

ORDINANCE NUMBER 1365

Final Publication Number 3353. First Publication in the Chronicle on March 19, 2015.

City of Cambridge

In the Year Two Thousand and Fifteen

AN ORDINANCE

In amendment to the Ordinance entitled “Zoning Ordinances of the City of Cambridge”

Be it ordained by the City Council of the City of Cambridge that the Zoning Ordinances of the City of Cambridge be amended as follows:

Amend the Zoning Ordinance, Sections 14.32.1 and .2 to provide for an increment of 60,000 square feet of GFA to be allowed by special permit in a portion of the MXD District, by:

(A) deleting the language reading "three million, seventy three thousand (3,073,000)" wherever it appears in Sections 14.32.1 and 14.32.2(2) and replacing it in each instance with the following language: "three million, one hundred thirty three thousand (3,133,000)";

(B) deleting the language reading "two million seven-hundred and seventy three thousand (2,773,000)" wherever it appears in Sections 14.32.1 and 14.32.2(2) and replacing it in each instance with the following language: "two million eight-hundred and thirty three thousand (2,833,000)";

(C) deleting the figure "1,605,000" in Section 14.32.2(2) and replacing it with the figure "1,665,000";

(D) adding the following immediately after the first sentence of Section 14.32.1:

"Sixty thousand (60,000) square feet of such aggregate GFA of 3,133,000 shall be allowable only by special permit pursuant to Section 14.72."; and

(E) adding the following as a new final sentence of Section 14.32.2(2):

"Development allowed by special permit under Section 14.72 shall be allocated to the increment of allowable GFA in the MXD District under two million, eight hundred and thirty three thousand (2,833,000) as authorized by the District Development Limitations of Section 14.32, and not to the increment between two million, eight hundred and thirty three thousand (2,833,000) and three million, one hundred thirty three thousand (3,133,000)."

2. To request that the City Council amend the Zoning Ordinance, Section 14.70 by retitling that Section "Special Provisions", titling Section 14.71 "Special Provisions Applicable within the Ames Street District" and adding a new Section 14.72 reading as follows:

14.72 Special Provisions Applicable Outside the Ames Street District.

14.72.1 *Applicability.* The provisions set forth in this Section 14.72 shall apply solely within the portion of the MXD District consisting of lots fronting on Main Street that are not within the Ames Street District as such District is constituted as of October 1, 2014. Where this Section 14.72 specifies some standards or makes some other requirement contrary to the standards or requirements set forth elsewhere in this Article 14.00 or in the Ordinance, the provisions of this Section 14.72 shall control.

14.72.2 *Purpose and Intent.* In furtherance of the intent provided in Section 14.12, and in response to the Kendall Square planning process, the purpose and intent of this Section 14.72 is to provide an incentive for improvements that will remedy a gap in the urban street edge, promote retail and other ground floor activity to increase public engagement, reduce parking utilization levels and enhance sustainability, and upgrade design to current standards, in keeping with Kendall Square's identity as a world-renowned research center and a vibrant neighborhood.

14.72.3 *Special Permit.* Where improvements are proposed to be constructed on any lot within the portion of the MXD District fronting on Main Street that is not within the Ames Street District as such District is constituted as of October 1, 2014, and release of an open space covenant by the City will be necessary to accommodate such improvements, the Planning Board may grant a special permit allowing improvements containing incremental square footage of not more than 60,000 square feet of GFA within the limits of Section 14.32 in excess of the square footage of improvements located on such lot as of October 1, 2014. In granting such special permit, the Planning Board shall find the following:

- (1) The lot upon which such improvements are proposed contained, as of October 1, 2014, no portion of a building located so as to create a street edge along any part of the Main Street frontage of such lot; and the proposed improvements will remedy that condition by including the establishment of a street edge in keeping with the urban nature of the area, on at least a portion of the Main Street building façade.
- (2) The ground level of the proposed improvements fronting on Main Street will be designed to enhance public access and interaction.

