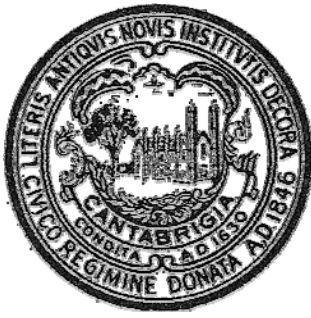




CITY OF CAMBRIDGE, MASSACHUSETTS

P L A N N I N G B O A R D

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Date: December 2, 2015

Subject: Cambridge Redevelopment Authority / MXD Rezoning Petition

Recommendation: The Planning Board recommends ADOPTION of the petition in the revised version dated November 4, 2015, with suggested clarifications.

To the Honorable, the City Council,

On October 13, 2015 and November 10, 2015, the Planning Board held a public hearing on a petition by the Cambridge Redevelopment Authority (CRA) to amend Article 14.000 of the Zoning Ordinance, which controls development in the Mixed Use Development (MXD) District in Kendall Square. Accompanying the rezoning petition is a proposed amendment to the Kendall Square Urban Renewal Plan (KSURP), which is separate from the zoning but also governs development activity under the purview of the CRA.

The Board strongly supports adoption of this zoning proposal as an advancement of the Kendall Square (K2) planning study conducted by the city in 2011-2012. Providing capacity for continued economic growth in Kendall Square is critical to the future economy of Cambridge and the region, and will help maintain a strong tax base to support public services in the long term. Furthermore, in accordance with the K2 plan, the zoning proposal will allow future growth to leverage desired improvements including a significant amount of new housing with a strong affordable component, active ground floor spaces to bring life to the streets, retail and other community uses that will help make Kendall Square a destination for residents of surrounding neighborhoods, innovation space that provides opportunities for small emerging businesses to find a place in Kendall Square, high standards for sustainable design and development, and parking limits to reduce reliance on automobile travel to support future growth.

The Board similarly finds that the proposed KSURP amendments conform to the City's plans for the area, particularly the K2 study. The Board appreciates the CRA's focus on using its abilities and resources as a redevelopment agency to improve transit in Kendall Square.

Revisions

When the Board heard the petition on October 13, members raised a number of questions and comments about the proposal. The Board commends the efforts made by the CRA to work with CDD staff to respond to comments following the initial hearing. The revised petition heard on November 10 addresses the Board's comments, along with comments made by others during the

hearing process, and is found to be a substantial improvement to the proposal. The Board only has minor clarifying suggestions on the zoning language that are incorporated into this recommendation.

The revision to increase the minimum percentage of affordable low-to-moderate income housing to 15% of total housing, and to require (rather than incentivize) 5% of total housing to be affordable to middle-income households, is a strong improvement that sets a high but reasonable standard for affordability given that the additional cost of providing affordable units can impact the feasibility of housing projects that are privately funded. The Board also believes that the inclusion of three-bedroom units is an important element of a future housing program, and the Board will continue to support this objective through its review of specific development proposals.

The Board appreciates the further clarification of the roles of the CRA Board and the Planning Board in the ongoing development review process. Both boards will retain their respective jurisdictions, with both involved in the approval of development plans at a conceptual level as well as review of individual building and site designs. However, the revised proposal provides opportunities for the CRA and Planning Board to have joint discussions of development proposals before making the decisions that are within their respective purviews. The Planning Board especially notes the strong leadership role that the CRA Board has assumed in working to advance the goals of the K2 study and to promote the public interest in Kendall Square, and looks forward to continued engagement with the CRA in the future.

Respectfully submitted for the Planning Board,

A handwritten signature in dark ink, appearing to read "H Theodore Cohen". The signature is fluid and cursive, with the first name "H" being a large, stylized capital letter.

H Theodore Cohen, Chair.

Reference Note: The following text is the Planning Board recommended version of the Cambridge Redevelopment Authority (CRA) petition to amend Article 14.000 of the Cambridge Zoning Ordinance, regulating the MXD District in Kendall Square. It includes modifications presented by the CRA on November 4, 2015 (in underline and ~~strikethrough~~) as well as modifications recommended by the Planning Board (in double underline and ~~strikethrough underline~~) in order to clarify the provisions of Section 14.37.

