AHO Project abuts a non-residential use, portions of an AHO Project that are within thirty-five (35) feet of a district whose District Dimensional Standards allow a maximum residential building height of forty (40) feet or less shall be reduced to a minimum of five (5) Stories Above Grade or a maximum height of sixty (60) feet, as measured from existing Grade, except that if the AHO project parcel extends into that District, then the height limitation shall only extend thirty five (35) feet from the property line.
- (e) The height of an AHO Project within an AHO Square District may be increased from the height limits in Paragraphs (a) through (d) above, not to exceed fifteen (15) Stories Above Grade and a building height of one hundred and seventy (170) feet, subject to the limitations in Section 11.207.5.2.1(d)(i) above.
- ~~(f) The Height Exceptions set forth in Section 5.23 of this Zoning Ordinance shall apply when determining the building height of an AHO Project.~~
- (f) An AHO Project may exceed the allowable height limitations of the previous paragraphs of this Section, not to exceed three additional stories and thirty-five feet (35') of additional building height without restriction, under the following circumstances:
 - (i) ~~subject to the~~ Residential Density limitations set forth in Section 11.207.5.2.2 will be met, or, if the AHO Project is not subject to an FAR restriction in Section 11.207.5.2.2, then the total allowable-gross floor area on the AHO Lot shall be calculated by subtracting the required open space from will not exceed 70% of the total lot area, ~~and multiplied by the resulting lot area~~ by the maximum number of stories otherwise permitted under the previous paragraphs of this Section; ~~and-~~
 - (ii) ~~Where~~ pre-existing, contiguous Green Area Open Space on ~~a lot~~ the AHO Lot will be preserved or expanded, consisting of at least 5% or more of the total ~~lot~~ area of the AHO Lot; and-
 - (iii) ~~The~~ the AHO Project will exceed the minimum required open space as set forth in Section 11.207.5.2.4 of this Article.
- (g) If the height of an existing building on the AHO Lot, or on an abutting lot, exceeds the height limits in the previous paragraphs of this Section 11.207.5.2.1, then the height of the AHO Project may be increased, not to exceed the building height and Stories Above Grade of the existing building.

See cover memo. This section is revised to limit the increase in height to three stories, and to simplify the calculation of gross floor area. Open space requirements can be variable based on district and lot conditions, so to avoid ambiguity the calculation is simplified to 70% of lot area times number of stories, using the 30% "baseline" open space standard in the AHO.

See cover memo. This provision (which is moved from a sentence in the following paragraph to become a new paragraph) includes more precise wording to allow a height increase up to the height of an existing building on the same or an abutting lot.

(h) Where an AHO Project ~~may have~~has different various applicable Building Height and Stories Above Grade limitations as specified in [the preceding paragraphs of this Section 11.207.5.2.1](#), the most permissive height limitations shall ~~generally~~ control. ~~Notwithstanding the provisions set forth in Section 11.207.5.2.1, an AHO Project may match the height of an existing building on an adjacent lot.~~

(g)(i) ~~The Height Exceptions set forth in Section 5.23 of this Zoning Ordinance shall apply when determining the building height of an AHO Project.~~

See cover memo. These edits to wording, ordering, and numbering edits are meant for clarification only.

11.207.5.2.2 Residential Density

- (a) Where the District Dimensional Standards establish a maximum floor area ratio (FAR) of less than 1.00, an AHO Project shall not exceed an FAR of 2.00. Otherwise, there shall be no maximum FAR for an AHO Project.
- (b) There shall be no maximum FAR for an AHO Project within an AHO Square or AHO Corridor.
- (c) There shall be no minimum lot area per dwelling unit for an AHO Project.

11.207.5.2.3 Yard Setbacks

- (a) For the purpose of this Section, the applicable District Dimensional Standards shall not include yard setback requirements based on a formula calculation as provided in Section 5.24.4 of the Zoning Ordinance, but shall include non-derived minimum yard setback requirements set forth in Article 5.000 or other Sections of this Zoning Ordinance.
- (b) Front Yards. An AHO Project shall have no minimum front yard setback.
- (c) Side Yards. An AHO Project shall have no minimum side yard setback.
- (d) Rear Yards. An AHO Project shall have a minimum rear yard setback of fifteen (15) feet, or may be reduced to the minimum rear yard setback set forth in the District Dimensional Standards if it is less restrictive.
- (e) Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one-half (3.5) feet from the principal exterior wall plane, and unenclosed steps, unroofed porches and the like which do not project more than ten (10) feet beyond the line of the foundation wall and which are not over four (4) feet above Grade, may extend beyond the minimum yard setback.
- (f) Bicycle parking spaces, whether short-term or long-term, and appurtenant structures such as coverings, sheds, or storage lockers may be located within a required yard setback but no

closer than seven and one-half (7.5) feet to an existing principal residential structure on an abutting lot.

11.207.5.2.4 Open Space

- (a) Except where the District Dimensional Standards establish a less restrictive requirement or as otherwise provided below, the minimum percentage of open space to lot area for an AHO Project shall be thirty percent (30%). However, the minimum percentage of open space to lot area may be reduced to no less than fifteen percent (15%) if the AHO Project includes the preservation and protection of an existing building included on the State Register of Historic Places.
- (b) The required open space shall be considered Private Open Space but shall be subject to the limitations set forth below and shall not be subject to the dimensional and other limitations set forth in Section 5.22 of this Zoning Ordinance. Private Open Space shall exclude parking and driveways for automobiles.
- (c) All of the required open space that is located at grade shall meet the definition of Permeable Open Space as set forth in this Zoning Ordinance.
- (d) The required open space shall be located at Grade or on porches and decks that are no higher than the floor elevation of the lowest Story Above Grade, except that up to twenty five percent (25%) of the required open space may be located at higher levels, such as balconies and decks, only if it is accessible to all occupants of the building.
- (e) For the purpose of this Affordable Housing Overlay, area used for covered or uncovered bicycle parking spaces that are not contained within a building shall be considered Private Open Space.
- (f) Notwithstanding the foregoing, lots consisting of five thousand (5,000) square feet or less in total lot area that directly abut a Public Open Space consisting of at least one thousand five hundred (1,500) square feet of area shall not have a minimum open space requirement under this Article.