C. C. 108

City of Cambridge

MASSACHUSETTS

In City Council May 13 1991

C. Cyr Move adoption of the following Resolution:

Re: East Cambridge Zoning District

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mr. Kenneth E. Reeves	✓				
Mrs. Sheila T. Russell		✓			
Mr. Walter J. Sullivan		✓			
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh		✓			
Mayor Alice K. Wolf	✓				
	6	3			

Failed of Ordination One 2/3's Requirement

C. C. 108

City of Cambridge

MASSACHUSETTS

In City Council May 20 199 1

C. Cyr Ques. Comm on Arbitration & East Cambridge Zoning District

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mr. Kenneth E. Reeves	✓				
Mrs. Sheila T. Russell		✓			
Mr. Walter J. Sullivan		✓			
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh		✓			
Mayor Alice K. Wolf	✓				

6 3

Motion to Reconsider Failed & Adoption

C. C. 106

City of Cambridge

MASSACHUSETTS

In City Council May 13 1991

C. Toomey - Moved Unfinished Business #1 - To The Table.

	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr		✓			
Mr. Francis H. Duehay		✓			
Mr. Jonathan S. Myers		✓			
Mr. Kenneth E. Reeves		✓			
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓				
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh	✓				
Mayor Alice K. Wolf		✓			
	4	5			

PETITION OF Remanent East Cambridge Interim Planning Overlay

Petition filed with the City Clerk Dec. 17, 1990

(all hearings to be completed 65 days from In City Council date)

14 days Dec.
31 days Jan.
20 days Feb.
65 days = Feb. 20, 1991 = all hearings

In City Council Dec. 17, 1990

Referred to the Planning Board for report Dec. 17, 1990

Planning Board Hearing February 5, 1991

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be May 21, 1991.)

8 days Feb.
31 days March
30 days April
21 days May
90 days = May 21, 1991

City Council hearing published Chronicle on January 31, 1991
and Feb. 7, 1991

Hearing before the Ordinance Committee Feb. 20, 1991 at 6 p.m.

Reported to the City Council March 4, 1991

Passed to a second reading on March 4, 1991

published in Chronicle on March 7, 1991

Planning Board report received on April 8, 1991

Ready for ordination on March 18, 1991

Passed to be ordained on Failed to pass to be ordained 6-3 (2/3 vote required) Reconsideration filed by Mayor Wolf & Seconded 5/20/91 Reconsideration Failed

published in _____ on _____

COMPLETION DATE May 21, 1991

Action taken on 5/13/91 Failing to be ordained - STANDS

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

RECEIVED
91 APR -4 PM 3:42
OFFICE OF THE CITY MANAGER

April 2, 1991

To The Honorable, the City Council:

SUBJECT: Planning Board Recommendation on the Board's Rezoning Petition Affecting the Area Covered by the East Cambridge Interim Planning Overlay District

Recommendation

The Planning Board recommends adoption of the Petition with several changes. Some of the recommended changes clarify provisions which were ambiguous or unclear in the original text. They make no substantive change in the Ordinance as filed. Other changes, however, are more substantive in their effect and are for the most part in response to comments made at the public hearing. All changes recommended are consistent with the intent of the original petition. The following are the changes proposed by the Board. A revised text reflecting these changes is attached; modifications are underlined.

* **In Section 11.405.31 - Restrictions in Required or Provided Front Yard Setbacks.**

  This section, which requires that the area between a building and the major street on which it fronts be landscaped and free from surface parking, was unworkable in its original language for lots fronting on more than one street. The changes correct the problem.

* **In Section 11.406.1 - Additional Height in the East Cambridge Overlay Districts.**

  The intent of the provision is to require that any portion of a building higher than forty-five feet must be set back at least twenty feet from the street line. The original language seemed to imply that that requirement could be waived. The new language makes it clear that such a setback is always required as was originally intended.

* **In Section 11.406.21 - Additional Gross Floor Area in the East Cambridge Overlay Districts**

An innovative feature of the East Cambridge petition is the provision found in the PUD Districts and all the Overlay Districts which grants additional development if a specified amount of housing is constructed. It has always been assumed that the additional development would be commercial space; changes are made to make it clear that the additional floor area can be used for residential uses as well.

* **In Section 11.406.22 - Construction of Housing in the East Cambridge Overlay Districts**

Property owners have indicated serious concern with the housing construction requirement contained in Section 11.406.21, suggesting that on some small sites it might not be feasible to construct the one, two or three units of housing required; on the larger sites the required housing might be an awkward proportion of the total development and might be mandated to be constructed despite a market in which no demand for the housing would exist. To respond to these concerns without eliminating the connection between housing and additional commercial development the Planning Board is proposing two additional options to actual construction of the units: donation of the land, to the Affordable Housing Trust, upon which the required housing can be built, and for small lots a cash payment tied to the cost of acquisition of land, also to the Affordable Housing Trust. Similar flexibility is granted in the PUD Districts, Sections 13.80 and 13.90.