Petition: To amend Article 14 of the Cambridge Zoning Ordinance -

MIXED USE DEVELOPMENT DISTRICT: CAMBRIDGE CENTER – as set forth below:

1. Rename Article 14 to ‘Mixed Use Development District – Kendall Center’ as replace the Term ‘Cambridge Center’ with ‘Kendall Center’ throughout the Article.

2. Within the existing Subsection 14.21.3 (1) insert the phrase “ including grocery store, pharmacy, and market” after the word “merchandise.”

3. Create the following new Subsection 14.21.8

14.21.8 *Other Uses.* Any use not listed in subsections 14.21.1 through 14.21.7 may be allowed by the Planning Board in its approval of an Infill Development Concept Plan or subsequent Amendment, upon written determination by the Board that such use is consistent with the objectives of the District and with adopted City policies and guidelines applicable to Kendall Square.

4. Replace first two paragraphs of current Subsection 14.32.1 with the text below:

14.32.1 The Aggregate gross floor area (GFA) of development in the District shall not exceed the sum of (i) three million, six hundred seventy three thousand (3,673,000) square feet, plus (ii) six hundred thousand (600,000) square feet that shall be limited to multi-family residential uses as permitted in Section 14.21.4(1), for a total Aggregate GFA not to exceed 4,273,000 square feet. Up to sixty thousand (60,000) square feet of such Aggregate GFA of 3,673,000 in clause (i) of the preceding sentence, shall be allowable only by special permit pursuant to Section 14.72.

At least two hundred thousand (200,000) square feet of the GFA restricted to housing uses shall occur only within the area designated on the Zoning Map as the “Ames Street District” and has been approved by special permit dated March 27, 2015 (the “Ames Street Residential Project”). The commencement of construction for the Ames Street Residential Project, approved by special permit in 2015, shall precede the occupancy of any commercial GFA in excess of three million and seventy three thousand (3,073,000) square feet, other than the 60,000 square feet of commercial space that may be permitted by special permit pursuant to Section 14.72.3.

Additionally, the commencement of construction of a second residential project of at least 200,000 square feet shall precede the occupancy of any commercial GFA

utilizing Infill GFA (as defined in Section 14.32.2 below) in excess of three hundred and seventy five thousand (375,000) square feet.¹

5. Replace current Subsection 14.32.2 in its entirety with the following text:

14.32.2 The Cambridge Redevelopment Authority (CRA) shall cause an Infill Development Concept Plan (Concept Plan) to be prepared providing for the distribution of additional GFA for new development within the District above and beyond 3,333,000 square feet (“Infill GFA”) and meeting the requirements of Section 14.32.2.1. The Concept Plan shall be approved by CRA and by a special permit granted by the Planning Board in order to authorize the development of Infill GFA. The purpose of the Concept Plan is to provide a context and a conceptual governance structure for existing and potential future development that allows development to proceed in a flexible manner without requiring additional special permits for each building. The Concept Plan is expected to evolve over time, and with each subsequent development proposal updates to the Concept Plan shall be submitted. Amendments to the special permit may be granted as set forth below, but revisions to a Concept Plan shall not necessarily require amending the special permit so long as the revisions remain in conformance with the conditions of the special permit.

14.32.2.1 Infill Development Concept Plan Requirements:

- 1) A current development program illustrating the size, location, and uses of existing buildings at the time of submission,
- 2) A site plan for all proposed new development within the District including locations of Innovation Space as described in Section 14.32.5 and Active Ground Floor Uses described in Section 14.36.
- 3) A table summarizing the current and proposed future uses on building sites in the District and indicating the potential size and use (or alternate uses) of future development.
- 4) A Phasing Plan describing the anticipated timing of commercial and housing development.
- 5) A Transportation Impact Study certified by the Traffic, Parking and Transportation Department in accordance with the requirements of Section 19.24, Paragraph (2) of this Zoning Ordinance, which shall also include a parking demand analysis and a projection of proposed reliance on transit and plans to address non-automobile use.
- 6) A housing program describing the distribution of new housing units, including affordable housing units, middle income housing units, and larger family units containing two (2) or more bedrooms.

¹ Provides phasing link between commercial development and residential development beyond the Ames Street Residential project.

