

;ARTICLE 47A

CAMBRIDGE STREET NORTH DISTRICT

(;Article inserted on October 28, 1992*)

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**As amended through March 15, 2006.

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(Editor's Note: This table of contents is added for the convenience of the user.
It has not been adopted as part of this Article.)

SECTION 47A-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations, as required by the provisions of the Downtown Interim Planning Overlay District, Article 27D of this Code, for that portion of the area covered by the Cambridge Street Plan that is located north of the center line of Cambridge Street, established by this Article as the Cambridge Street North District. Because the Cambridge Street Plan, which addresses the relationship between the north and south sides of Cambridge Street, recognizes that the north side of Cambridge Street requires different zoning regulations from the south side, this Article does not establish zoning regulations for the portion of the area covered by the Cambridge Street Plan that lies south of the center line of Cambridge Street. The goals and objectives of this Article and the Cambridge Street Plan are to: (1) preserve and maintain the historic character of the area; (2) to create opportunities for an active pedestrian street life; (3) to provide for institutional growth through an open planning process and in a manner that is compatible with existing District uses; (4) to direct development in a way that promotes balanced growth for Boston; and (5) to provide for streetscape and landscape improvements which enhance the natural and built environment.

SECTION 47A-2. Recognition of the Cambridge Street Plan. In accordance with Section 27D-18 of this Code, which requires production of comprehensive planning policies, development controls, and design guidelines for Special Study Areas in the Downtown Interim Planning Overlay District, including the Cambridge Street District (Special Study Area No. 6), the Zoning Commission hereby recognizes the Cambridge Street Plan with respect to the north side of Cambridge Street as the general plan for the Cambridge Street North District and as the portion of the general plan for the City of Boston applicable to the Cambridge Street North District established herein. This Article is one of the means of implementing the Cambridge Street Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 47A-3. Physical Boundaries. The provisions of this Article are applicable only in the Cambridge Street North District. The boundaries of the Cambridge Street North District are as shown on a map entitled, "Map 1K Cambridge Street North District (supplemental to 'Map 1 Boston Proper')," of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 47A-4. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the Cambridge Street North District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Exceptions to the provisions of this Article, pursuant to Article 6A, shall not be available except to the extent expressly provided in this Article or Article 6A. Application of the provisions of Article 27D to the Cambridge Street North District is rescinded on the effective date of this Article, except as provided below. Where conflicts exist between this Article and the remainder of this Code,

the provisions of this Article shall govern. For the Cambridge Street North District, except where specifically indicated in this Article, the provisions of this Article supersede Article 8 (except Section 8-6), Article 13 (except Section 13-3), and Articles 14 through 23 of this Code. The following Proposed Projects are exempt from the provisions of this Article and are governed by the rest of this Code, including Article 27D.

1. Any Proposed Project for which application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article and for which no Zoning Relief is required.
2. Any Proposed Project for which appeal to the Board of Appeal for any Zoning Relief has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, provided that such Zoning Relief has been or thereafter is granted by the Board of Appeal pursuant to such appeal.

;SECTION 47A-5. Establishment of Protection Areas, Restricted Growth Areas, and Medium Density Area.

1. Protection Areas. This Section 47A-5.1 establishes two Protection Areas within the Cambridge Street North District. The two Protection Areas are established in order to protect the existing scale of buildings within the Protection Areas so as to minimize contrasts of scale with the smaller buildings on the south side of Cambridge Street, encourage greater visual definition of Cambridge Street, and preserve a scale of development compatible with the concentration of the historic buildings within the Protection Areas. The two Protection Areas are designated on Map 1K of this Code and are identified below. Any other provision of this Article or Code notwithstanding, Proposed Projects within a Protection Area are limited to the building height and Floor Area Ratio (FAR) specified for such Protection Area, as follows:
 - (a) Cambridge Street North Side Protection Area. Within that portion of the Cambridge Street North District depicted on Map 1K of this Code as the "Cambridge Street North Side Protection Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed; provided that a maximum FAR of five (5) shall be allowed if (i) the Proposed Project includes, on its ground level, any of the Ground Level Uses listed in Appendix A to this Article, and access to such uses may be had directly from Cambridge Street, with or without a ramp or stairs, but without entering a lobby, and (ii) the Proposed Project is subject to or has elected to comply with Large Project Review

and has received a Certification of Compliance pursuant to Section 80B-6.