* **In Section 13.90 - PUD 3B and Special District III**

These districts were originally designed to regulate private development in these areas (for housing principally) should they be declared surplus by the Federal government. The areas may, however, not be declared surplus and may instead be used for expansion of the federal Volpe National Transportation Systems Center which currently controls and uses the affected sites. Language is added to make clear that the housing objectives of the districts are intended to reflect public policy only if the sites are developed privately. Otherwise, the added language makes clear that the Transportation Center is a valuable resource for the City and that should it expand it would continue to be an asset to Cambridge. In such a circumstance the districts would act as policy guides to the Center with regard to City objectives relating to scale, height, and general development pattern on the sites.

* **In Section 11.406.4 - Special Regulations for the First to Second Street Corridor.**

  Because of the potential stimulus the East Cambridge mall might provide to retail development along First Street in the years ahead, the Board considers it appropriate that specific building design and site development requirements be imposed on development in this area to assure that even if constructed as of right the public interest in a quality pedestrian environment along this street be minimally assured. Additional building requirements are therefore recommended by the Planning Board.

* **Modifications in the boundary line between Overlay District C, an industrial and office district, and Overlay District A, a residential District.**

  A small adjustment in the boundary is proposed, by moving the District C line about fifty feet north, which would ease the operations of the Metropolitan Pipe Company, owners of the affected property. The adjusted line would actually revert to the residential/industrial boundary line which now exists on the zoning map. The change minimally affects the residentially zoned Overlay District A or its development potential as a residential district.

* **An additional provision is added which would delete all reference to the East Cambridge Interim Planning Overlay District in the Zoning Ordinance.**

FINDINGS

1. The rezoning petition is an outgrowth of a review of the zoning regulations affecting the East Cambridge industrial area that was recommended by the East Cambridge Neighborhood Study, published in 1988 .

2. The petition is intended to address directly the concerns expressed in the Neighborhood Study, namely: limitations on the traffic generated by new development in East Cambridge; reduction in the total amount of new development permitted in the future; provision of new housing construction to ameliorate the impact of additional demand on the existing housing stock; increased opportunities for public review of development.

3. Housing will be encouraged throughout the area, providing the potential for more than 1000 dwelling units. More significantly, for the first time in a zoning district applicable to many property owners, housing is required to be provided before the last increment of commercial development is allowed. The University Park zoning district

in Cambridgeport first introduced this concept but that district applies to a single owner. In East Cambridge many owners over a much larger area will be responsible for providing housing.

4. The potential non-residential development is reduced approximately 25% from that currently allowed. Should the mandated component of housing not be provided, the permitted amount of commercial development is reduced more significantly.

5. As a result of a variety of aspects of the rezoning proposal the traffic generated from future development in the affected area show an even greater reduction: a reduction in a.m. peak hour trips of over 50%. The reduction has been achieved by decreasing the amount of development, by encouraging housing which is the smallest traffic generator, and most importantly through a strict limitation on accessory parking: one space per 1000 square feet of non-residential development.

6. Development and implementation of traffic mitigation measures are required of all development for which a special permit is sought to secure additional gross floor area. New traffic mitigation and construction mitigation guidelines are established as a separate article in the Zoning Ordinance which makes it possible to mandate such measures for other special permits in other areas of the city in future rezonings.

7. The development that is allowed is more carefully controlled with greater refinement in permitted heights, FAR, and mandatory site development requirements as well as being subject to carefully articulated designed guidelines when a special permit is required from the Planning Board.

8. The recommended rezoning is an equitable proposal addressing the concerns of the East Cambridge residential community while permitting a reasonable amount of development in the interest of the property owners in the affected area.

9. The proposal also reasonably balances the interests of the East Cambridge community which is most directly impacted by new development in the area and the city as a whole which has an interest in protecting existing and generating additional employment in the city and securing the maximum income from commercial areas consistent with other policy objectives relating to land use and development.

10. The changes enumerated above, which the Planning Board is recommending to the City Council, respond to deficiencies in

the petition as originally filed while maintaining the essential features of that document.

PUBLIC HEARING

On February 5, 1991 the Cambridge Planning Board held a public hearing regarding the East Cambridge Rezoning Petition. Michael Rosenberg, Assistant City Manager for Community Development, introduced the petition by way of a presentation of the goals of the rezoning effort as adopted by the East Cambridge Rezoning Advisory Committee. Elizabeth Flemings, Project Manager, outlined the specific goals and objectives of the proposal in more detail and described the character of area to be rezoned. That area consists of 65 acres and one million square feet of existing development. The area as currently zoned has potential of 4.4 million square feet of development. Ms. Flemings discussed the proposed zoning, outlining the specific height limitations, use restrictions, housing requirements, parking ratios and traffic mitigation plan requirements. Roger Boothe, Project Planner, presented the companion East Cambridge Overlay District Urban Design Guidelines and explained how these guidelines would complement the proposed zoning. Dennis Carlone, the CDD consultant on the Urban Design Plan, described the design illustrations developed for critical sites in the affected area.