- 7) An open space plan depicting the size, layout and configuration of all open space within the District. This open space plan shall illustrate the open space existing in the District and open space to be developed or modified within the District and / or outside of the District in accordance with Section 14.40. The plan shall provide a narrative discussion of public programming concepts for new and existing open space.²
- 8) A plan describing street and public infrastructure improvements to be undertaken in coordination with the development program, including all proposed water, stormwater and sewage facilities, which shall also be submitted to the Department of Public Works for review.
- 9) A plan illustrating proposed building scale, height and massing, including Aa and model and a study demonstrating the anticipated shadow and wind impacts of all proposed buildings taller than 100 feet, and a general description of proposed mitigation measures that will be employed.
- 10) Proposed modifications, if any, to the development plans then approved pursuant to the Massachusetts Environmental Policy Act (MEPA) and an update on implementation of required mitigations from MEPA.³
- 11) A sustainability plan describing concepts for how additional development will meet the requirements set forth in Section 14.74 below, including but not limited to district-wide approaches to energy, water and wastewater management, climate resiliency and waste management.
- 12) In order to effectuate the goals of promoting a vibrant retail environment and street-level activation, the Concept Plan shall include a Retail Plan for creating active street-level uses.⁴

14.32.2.2 Findings and Approval. The Planning Board shall grant a special permit approving an Infill Development Concept Plan upon finding that the new development identified within the plan meets the criteria for approval of a Planned Unit Development set forth in Section 12.35.3(3) of the Zoning Ordinance and the criteria for approval of a Project Review Special Permit set forth in Section 19.25 of the Zoning Ordinance. In making its findings, the Board shall consider the objectives set forth in the Kendall Square Final Report of the K2C2 Planning Study (“K2 Plan”) and the Kendall Square Design Guidelines. The approval of a- Concept Plan shall serve to meet any applicable project review requirements of Article 19.000, and no additional Project Review Special Permit shall be required for new development that is identified within an approved Concept Plan.

² In addition to physical enhancement of MXD open spaces, the open space plan will clarify commitments to provide programming and space activation.

³ Provide link to key transit mitigation measure in the EIR and the Concept Plan review process.. This will include a status update on the proposed Kendall Square Transit Enhancement Program (KSTEP) of the Kendall Square Urban Renewal Plan.

⁴ A retail plan for the full district will illustrate how new development will fit into and improve the existing retail environment.

- 14.32.2.3** *Conditions.* The special permit shall include a summary of approved Infill GFA in the aggregate, a description of the sites on which the development of Infill GFA is permitted, and the allowed range of development and uses on each site. Alternatives and variations may be allowed as set forth in the conditions of the special permit. The special permit shall also include conditions for project mitigation applicable to each Infill GFA development site. Development on a particular site identified in the Concept Plan shall be authorized if the conditions applicable to that site are met.
- 14.32.2.4** *Ongoing Review.* The conditions of the special permit shall set forth a process for future review and approval of the design of buildings, landscaping and other significant components of an approved Concept Plan. Such process shall include representation by the CRA, Planning Board and City staff, in compliance with the Kendall Square Urban Renewal Plan. The special permit may specify that such further review not be required for any building design that is determined to have been sufficiently advanced at the time of granting of the special permit as to meet the standards for project review as set forth in Section 14.73.
- 14.32.2.5** *Amendments.* Major or Minor Amendments to the Infill Development Concept Plan may be approved as set forth in Section 12.37 of the Zoning Ordinance after review and approval by the CRA, with Major Amendments requiring the granting of a special permit by the Planning Board and Minor Amendments requiring a written determination by the Planning Board. The conditions of the special permit may specify what types of modifications would constitute Major or Minor Amendments.
- 14.32.2.6** Notwithstanding anything contained in this Section 14.32.2 to the contrary, (i) the GFA utilized for the Ames Street Residential Project and (ii) a maximum of 60,000 square feet of Aggregate GFA associated with a project seeking a special permit under Section 14.72.3, shall not be deemed to be Infill GFA for the purposes of this Article 14.

6. Replace current Subsection 14.32.3 with the following text:

- 14.32.3** Any construction or change of use within the District, which would cause Aggregate GFA limitation of Section 14.32.1 to be exceeded, shall not be allowed.
- (1) Compliance with this Section 14.32.3 shall be determined by the Superintendent of Buildings at all times including at the time of issuance of a building permit and at the time of issuance of a Certificate of Occupancy under Section 9.20 of this Ordinance.
 - (2) The CRA shall maintain a record of the Aggregate GFA within the District and shall provide an Aggregate GFA record to the Superintendent of Buildings and the Community Development Department (CDD) with any building permit or certificate of occupancy application utilizing Infill GFA. Such record shall separately account for development within the Ames Street District. These records shall be adjusted as appropriate, from time to time, including upon issuance, revocation or expiration of a building permit or certificate of occupancy and upon receipt of a certificate from the CRA as to an outstanding contract (including option) for the construction of a building. The CRA shall also maintain a record of cumulative GFA by land use for the purpose of determining and tracking open space requirements for existing and future development.
 - (3) Each applicant for a building permit or a certificate of occupancy shall submit to the Superintendent of Buildings information, including the following, as appropriate to the application, in order to determine compliance with this Section 14.32 and to demonstrate that the proposed construction and/or occupancy will not violate or be inconsistent with any outstanding contract or deed:

- (a) measurement of total gross floor area of the building or building additions;
- (b) measurement of future development commitments or limitations on the lot specified in deed restrictions, covenants or comparable legal instruments.

7. Revise the title of the current Subsection 14.32.4 to Applicability of Section 19.20 and add the following sentence at the end of the paragraph:

It is understood and agreed that the provisions of this Section 14.32.4 shall apply only to development proposals that are not included within the Infill Development Concept Plan process described in Section 14.32.2 above.

8. Create the following new Subsection 14.32.5:

14.32.5 *Innovation Space:* An Infill Development Concept Plan proposing more than 100,000 square feet of GFA for Office and Biotechnology Manufacturing Uses shall include a plan for Innovation Space meeting the requirements below. Innovation Space within the District must occupy GFA equal to, or in excess of, ~~ten~~five percent (~~10~~5%) of non-residential Infill GFA⁵. Existing GFA within the District may be converted to meet this requirement. The Innovation Space requirement shall be met through the provision of office spaces of at least 10,000 square feet (or ~~ten~~five percent (~~10~~5%) of the newly-constructed non-residential GFA, if less) within a single building and may be satisfied by means of a lease to a single user who will operate and manage a facility meeting the requirements hereof:

- (a) *Combined Spaces.* Developers of properties within the District may collaborate with other developers in adjacent zoning districts in the Kendall Square area (defined as zoning districts reviewed as part of the K2 Planning Study) to develop a Joint Innovation Space Plan. In such a case, the total square footage of joint Innovation Space must be large enough to satisfy the sum of the requirements, if any, for such participating developers and zoning districts.
- (b) *Characteristics.* For the purposes of this Section 14.32.5, Innovation Space shall have the following characteristics:
 - (i) Durations of lease agreements (or other similar occupancy agreements) with individual office tenants shall be for periods of approximately one (1) month.
 - (ii) No single business entity may occupy more than 2,000 square feet or 10% of the entire Innovation Space provided in the District, whichever is greater.
 - (iii) The average size of separately contracted private office suites may not exceed 200 square feet of GFA.
 - (iv) Innovation Space shall include shared resources (i.e., co-working areas, conference space, classroom space, office equipment, showroom, shop or lab equipment, storage, circulation, supplies and kitchens) available to all tenants and must occupy at least 50% of the Innovation Space.

⁵ Matches the increase in Innovation Space requirement agreed to through the MIT zoning process.

- (v) Individual entities occupying Innovation Space may include small business incubators, small research laboratories, office space for investors and entrepreneurs, facilities for teaching and for theoretical, basic and applied research, product development and testing and prototype fabrication or production of experimental products.
- (c) *Variations.* In approving an Infill Development Concept Plan, Major or Minor Amendments to the Concept Plan, or through subsequent design review of individual building design per Section 14.32.2.4, the Planning Board may approve variations in the specific characteristics set forth above, ~~if the~~ proposed Innovation Space is found to be consistent with the purposes of these characteristics.

9. Create the following new Subsection 14.32.6:

14.32.6 GFA Exemptions

The following items shall be excluded from the calculation of Aggregate GFA within the District for the purposes of determining compliance with the intensity of development requirements of Article 14:

- (1) *Variances:* Any GFA within the District authorized by a variance issued by the Board of Zoning Appeal.
- (2) *Residential Outdoor Area Exemptions:* Private outdoor decks or balconies for multi-family residential development, up to eight percent (8%) of the building floor area.
- (3) *Innovation Space:* ~~Fifty percent (50%) of the~~ Innovation Space GFA up to the minimum required ~~by~~ in Section 14.32.5.
- (4) *Retail:* The GFA occupied by ~~retail~~ and consumer service uses listed in Section 14.21.3, if the following conditions are met:
 - a) the excluded GFA is not located above the ground level of a building (provided, however, that the Planning Board may waive this limitation in specific instances where it finds that the proposed use would be uniquely beneficial to area residents, such as a grocery store or pharmacy);
 - b) the excluded GFA has frontage and direct pedestrian entrances onto Main Street, Binney Street, Broadway, Ames Street, Galileo Way, Pioneer Way, internal service drives or onto open space that is directly accessible and not more than one hundred (100) feet distant from at least one of the aforementioned streets or services drives;
 - c) the excluded GFA is occupied by separate retail establishments, each occupying no more than five thousand (5,000) square feet of floor area (provided, however, that the Planning Board may waive this limitation in specific instances where it finds that the proposed use would be uniquely beneficial to area residents, such as a grocery store, pharmacy, or an innovative retail format where multiple small vendors occupy a larger market space); ~~and~~
 - d) the ground level façade is designed with entrances and glazing materials such that at least 60% of the façade area is transparent providing visibility between the retail use and the public sidewalk or open space; and

~~d)e)~~ A minimum of 25% of the retail space, exclusive of retail space used for grocery stores and/or pharmacies, consists of Independent and Local Retailers. “Independent and Local Retailers” shall include any retail operator, which does not own or operate more than ten (10) retail locations in the Commonwealth of Massachusetts with the same name and retail concept.⁶

- (5) *Middle Income Housing Units*: The square footage of ~~any~~ middle income housing units as defined in Section 14.35(c).
- (6) *Transfer of Development Rights*: Any GFA acquired through the transfer of development rights provisions of the Zoning Ordinance.

10. Within the first paragraph of the current Section 14.33, capitalize “Aggregate” and remove the phrase “and cumulative” in the first sentence, and replace the phrase “Section 14.33.6” with the phrase “Sections 14.32.6 and 14.33.6” in the second sentence.

11. Replace the current Subsection 14.33.4 with the following text:

14.33.4 Residential uses:

- (1) Multifamily housing: FAR 8.0
- (2) Hotel/Motel: FAR 6.0

12. Replace current Section 14.34 with the following text:

14.34 *Building Height Limitation.* The maximum building height in the District shall be two hundred and fifty (250) feet, except for the area of the District more than 450 feet north of the centerline of Broadway, where the maximum building height for any portion of a building in such area shall be 200 feet. ~~Residential buildings within 450 feet of Broadway may be permitted up to a height of 350 feet. Up to two (2) mixed-use provided they meet the provisions for the Middle Income Housing Height Bonus set forth in Section 14.35 below. No more than two buildings within the 250-foot height area of the within the District may reach 350 feet provided, however, that the occupied floors above 250 feet may only contain residential and associated amenity space. utilize the Middle Income Housing Height Bonus.~~ Additionally, the floorplate of any portion of a building above 250 feet shall not exceed 1224,000 square feet.⁷

This requirement shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators, solar or wind energy systems, and other necessary features appurtenant to buildings, which are usually carried above roofs and are not used for human occupancy. These requirements shall also not apply to (i) domes, towers or spires above buildings if such features are not used

⁶ Sets out a requirement for local operators in ground floor retail space.

⁷ Height bonus concept is removed. Residential height allowance is increase, and middle-income units are required. Scribner’s error corrected.

for human occupancy and occupy less than ten percent (10%) of the lot area, (ii) wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent (10%) to the lot area or (iii) rooftop terraces and enclosed structures ancillary thereto (provided that such structures occupy less than ten percent (10%) of the lot area).

13. Create the following new Section 14.35:

- 14.35** *Middle Income Housing Requirement.* ~~For any project utilizing Height Bonus. The Planning Board may permit the Infill GFA, height limit of a residential building to be increased to three hundred (350) feet, provided that~~ the following requirements for Middle Income Housing Units shall apply in addition to the Inclusionary Housing requirements set forth below: ~~are met:~~
- (a) ~~the use of any occupied space situated above 250 feet in height shall be limited to residential units, and associated amenity and mechanical space, and~~
- (b)(a) Middle Income Units (as defined below) shall occupy ~~an aggregate GFA floor area~~ equal to at least ~~twenty-five percent (525%)~~ of the total floor area devoted to private residential GFA dwelling units in of projects utilizing Infill Development GFA, the portions of the building that exceed 250 feet in height. Such Middle Income Units shall be distributed throughout the residential building in a manner approved by the Planning Board, in consultation with City and CRA staff, in order to ensure that the Middle Income Units are of an appropriate location, size, configuration and quality for households intended to occupy such units. The floor area of Middle Income Units provided per this Section 14.35 shall not be counted against the Aggregate GFA limitation in the District.⁸
- (c)(b) For the purposes of this Section 14.35, Middle Income Units shall be defined as residential dwelling units for which:
- i. the occupancy is restricted to households whose total income ~~exceeds 80% but~~ does not exceed 120% of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund;
 - ii. the rent (including utilities) does not exceed thirty percent (30%) of the income of the renting household or, in the instance of home ownership units, the monthly mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty percent (30%) of the income of the purchasing household, or such other equivalent standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund; and
 - iii. the Middle-Income Units are not also designated as Affordable Units for the purpose of meeting the Inclusionary Housing requirements in Section 11.200.