- (b) Charles Street Jail South Protection Area. Within that portion of the Cambridge Street North District depicted on Map 1K of this Code as the "Charles Street Jail South Protection Area," a maximum building height of one hundred twenty-five (125) feet and a maximum FAR of five (5) are allowed.
2. Restricted Growth Areas. This Section 47A-5.2 establishes two Restricted Growth Areas within the Cambridge Street North District in order to protect existing moderately scaled development:
- (a) Blossom Street Restricted Growth Area. Within that portion of the Cambridge Street North District depicted on Map 1K of this Code as the "Blossom Street Restricted Growth Area," a maximum building height of eighty (80) feet and a maximum FAR of six (6) are allowed.
 - (b) North Grove Street Restricted Growth Area. Within that portion of the Cambridge Street North District depicted on Map 1K of this Code as the "North Grove Street Restricted Growth Area," a maximum building height of sixty-five (65) feet and a maximum FAR of four (4) are allowed.

Notwithstanding any contrary provision of this Section 47A-5.2, a maximum building height of one hundred (100) feet and a maximum FAR of seven (7) shall be allowed within the Blossom Street Restricted Growth Area and the North Grove Street Restricted Growth Area if a Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.

3. Medium Density Area. This Section 47A-5.3 establishes one Medium Density Area within the Cambridge Street North District. The Medium Density Area is designated on Map 1K of this Code as the "Charles Street Jail North Medium Density Area." Within the area so designated, a maximum building height of one hundred twenty-five (125) feet and a maximum FAR of five (5) are allowed; provided that a maximum building height of one hundred fifty-five (155) feet is allowed if a Proposed Project is subject to or has elected to comply with Large Project Review and has received a Certification of Compliance pursuant to Section 80B-6.

(;As amended on May 9, 1996.)

SECTION 47A-6. Establishment of Areas Within Which Planned Development Areas May be Permitted. Planned Development Areas ("PDAs"), as described in Section 3-1A.a, are permitted throughout the Cambridge Street North District except in that portion of the Cambridge Street North Side Protection Area located east of the Blossom Street Restricted Growth Area and east of the westerly boundary of the property at 151 Cambridge Street (West End Branch of Boston Public Library). The purposes for establishing these areas as areas in which a PDA may be permitted are to establish a more flexible zoning law; to allow for the diversification and expansion of Boston's economy through the expansion of state-of-the-art medical and scientific research and treatment facilities, while ensuring public benefits and quality urban design by providing planning and design controls; and to encourage development that knits together the surrounding neighborhoods through a new urban design for the area.

1. Consistency with Section 3-1A; Review and Approval Requirements. Any application for Development Plan approval for a Proposed Project within the areas of the Cambridge Street North District where PDAs are permitted is subject to the provisions of Subsection 3-1A.a and this Section 47A-6 through Section 47A-9. See Article 80 concerning the applicability of Planned Development Area Review.
2. Applicability of Design Guidelines. Any application for Development Plan approval for a Proposed Project within the area of the Cambridge Street North Side Protection Area where PDAs are permitted is subject to the provisions of Section 47A-10.
3. Reconstruction of Pre-existing Structures. A Proposed Project for the reconstruction of a structure in existence in a PDA as of the date of Development Plan approval and described in said Development Plan, or of a structure constructed pursuant to said Development Plan, shall be determined by the Boston Redevelopment Authority to be consistent with said Development Plan, provided that said reconstruction is substantially similar to the original structure. Said reconstruction, unless described as part of the original Proposed Project in said Development Plan, shall constitute a separate Proposed Project for all purposes hereunder.

(;As amended on May 9, 1996.)

SECTION 47A-7. Planned Development Area: Use and Dimensional Regulations. The land use and dimensional regulations for a PDA are established by this Section 47A-7.

1. Use Regulations. Proposed Projects within a PDA are subject to the use regulations set forth in Section 47A-12, except to the extent those regulations are expressly modified by an approved Development Plan

and except that those institutional uses, accessory uses, and ancillary uses specified as conditional in paragraphs (g), (h), (k), (l), and (m) of Section 47A-12.4 shall be allowed as a matter of right, subject to the provisions of the applicable approved Development Plan, and the provisions of Section 47A-12.1, concerning Ground Level Uses, shall not apply.

2. Dimensional Regulations. The dimensional requirements for a Proposed Project within a PDA shall be as set forth in the applicable approved Development Plan, provided that the building height and FAR for such Proposed Project shall not exceed the limits set forth in Table A. For the purposes of this Section 47A-7.2, FAR shall be computed as though the land within a PDA were in single ownership, notwithstanding actual ownership patterns or changes in ownership occurring after the approval of a Development Plan for the PDA.

TABLE A

**Dimensional Regulations
Planned Development Areas
Cambridge Street North District**

	<u>Maximum Building Height</u>	<u>Maximum FAR</u>
Charles Street Jail South Protection Area	125 feet	5
Charles Street Jail North Medium Density Area	155 feet	5
North Grove Street Restricted Growth Area	100 feet	7
Blossom Street Restricted Growth Area	100 feet	7
Cambridge Street North Side Protection Area: portion west of property at 151 Cambridge Street (West End Branch of Boston Public Library)	65 feet	5

;SECTION 47A-8. Planned Development Area: Standards for Development Plan Approval. For approval standards for Planned Development Area Development Plans, see Section 80C-4 (Standards for Planned Development Area Review Approval).