14.72.4 *Retail and Consumer Services Uses.* If retail or consumer services uses are a part of any improvements authorized by special permit under this Section 14.72, the Gross Floor Area of any first floor or areas situated no more than one (1) floor below grade of such improvements devoted to such retail or consumer service uses shall be excluded from calculations of Gross Floor Area and FAR for all purposes of this Article 14.00 and the Ordinance, provided that the portion of any individual retail or consumer services use exceeding 5,000 square feet (or 10,000 square feet for a grocery, market or pharmacy retail use) shall be counted as Gross Floor Area for the purposes of calculating allowable FAR.

14.72.5 *Parking and Loading.* The improvements authorized by special permit under this Section 14.72 shall not require vehicle parking or loading facilities by reason of the incremental development authorized, and no additional parking spaces shall be provided by reason of improvements located on such lot beyond the number of parking spaces provided as of October 1, 2014.

14.72.6 *Bicycle Parking.* Additional bicycle parking shall be provided as required in Section 6.100 to the extent of the incremental development authorized by special permit under this Section 14.72, provided that any such spaces may be located anywhere on the lot or in such other location as the Planning Board may in its discretion approve.

14.72.7 *Open Space.* The Lot Open Space Requirements in Section 14.43 shall be inapplicable on any lot on which improvements are authorized by special permit under this Section 14.72, and the Planning Board may in its discretion waive any other open space requirement applicable to such lot under this Ordinance. Any ground floor publicly accessible feature, if so determined by the Planning Board, shall be excluded from calculations of Gross Floor Area and FAR for all purposes of this Article 14.00 and the Ordinance. The Planning Board may grant a special permit for improvements to be located within the area of the open space covenant that would need to be released by the City notwithstanding that such open space covenant may not have been released prior to issuance of such special permit.

14.72.8 *Sustainable Design and Development.* The incremental development authorized by special permit under this Section 14.72 shall comply with the green building requirements of Section 22.20, provided that the Planning Board may in its discretion vary or waive any such requirements.

14.72.9 *Project Review.* Incremental development authorized by special permit under this Section 14.72 shall be subject to project review by the Planning Board under the provisions of Section 19.20.

14.72.10 *Incentive for Housing Development.* The incremental development authorized by special permit under this Section 14.72 shall be considered an Incentive Project pursuant to Section 1 1.200.

14.72.11 *Contribution to Community Fund* Upon issuance of a Final Certificate of Occupancy for the incremental development authorized by special permit under this Section 14.72, the permittee shall contribute to a Community Fund, established by the City Manager, an amount equal to \$10.00 multiplied by the number of square feet of new gross floor area for office and biotechnology manufacturing uses identified in Section 14.21.2 contained in such incremental development.

14.72.12 *Public Benefits.* The public benefits to be provided by a development for which a special permit may be granted under this Section 14.72, including those provided in Sections 14.72.10 and 14.72.11, shall be deemed to satisfy any future requirements for public benefits that may be adopted with respect to the MXD District or any portion thereof that may include any lot eligible for such special permit, including without limitation any other funding requirement or exaction, any requirements to provide innovation or other space or services, or any limitations relating to the progress or sequence of development of residential or other space, none of which shall apply thereto.

14.72.13 *Letter of Commitment.* The Letter dated March 26, 2015, by Richard McKinnon on behalf of the Whitehead Institute and received by the City Council as Communication #5 of March 30, 2015, and attached "Design Narrative/Zoning Guidelines" Memorandum prepared by Andy Pecora of Tsoi / Kobus & Associates, shall be binding upon the Whitehead Institute and its successors and assigns. The issuance of any building permit or certificate of occupancy authorized by a special permit issued pursuant to this Section 14.72 shall be conditioned upon certification by the Community Development Department and all

other relevant City departments to the Inspectional Services Department that all portions of the
aforementioned Letter are continuing to be met.

In City Council March 30, 2015.
Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.
Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez
City Clerk