⁸ Rather than providing a height bonus for middle income units, the provision of at least 5% of middle income units is required, raising the below market housing requirement to 20%, 15% inclusionary for units affordable to low- and low-moderate income households, and 5% affordable to middle income households.

14. Create the following new Section 14.36:

14.36 Affordable Housing Requirement. For any project utilizing the Infill GFA, the following requirements shall apply in place of the Inclusionary Housing requirements set forth in Section 11.200 of this Zoning Ordinance.

- a. Notwithstanding anything to the contrary in this Ordinance, no less than fifteen percent (15%) of the total floor area devoted to multi-family residential units shall be devoted to Affordable Units in accordance with the definitions and procedures set forth in Section 11.200 of the Zoning Ordinance. No increase in GFA beyond the limitations set forth in Section 14.32.1 shall be provided for a project or the District subject to the requirements of this Section 14.35.
- b. The Planning Board may approve a Special Permit providing Affordable Units that are, on average, larger in area than the other dwelling units in the building. Where such units are larger in size and provide a greater number of bedrooms, they may be accordingly, fewer in number within the project, provided that the 15% of total floor area requirement is met.
- c. If the Inclusionary Housing requirements applicable citywide are amended subsequent to September 1, 2015 such that more than fifteen percent (15%) of the total floor area devoted to residential units must be devoted to Affordable Units or Middle Income Units, then those citywide Inclusionary Housing requirements shall supersede the requirements of this Section 14.35.

15. Create the following new Section 14.37:

14.37 Active Ground Floors: The ground floor of newly constructed buildings utilizing 50,000 square feet or more of Infill GFA, with where that ground floor fronts onto-age is along Main Street, Broadway and or Ames Street, must be occupied by (i) Retail and Consumer Service uses, as listed in Section 14.21.3, or (ii) active public gathering space (whether enclosed or open), for along a minimum street frontage length of seventy-five percent (75%) of the building façade along this frontage. Dimensional variations and alternate uses may be approved by the Planning Board upon determining that the specific uses and designs proposed are consistent with the purpose and intent of this Section 14.36. Additionally the Planning Board may allow Alternatively, if an Infill D-development Concept Plan proposal to provides for the redevelopment of existing buildings with to include new Retail and Consumer Service uses along the ground floor of any of the identified street frontages, then the Planning Board may permit a reduction in the required length of active street frontage for new buildings, but only may be credited for up to fifty percent (50%) of the Ground Floor requirement herein length of new active street frontage provided in existing buildings and only if the Board finds that it results in a better outcome for the district as a whole. -Banks and financial institutions shall not be considered active ground floor uses for the purposes of meeting this requirement.⁹

⁹ While not a total prohibition of bank branches, this provision does not allow those facilities to count toward the new active frontage requirement.

16. In the current Subsection 14.41, within the third sentence insert the terms “roof decks, balconies” after the phrase “decorative plantings.”

17. Create the following new Subsection 14.42.2:

14.42.2 In addition to the Public Open Space provisions above, development in the MXD District shall provide that a combination of public open spaces and private but publicly accessible spaces such that the total open space areas in the MXD District are equivalent to at least fifteen percent (15%) of the land area (excluding road rights-of-way) within the MXD District. The open spaces within the District shall contribute to an interconnected network of public spaces in the broader Kendall Square neighborhood, accommodating a variety of activities for employees, residents and visitors, consistent with the place-making goals of the 2013 K2 Final Report.