(;As amended on May 9, 1996 and July 31, 1997.)

;SECTION 47A-9. Planned Development Area: Public Benefit Criteria. The Boston Redevelopment Authority may approve a Development Plan as meeting the requirement of Section 80C-4 (Standards for Planned Development Area Review Approval) for compliance with the applicable planning and development criteria of this Article if the Development Plan proposes a plan for public benefits including one or more of the following: (a) the creation or retention of job opportunities and neighborhood economic development opportunities, in accordance with the provisions of Section 47A-9.1, below; (b) the diversification and expansion of Boston's economy in areas of economic activity that promote the development of state-of-the-art medical facilities, including facilities for treatment, diagnosis, and research and development of new technology for these purposes, in accordance with the provisions of Section 47A-9.2, below; or (c) the provision of substantial street improvements in accordance with the provisions of Section 47A-9.3, below. Where a Development Plan includes a Proposed Project, or any part thereof, within the Cambridge Street North Side Protection Area, the Boston Redevelopment Authority also shall consider the design guidelines set forth in Section 47A-10.2 for such Protection Area in reviewing such portions of the Development Plan.

1. Development Plan Approval for the Creation of New Job Opportunities. The Boston Redevelopment Authority may approve a Development Plan proposing creation of new job opportunities if it determines that: (a) employment positions in the Proposed Project are newly created in the Cambridge Street North District, or (b) the Development Plan provides for facilitating community access to job opportunities created by the Proposed Project.
2. Development Plan Approval for Diversification and Expansion of Boston's Economy. The Boston Redevelopment Authority may approve a Development Plan proposing diversification and expansion of Boston's economy if at least twenty percent (20%) of the gross floor area of the Proposed Project is dedicated to or supportive of uses such as, but not limited to, the following: (a) health care services, including hospital uses, clinics, and medical, dental, or similar professional offices and related diagnostic and treatment facilities; (b) research, development, and production of pharmaceutical and biomedical products; (c) the design, development, fabricating, and testing of instruments for medical, dental, scientific, optical, engineering, or other similar professional use; or (d) other scientific

research and development uses, including laboratories and facilities for theoretical, basic, and applied research, product development and testing, prototype fabrication, or production of experimental products. Examples of uses which shall be considered "supportive of" the uses enumerated in subparagraphs (a), (b), (c), and (d) above include, but are not limited to: office space occupied by private entities engaged in such uses or occupied by governmental entities regulating such uses; hotel, conference, or convention facilities; and educational facilities providing instruction in fields related to such uses.

3. Development Plan Approval for the Provision of Street Improvements. The Boston Redevelopment Authority may approve a Development Plan providing, either directly or through funding, for substantial street improvements to streets adjacent to and in the vicinity of the PDA. Such street improvements must be consistent with any applicable street improvement regulations or guidelines and must be sufficient, as determined by the Boston Redevelopment Authority, to improve the appearance, condition, quality of design and materials, and accessibility and useability of the affected streets by pedestrians, taking into account increased vehicular and pedestrian flows.

(;As amended on May 9, 1996.)

;SECTION 47A-10. Design Review and Design Guidelines for Cambridge Street North Side Protection Area. Within the Cambridge Street North Side Protection Area, any Proposed Project for the erection of a new building, or for the addition or extension to an existing building, shall be subject to Small Project Review, pursuant to paragraph (a)(i) (Design Review Required by Applicable Zoning) of Section 80E-2.1 (Applicability of Small Project Review: Design Component). Notwithstanding any contrary provision of Section 80E-2.1, such review shall be applicable whether or not any such Proposed Project is subject to the jurisdiction of the Boston Landmarks Commission or any other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts. The provisions of Article 6A shall be applicable to the provisions of this Section 47A-10.

1. Design Guidelines. This Section 47A-10.1 establishes design guidelines for the Cambridge Street North Side Protection Area.
 - (a) Historic Buildings and Buildings which Contribute to the Architectural Significance of the Cambridge Street North Side Protection Area. The Cambridge Street North Side Protection Area contains many buildings and portions of buildings that have historic interest and make important contributions to the architectural character of the Protection Area. These buildings

and portions of buildings are listed in Appendix C hereto. Such buildings and portions of buildings should be renovated rather than replaced. Accordingly, the existing facades of such buildings and portions of buildings should be retained and restored, and in the event that the restoration of a facade is not practicable, any replacement facade should replicate the essential architectural characteristics and elements of the original facade.

- (b) Street Walls. To give greater visual definition to Cambridge Street, the construction of infill buildings on vacant lots, and the addition to or replacement of existing structures whose Street Walls are lower than the maximum Street Wall height allowed by Section 47A-11.2, should be encouraged.
- (c) Windows. In Street Walls facing Cambridge Street, large, undifferentiated panes of glass generally are not appropriate. Accordingly, windows in such Street Walls should be set in from the face of the building and accented by lintels and sills. In such Street Walls, new masonry window openings should not be introduced where they did not previously exist. Replacement windows in such Street Walls should replicate the essential architectural characteristics of the ones being replaced, including the vertical orientation, dimensions, colors, and details of frame and sash elements.
- (d) Storefront Details. Details of storefronts in Street Walls facing Cambridge Street should be designed as integral parts of the building and not as unrelated objects attached to the building. Details of storefronts in such Street Walls should be compatible with those of other buildings on the north side of Cambridge Street in order to reinforce the rhythm of storefronts along the street. Where original details of existing storefronts in such Street Walls have been covered, damaged, or removed, efforts to restore them or otherwise to restore such storefronts to their original character should be encouraged where practicable. New storefronts in such Street Walls should include display windows and recessed entries. Flush-mounted signs and simple fabric awnings generally are appropriate for such storefronts.
- (e) Building Entrances. In buildings having a Street Wall facing Cambridge Street, the principal building entrance should be oriented toward Cambridge Street so that pedestrian activity is focused along the street.

- (f) Rooftop Mechanical Equipment. Rooftop mechanical units should be located so as to minimize impacts upon neighboring buildings and on Cambridge Street. Such units should either be acoustically and visually screened so as not to be visible or audible from a public way within the Cambridge Street North District, or be concealed within shallow-hipped or gable-shaped roofs compatible with the rest of the Proposed Project and its neighboring buildings. Those portions of rooftop mechanical units that are visible from a public way within the Cambridge Street North District should be constructed using traditional materials compatible with the rest of the Proposed Project and its neighboring buildings, such as slate shingles and copper gutters.
- (g) Streetscape and Landscape. Streetscape elements should lend human scale, texture, and interest to the area. These elements may include front lawns at historic buildings, wrought-iron fences on masonry bases, street trees, brick sidewalks, and acorn-style street lights.
- (h) Views and Vistas. New development, rehabilitation, and streetscape improvements should enhance views of the Boston skyline, the Charles River and Esplanade, and prominent buildings such as the Old West Church, the Bulfinch Building at Massachusetts General Hospital, the Charles Street Jail, Boston City Hall, the Custom House, and the State House.
- (i) Block Pattern. To help define the visual image of Cambridge Street, the elements of Proposed Projects in the Cambridge Street North Side Protection Area should relate in scale to the buildings on the south side of Cambridge Street. Accordingly, Proposed Projects should provide for appropriate breaks in Street Walls and building mass, and, where practicable, the creation of new streets or pedestrian ways that continue the alignment of Beacon Hill streets and give access from Beacon Hill to areas north of Cambridge Street.
- (j) Building Materials. Primary building materials for Street Walls facing Cambridge Street should be masonry, including brick, limestone, sandstone, and granite. When used for such Street Walls, materials such as architectural precast concrete should be empathetic in surface texture and color with the exterior building materials used on the south side of Cambridge Street.

(;As amended on May 9, 1996 and July 31, 1997.)

;SECTION 47A-11. **Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, all Proposed Projects within the Cambridge Street North District shall comply with the applicable design requirements established in this Section. The provisions of Article 6A shall be applicable to the provisions of this Section.

1. Street Wall Continuity. In any Proposed Project for the erection of a new structure, or for the extension of a structure, where such extension changes the location of a Street Wall facing a public street, each Street Wall newly constructed or relocated shall comply with the following dimensional requirements.
 - (a) Projects Subject to Large Project Review. If the Proposed Project is subject to or elects to comply with Large Project Review, appropriate locations for such Street Walls shall be determined through Large Project Review.
 - (b) Projects Not Subject to Large Project Review. If the Proposed Project is not subject to Large Project Review, pursuant to Article 80 or by election, each such Street Wall shall be built to be coextensive with the building line, as defined in Clause (7A) of Section 2-1. Notwithstanding the foregoing, small variations in the Street Wall plane, such as bays and recesses, are allowed where appropriate.
2. Street Wall Height. The height of the Street Wall of a Proposed Project shall not exceed sixty-five (65) feet.
3. Setback Requirements. Every portion of a Proposed Project (including, but not limited to, mechanical equipment) that extends above the Street Wall height shall be set back by not less than sixty-five (65) feet from the Street Wall.

(;As amended on May 9, 1996.)