18. Replace current Section 14.43 with the following text, including deletion of Table 1:

14.43 *Project Based Minimum Open Space Requirement.* Each development project shall be required to contribute to the open space network of the District and/or the surrounding neighborhood, consistent in the case of Infill GFA with an open space plan approved through the Special Permit application as described in Section 14.32.2 and consistent with the Open Space Requirements of Section 403 of the Kendall Square Urban Renewal Plan.

19. Delete the current Section 14.44 in its entirety.

20. Replace current Subsection 14.45.1 with the following text, including deletion of Table 2:

14.45.1 Pedestrian ways listed and defined below may be counted toward the open space requirement determined in Section 14.43.

21. Replace the first sentence of Subsection 14.45.2 with the following text:

14.45.2 Pedestrian ways shall be designed to provide for public access and shall have the following meaning:

22. Replace the current Subsection 14.52.2 (including the table, to be renamed Table 1) with the following text and table:

14.52.2 With the exception of multi-family residential development, there are no minimum parking requirements for new development in the District. Residential development shall provide at a minimum 0.4¹⁰ ~~0.25~~ automobile parking spaces per dwelling unit. All proposed development shall be restricted from constructing parking spaces, either on or off the lot within the District, beyond the maximum allowances of Table 1. If a development includes more than one category of use,

¹⁰ 0.4 per residential unit is the lowest minimum parking requirement in the base zoning code for Boston

then the number of spaces allowed for the development shall be the sum of the allowance for each category of use. Where the computation of required spaces results in a fractional number, only a fraction of one half or more shall be counted as one. The Planning Board may approve arrangements for shared parking of such residential parking spaces with commercial spaces or otherwise adjust the minimum parking requirements based on review and analysis of anticipated parking demand within the Transportation Impact Study.

At least ten (10) additional parking spaces reserved for car-sharing vehicles shall be provided by the first development project utilizing at least 100,000 square feet of Infill GFA. These spaces are not counted toward maximum parking space ratios. In the event that no car-sharing or site-based car rental organization is prepared to offer services, the designated car share spaces may be rented on a monthly basis unless and until an organization agrees to provide the services, if there is clear documentation that such parking spaces are continuously offered to car-sharing organizations.¹¹

¹¹ Add a car-sharing requirement to accommodate occasional vehicle demands for households or employees without automobiles.

Table 1 MXD District Parking Restrictions

Use	Maximum number of spaces
Light Industrial uses allowed by Section 14.21.1	.8/1000 sq. ft. ¹
Office uses and Biotechnology Manufacturing Uses allowed by Section 14.21.2	.9/1000 sq. ft.
Retail and consumer establishment allowed by Section 14.21.3	.5/1000 sq. ft.
Residential uses allowed by Section 14.21.4	
Multi-family residences	.75 per-dwelling unit
Hotels or Motels	1/4 sleeping rooms
Public assembly uses allowed by Sections 14.21.3(2), 14.21.3(3), and Section 14.21.5	1/15 seats
Other uses allowed by Section 14.21.6 and 14.21.7	.9/1000 sq. ft. 2

1. All space measurements are in terms of square feet of gross floor area.

2. For assembly spaces having no fixed seating.

23. Replace current Subsection 14.52.3 with the following text:

14.52.3 The parking allowances specified in Table 1 may be satisfied by a lease agreement between the developer and the City, other public entity, or private consortium for use of parking spaces in a public or pooled private parking facility located within the District (or, in the case of the spaces required for residential uses, located outside of the District but within 1,000 feet of the residential building for which the parking is being provided). The total number of parking spaces leased and constructed within the district for development on a lot shall not exceed the maximum allowances provided for in Table 2.

24. Replace current Subsection 14.52.4 with the following text:

14.52.4 Off-street, on-grade parking lots, not enclosed in a structure, may be constructed in the MXD District only on an interim basis in anticipation of later construction of structured parking provided that there is compliance with each of the following:

- (a) the future parking structure will be constructed within the District but it may be located either on or off the lot;
- (b) construction of the future parking structure will commence within three years of the date of permit application for development on the lot;
- (c) such future parking structure may be constructed and/or operated by the applicant or by a public or private entity;
- (d) the future parking structure will contain sufficient spaces reserved for users of the lot to meet the parking requirements of the lot specified in Table 3; and
- (e) binding commitments shall exist to guarantee, to the reasonable satisfaction of the Superintendent of Buildings, that requirements (a) through (d) above

shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, performance bond, or comparable legal instrument.

25. Create the following new Subsection 14.52.6:

14.52.6 Bicycle parking shall be provided as set forth in Section 6.100 of this Ordinance.

26. Rename the table in current Subsection 14.53.1 as “Table 2.”

27. Revise the title of Section 14.70 to read “Special Provisions”

28. Within the current Subsection 14.71.3, capitalize the word “Space” where it appears in the first sentence, and replace the phrase “the Lot Minimum Open Space Requirement in Section 14.43 shall be inapplicable within the Ames Street District” with the phrase “there shall be no open space requirement for any individual lots within the Ames Street District.”

29. Create the following new Section 14.73:

14.73 INTER-AGENCY DESIGN REVIEW

Review and approval of the Infill Development Concept Plan, as described in Section 14.32.2, and subsequent building design review under Section 14.32.2.4 shall be conducted jointly by the Planning Board and the CRA., ~~as described in Section 506 of the Kendall Square Urban Renewal Plan, “Inter-Agency Design Review.”~~ The ~~Planning Board and CRA Inter-Agency Working Group, as therein described,~~ shall hold at least one ~~joint public meeting to consider the Infill Development Concept Plan. In order to insure high quality architectural design and thoughtful adherence to the Concept Plan, evaluation of review session to review~~ subsequent building ~~proposes~~proposals. As set forth in Section 14.32.2.4, the ~~procedures for ongoing design review of subsequent building proposals shall be further defined per the Concept Plan Special Permit, however such procedures~~ shall include the review of:¹²

- a) A site plan illustrating the new building proposal in context with existing and proposed new development within the District.
- b) A proposed development program illustrating the size and location of uses within the building,

¹² Clarify enhanced opportunity for input into design review provided by specific building application requirements and combined CRA and Planning Board involvement.

- c) Building plans, sections, elevations, and rendering sufficient to describe the urban design setting and architectural character of the proposed building(s). A materials board shall be provided along with annotated building elevations.
- d) A digital or physical model of the building within the context of neighboring buildings.
- e) A project specific open space plan depicting the design of open space provided on site by the project and any Public Open Space contributions to the area to be executed by the Project. Additionally streetscape designs for building frontages.
- f) A sustainability narrative describing how the development proposal will meet the requirements set forth in Section 14.74 below.

As set forth in Section 14.32.2.4, the procedures for ongoing design review of subsequent building proposals shall be further defined per the Concept Plan Special Permit.

30. Create the following new Section 14.74:

14.74 *Sustainability.* New buildings constructed within the District shall comply with the provisions of Section 22.20 of the Ordinance. For those construction projects utilizing Infill GFA subject to Section 22.23, LEED certification at the Gold level or better is required and must enlist a Commissioning Authority to perform Enhanced Commissioning of the building's performance. In connection with the submission requirements of Section 22.24.2.a., the Developer of such buildings shall submit a Statement of Energy Design Intent produced through the EnergyStar Target Finder tool, or comparable method. New buildings in the District utilizing Infill GFA must incorporate an integrated design approach and incorporate best practices for meeting sustainability in the following five (5) areas:

- a) *Energy and Emissions.* Each new building must conserve building energy and, to the extent applicable, reduce greenhouse gas emissions. The project proponent must evaluate the potential for on-site energy generation or the construction or expansion of co-generation or district energy facilities within the District. All new construction shall be developed to be Solar-Ready, allowing for the immediate installation of solar voltaic units or provisions of building systems to allow future solar installation. Building proposals shall include a study considering the feasibility of connecting to the existing district steam system or other energy co-generation facility in the area.
- b) *Water Management.* The Developer, for each new building, must explore opportunities for:
 - (i) potable water use reductions,
 - (ii) storm water management using open spaces,
 - (iii) the incorporation of indigenous vegetation and,
 - (iv) storm water for irrigation purposes.
- c) *Cool Roofs.* All new buildings approved in the District must employ Functional Green Roofs (as such term is defined in Article 22.000 of this Zoning Ordinance), high-albedo "white" roofs or a functionally equivalent roofing system.

- d) *Monitoring.* All new buildings approved in the District shall be required to conform to the requirements of the Cambridge Building Energy Use Disclosure Ordinance, Chapter 8.67 of the Municipal Code.
- e) *Rooftop Mechanical Equipment Noise Mitigation.* Sound emanating from rooftop mechanical equipment on all new or substantially altered structures shall be minimized by the adoption of best available and feasible practices regarding the location and sizing of equipment, the selection of equipment and sound attenuation measures.