↔SECTION 47A-12. **Use Regulations.** In the Cambridge Street North District, the use of land and structures is hereby regulated as provided in this Section 47A-12. The provisions of Article 8, except Section 8-6, apply only as specified in this Section 47A-12. No land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, except in conformity with the provisions of this Section 47A-12.

1. Ground Level Uses. Within any portion of a Proposed Project that has street frontage on Cambridge Street located on the ground level or entered by a ramp or stairs from a sidewalk entry, allowed uses are limited to Ground Level Uses, as listed in Appendix A to this Article.

In such portions of Proposed Projects, all other uses that are allowed by this Section 47A-12 are conditional uses.

2. Inclusion of Day Care Facilities. The provisions of this Section 47A-12.2 apply only to Proposed Projects which exceed a building height of sixty-five (65) feet, or an FAR of four (4), or both. Any Proposed Project having a gross floor area (not including the floor area devoted to Residential Uses, Cultural Uses or Community Uses as these uses are described in Sections 47A-12.3 and 47A-12.4) that equals or exceeds one hundred fifty thousand (150,000) square feet shall devote to day care facilities an amount of floor area equal to at least the amount listed below in Table B of this Article. For the purposes of this Section 47A-12.2 and Table B only, floor area devoted exclusively to restaurant, hotel, local retail, or general retail uses and uses accessory thereto shall be multiplied by 0.2 before being used in the calculation of required day care facilities. An Applicant for a Proposed Project subject to the provisions of this Section 47A-12.2 may fulfill its obligations by (a) creating such facilities on site; or (b) creating such facilities, or causing such facilities to be created elsewhere in the City. The provision of day care facilities in accordance with this Section 47A-12.2 shall be in conformity with any written regulations adopted by the Boston Redevelopment Authority after public notice and hearing. For the purposes of this Section 47A-12.2, the term "day care facilities" includes the finish, furnishings, and equipment required for use of the floor area for such facilities, to enroll people for care, instruction, or recreation during regular business hours.

TABLE B

Provision of Day Care Facilities

<u>Size of Proposed Project (Gross Square Feet)</u>	<u>Minimum Day Care Facilities (Gross Square Feet)</u>
150,000 up to 200,000	2% of gross floor area
200,000 up to 500,000	4,000
500,000 up to 1,000,000	8,000
more than 1,000,000	12,000

3. Allowed Uses. No land or structure in the Cambridge Street North District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use not specified (a) in this Section 47A-12.3, (b) in an approved Development Plan for land and structures in a PDA, or (c) in Section 47A-12.4 subject to the provisions of Article 6.

Any use specified in this Section 47A-12.3 shall be allowed as a matter of right, subject only to the provisions of this Section 47A-12 or, in the case of a PDA, the approved Development Plan; provided that all uses specified in this Section 47A-12.3 are conditional when accessory or ancillary to an institutional use that is subject to the provisions of Section 47A-12.4.

- (a) Residential Uses. Limited to multifamily dwelling; row house; artists' live/work space; apartment house; group residence, limited; lodging house; boarding house. Residential uses include any affordable dwelling units, including but not limited to rental units, condominiums, and limited equity share cooperatives.
- (b) Entertainment and Cultural Uses. Limited to art gallery; museum; cultural or historical exhibition; music rehearsal studio; artist's studio or work space.
- (c) Restaurant Uses. Limited to lunchroom, restaurant, cafeteria or other place for the service or sale of food or drink for on-premises consumption, provided that such use is conditional if alcoholic beverages are served; and provided that uses described in Use Item No. 38A of Section 8-7 are forbidden.
- (d) Office Uses. Limited to business or professional office; offices of community service organizations, medical or dental office; real estate, insurance, or other agency or government office; office building, post office; bank (including automatic teller machines but not including drive-in bank) or similar establishment.
- (e) Hotel Uses.
- (f) Educational Uses. Limited to nursery school, kindergarten, elementary school, or secondary school.
- (g) Community Uses. Limited to adult education center, community center, settlement house; day care center; family care center, community health center.
- (h) Recreational Uses. Limited to private grounds for games and sports; other social, recreational, or sports center whether or not conducted for profit; or private club operated for members only.
- (i) Amended to a Conditional Use on October 20, 2000.

- (j) Service and Trade Uses. Limited to video or film production studio; barber shop; beauty shop; shoe repair shop; tailor shop; pick-up and delivery station of laundry or dry-cleaner; self-service laundry, hand laundry, or dry-cleaning shop, provided that in laundries and cleaning establishments only nonflammable solvents are used for cleaning; framer's studio; caterer's establishment; photographer's studio; printing plant; taxidermist's shop; upholsterer's shop; carpenter's shop; electrician's shop; plumber's shop; radio and television repair shop; key and lock shop; express mail operation; ticket outlet; animal hospital or clinic; or other similar service or trade use.
- (k) Local Retail Uses. Limited to store primarily serving the local retail business or service needs of the neighborhood including, but not limited to, store retailing one or more of the following: food, baked goods, groceries, drugs, tobacco products, clothing, dry goods, books, flowers, paint and other artists' supplies, hardware and other minor household appliances, furniture, and photographic equipment; provided that if the hours during which such establishment is open to the public begin before 6 A.M., or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store, or if alcoholic beverages are sold, such uses are conditional; and provided that the uses described in Use Item No. 34A of Section 8-7 are forbidden.
- (l) General Retail Uses. Limited to department store, furniture store, general merchandise mart, or other store serving the general retail business needs of a major part of the city, including accessory storage; provided that if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store, or if alcoholic beverages are sold, such uses are conditional; and provided that the uses described in Use Item No. 34A of Section 8-7 are forbidden.
- (m) Ground Level Uses. Uses specified in Appendix A hereto.
- (n) Institutional Uses. Limited to place of worship, monastery, convent, or parish house; library; elder care facility, orphanage or similar institution not for correctional purposes and not providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons.

- (o) Accessory Uses. Subject to the limitations and restrictions of Article 10, limited to: (i) a garage or parking space for occupants, employees, students, and visitors, provided that such use is accessory to a residential or hotel use allowed pursuant to Section 47A-12.3; (ii) accessory swimming pool, health club, tennis court; (iii) sale over the counter, wholly incidental to a restaurant or hotel use listed under Section 47A-12.3, of food or drink prepared on premises for off-premises consumption; (iv) the storage of flammable liquids and gases incidental to a lawful use; (v) the manufacture, assembly, or packaging of products sold on the same lot as the main use; (vi) the maintenance and operation of not more than four amusement game machines in a private club, dormitory, fraternity, or sorority house, or similar noncommercial establishment, or in any commercial establishment; (vii) any use ancillary to, and ordinarily incident to, a lawful main use, provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is accessory; (viii) the maintenance and operation of an indoor payphone, provided that such use shall be forbidden unless located within a building at least ten (10) feet from an entrance.
4. Conditional Uses. No land or structure in the Cambridge Street North District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use subject to the provisions of Article 6 unless such use is specified in this Section 47A-12.4. The granting of a permit for any use so specified may be authorized conditionally by the Board of Appeal acting under the provisions of Article 6, subject to the provisions of this Section 47A-12, or may be allowed by the Zoning Commission in its approval of a Development Plan for a PDA. The continued right to a conditional use is dependent upon maintaining the character and extent of operations and structures.
- (a) Residential Uses. Limited to temporary dwelling structure; and any dwelling converted for more families, where such structure, after conversion, is nonconforming with respect to any applicable provision of this Article or Code, provided that, after conversion, any nonconformity as to floor area ratio is no greater than prior to conversion.
 - (b) Entertainment and Cultural Uses. Limited to concert hall; theater, commercial or nonprofit (including motion picture or video theater, but not drive-in theater, subject to the provisions of Section 47A-12.5); performance space.

- (c) Restaurant Uses. Lunch room, restaurant, or cafeteria or other place for the service or sale of food or drink for on-premises consumption if alcoholic beverages are sold. Take-out restaurant: sale over the counter, not wholly incidental to a use specifically allowed under Section 47A-12.3, of food or drink prepared on premises for off-premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out.
- (d) Recreational Uses. The maintenance and operation of more than four (4) amusement game machines in a private club, dormitory, fraternity or sorority home, or similar noncommercial establishment, or any commercial establishment.
- (e) Local Retail Uses. Those uses specified in Section 47A-12.3(k) if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store, or if alcoholic beverages are sold.
- (f) General Retail Uses. Those uses specified in Section 47A-12.3(l) if the hours during which such establishment is open to the public begin before 6 A.M. or extend beyond 12 midnight, or if such merchandise is sold or displayed out of doors on the premises of such store, or if alcoholic beverages are sold.
- (g) Institutional Uses. College or university granting degrees by authority of the Commonwealth; fraternity or sorority house or dormitory; trade, professional, or other school; hospital, sanatorium, library accessory to an institutional use not allowed pursuant to paragraph (n) of Section 47A-12.3; research laboratory accessory to an institutional use not allowed pursuant to paragraph (n) of Section 47A-12.3, provided that such laboratory use shall comply with all applicable guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals; penal or correctional institution; detention home; machine shop or other noisy activity accessory to a school, college, or university, provided that such use is adequately sound-insulated to protect the neighborhood from unnecessary noise; elder care facility, orphanage, or similar institution not for correctional purposes providing custodial care for drug addicts, alcoholics, or mentally ill or mentally deficient persons; clinic not accessory to a main use.
- (h) Parking Uses. Parking lot or parking garage.

- (i) Vehicular Uses. Repair garage, gasoline service station; car wash, provided that all washing, painting, lubricating, and making of repairs is carried on inside a building and that any auto body shop, car wash, repair shop, or paint shop is sufficiently sound-insulated to confine all noise to the lot and that all flashing, fumes, gases, smoke, and vapor are effectively confined to the lot; and further provided that there is no outside storage of damaged, disabled, or unregistered motor vehicles for a period of more than one month.
- (j) Service and Trade Uses. Funeral home; undertaker's establishment; or mortuary; check cashing business.
- (k) Changes of Use. Any change of use from a residential use to a non-residential use.
- (l) Accessory Uses. Subject to the limitations and restrictions of Article 10, limited to (i) a garage or parking space for occupants, employees, customers, students, and visitors, where such use is not accessory to a residential or hotel use allowed pursuant to Section 47A-12.3; (ii) car wash, valet service, or automobile repair service accessory to a parking garage and contained entirely within said parking garage; (iii) the keeping of laboratory animals, other than household pets, provided that every enclosure is sufficient to prevent a nuisance to any adjacent residences or eleemosynary institutions, that all resulting noise, dust, fumes, gases, odors, and refuse are effectively confined to the lot or so disposed of as not to be a nuisance or hazard to public health or safety, and that such use shall comply with all applicable guidelines and standards promulgated by the National Institutes of Health for the care and use of laboratory animals; (iv) clinical or professional offices accessory to a hospital or sanatorium whether or not on the same lot.
- (m) Ancillary Uses. Any use on a lot adjacent to, or across the street from, but in the same district as, a lawful use to which it is ancillary and for which it would be a lawful accessory use if it were on the same lot; provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.
- (n) Public Service Uses. Limited to police station, fire station, public service pumping station, substation, or automatic telephone exchange, telecommunications data distribution center, outdoor payphone, subject to St. 1956, c. 665, s. 2.

- (o) Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility.
- (p) Pawnshops
- (q) Body Art Establishment

5. Forbidden Uses. No land or structure in the Cambridge Street North District shall be erected, used, or arranged or designed to be used, in whole or in part, for any use specified in Section 8-7 if such use is not specified in Section 47A-12.3 or 47A-12.4 as an allowed or conditional use, provided that nonconforming uses may be continued subject to the provisions of Article 9. Without limitation, uses described in Use Items No. 34A and No. 38A of Section 8-7 are forbidden.

(↔As amended on September 30, 1993, October 6, 1994, September 20 and November 21, 1996, September 18 October 20, 2000, February 16 and April 9, 2001, March 15, 2006.)

SECTION 47A-13. Off-Street Parking Not Required. Within the Cambridge Street North District, off-street parking facilities are not required in any Proposed Project. The provisions of Sections 23-8, 23-9, and 23-10 shall govern any Proposed Project for which off-street parking is provided.

;SECTION 47A-14. **Off-Street Loading.** Off-street loading facilities must be located so as to be accessed from Fruit Street, Parkman Street, North Grove Street, North Anderson Street, or Blossom Street. The provision and design of off-street loading facilities for the use of any structure or land not subject to Large Project Review shall be subject to the provisions of Article 24. The provision and design of off-street loading facilities for the use of any structure or land that is subject to Large Project Review, and any appropriate mitigation measures, shall be determined through Large Project Review.

(;As amended on May 9, 1996.)

SECTION 47A-15. Regulations. The Boston Redevelopment Authority may promulgate and amend from time to time regulations to administer this Article.

SECTION 47A-16. Severability. The provisions of this Article are severable, and if any such provision or provisions shall be held invalid by any

decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 47A-17. **Definitions.** Words and phrases defined in Appendix B to this Article shall have the meanings set forth therein.

SECTION 47A-18. **Appendices.** The following appendices are incorporated herein:

- Appendix A - Ground Level Uses
- Appendix B - Definitions
- Appendix C - Historic Buildings and Buildings that Contribute to the Architectural Significance of the District

APPENDIX A to ARTICLE 47A

Ground Level Uses

The following uses are Ground Level Uses and are allowed uses within the Cambridge Street North District, provided that uses described in Use Items No. 34A and No. 38A of Section 8-7 are forbidden. This list is intended to be illustrative of Ground Level Uses.

- Antique stores
- Appliances, repair shops
- Appliances, sales
- Artists' supply and music stores
- Athletic goods stores
- Automatic teller machines
- Bakeries or pastry shops
- Bank branch offices
- Barber shops
- Beauty parlors
- Bicycle stores, rental or repair
- Book stores or card stores
- Cafes
- Candy stores
- Carpet, rugs, linoleum, or other floor covering stores
- Churches
- Cigar stores
- Clock or watch stores or repair shops
- Clothing retail establishments
- Clothing stores (men's, women's, children's apparel)
- Coffee shops
- Coin stores
- Community centers
- Day care centers
- Delicatessen stores
- Department stores
- Diners
- Dressmaking shops, custom
- Drug stores
- Dry cleaning establishments or laundromats
- Dry goods or fabric stores
- Eating or drinking places, in accordance with the provisions of Sections 47A-12.3(c) and 47A-12.4(c).

APPENDIX A to ARTICLE 47A (continued)

Fabric or yarn stores
Fire stations
Fishing tackle or equipment stores, or rental establishments
Florist shops
Food stores, including supermarkets, produce and grocery stores, markets, health foods, delicatessens, prepared food/special food, spices and herbs, coffees, teas, meat, fish, poultry, and cheese stores, in accordance with the provisions of Sections 47A-12.3(k), 47A-12.3(l), 47A-12.4(e), and 47A-12.4(f).
Furniture stores
Furrier shops, custom
Gift shops
Hair products for headwear
Hardware stores
Historical exhibits
Hobby shops
Housewares
Household appliance repair shops
Ice cream stores
Interior decorating establishments
Jewelry shops
Kitchenware
Lamp shops
Leather goods or luggage stores
Libraries
Lobby space for offices or residences
Locksmith shops
Luggage stores
Millinery shops
Newsstands, enclosed
Office or business machine stores, sales or rental
Optician or optometrist establishments
Orthopedic stores
Paint stores
Parish houses
Parks, public or private
Party shops
Perfume shops
Pet shops
Pharmacies
Phonographic repair shops
Photographic developing or printing establishments

APPENDIX A to ARTICLE 47A (continued)

Photographic equipment stores
Photographic studios
Photographic supply stores
Photostating establishments
Picture framing stores
Police stations
Post offices
Printing establishments
Radio appliance shop, repair or sales
Record stores
Recreational centers (noncommercial)
Schools
Sewing machine stores, selling household machines
Shoe repair and shoeshine shops
Shoe stores
Sign painting shops
Sporting goods stores
Sports shop
Stamp stores
Stationery stores
Tailor shops, custom
Telegraph offices
Television repair shops
Tobacco stores
Tour operator
Toy stores
Typewriter stores
Typewriter or other small business machine repair stores
Variety or convenience stores
Video or motion picture store, sale or rentals
Wallpaper stores

APPENDIX B to ARTICLE 47A

Definitions

For the purposes of this Article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" means any person or entity having a legal or equitable interest in a Proposed Project subject to the provisions of this Article, as set forth in Section 47A-4, or the authorized agent of any such person or entity.
2. "Cambridge Street Plan" means the comprehensive plan, adopted with respect to the north side of Cambridge Street by the Boston Redevelopment Authority pursuant to Chapter 652 of the Acts of 1960, Section 3 of Chapter 4 of the Ordinances of 1952, and Section 27D-18 of the Code, which sets forth the planning policies, development controls, and design guidelines for the Cambridge Street North District.
3. "Cambridge Street North District" means the area depicted on Map 1K of this Code.
4. "Ground Level Uses" means the uses listed in Appendix A to this Article.
5. "Landmark" means any building or structure designated a landmark pursuant to Chapter 772 of the Acts of 1975, as amended.
6. "Proposed Project" means the demolition, erection, reconstruction, structural alteration, or extension of any structure or part thereof, or the change of use of any structure or land, for which the Applicant is required to obtain a building or use permit. A Proposed Project may proceed in phases, and may include more than one building, structure, or use.
7. "Street Wall" means the exterior wall or portion of the exterior wall of a Proposed Project that faces a street on which such Proposed Project is located and that is below the Street Wall height determined pursuant to Section 47A-11.2.
8. "Zoning Relief" means any zoning variance, exception, conditional use permit, interim planning permit, zoning map or text change, or other relief granted by the Zoning Commission or the Board of Appeal.

APPENDIX C to ARTICLE 47A

**Historic Buildings and Buildings that
Contribute to the Architectural Significance of the District**

1. Historic Buildings and Buildings with Historic Portions

Those portions of the Charles Street Jail outlined in red in Exhibit D to
"Agreement for the Acquisition of a Site for a Facility to Replace
Charles Street Jail," dated February 10, 1986.

The Old West Church - 131 Cambridge Street

The Harrison Gray Otis House - 141 Cambridge Street

The Resident Physician's House at Massachusetts General Hospital -
279 Cambridge Street

2. Buildings that Contribute to the Architectural Significance of the District

265 Cambridge Street