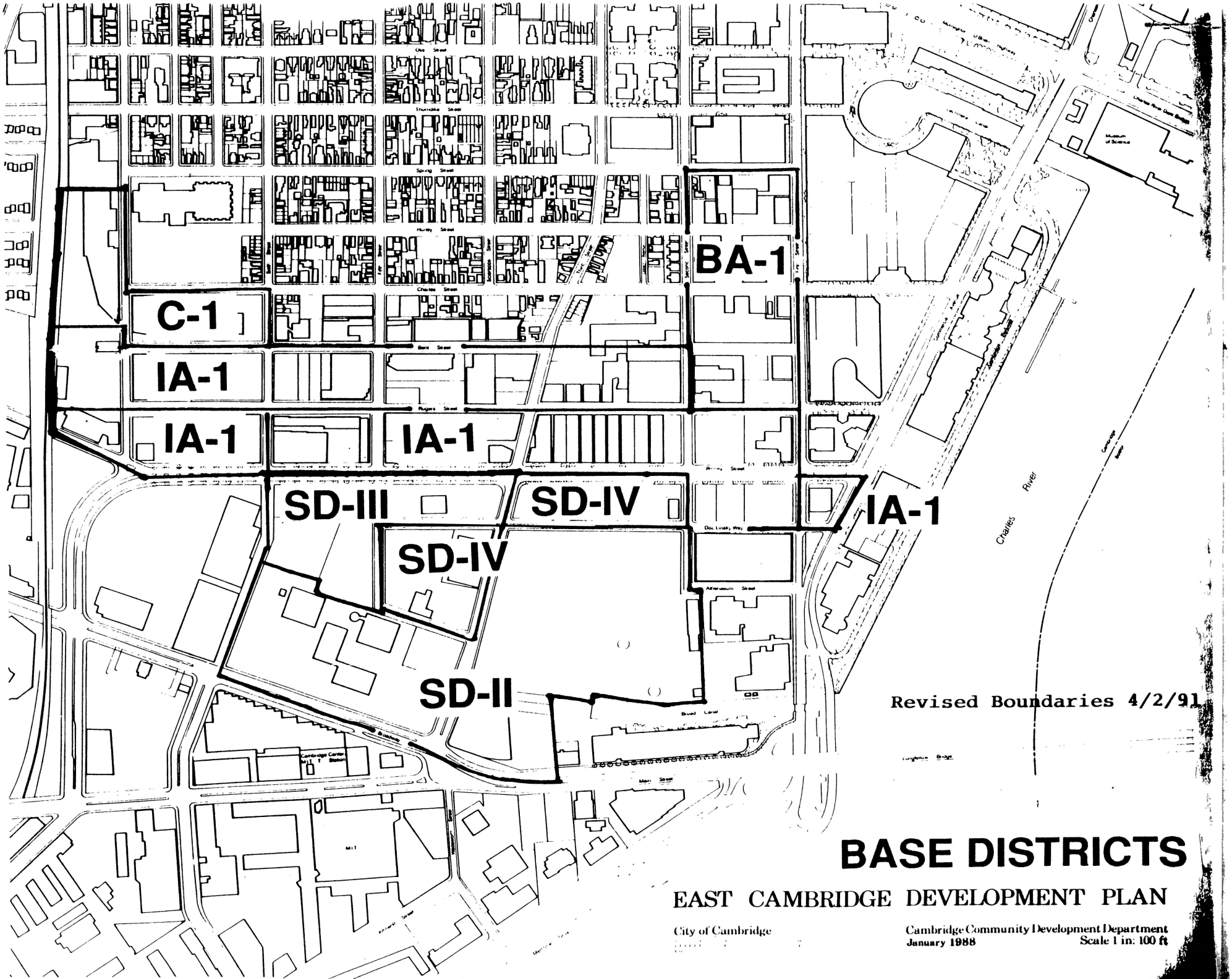
There were questions from the public concerning the proposal which were answered by the CDD staff.

There were statements of support from East Cambridge neighborhood residents, citing in particular the support for the housing requirements as a mitigation measure for the denser office uses; the height restrictions; and the general reduction in development allowed.

Property owner objections centered on several matters which affected different owners differently. Among the concerns: rezoning some areas currently used industrially as exclusive residential districts; requirements that housing be built, unrelated to any demonstrated market conditions, before the final increment of commercial development could be built; objections to special permit requirements for transfer of development rights. Most property owner objections were to specific provisions affecting a single owner, and not to the proposed petition in its entirety.

Respectfully submitted for the Planning Board,

Paul Dietrich, Chairman

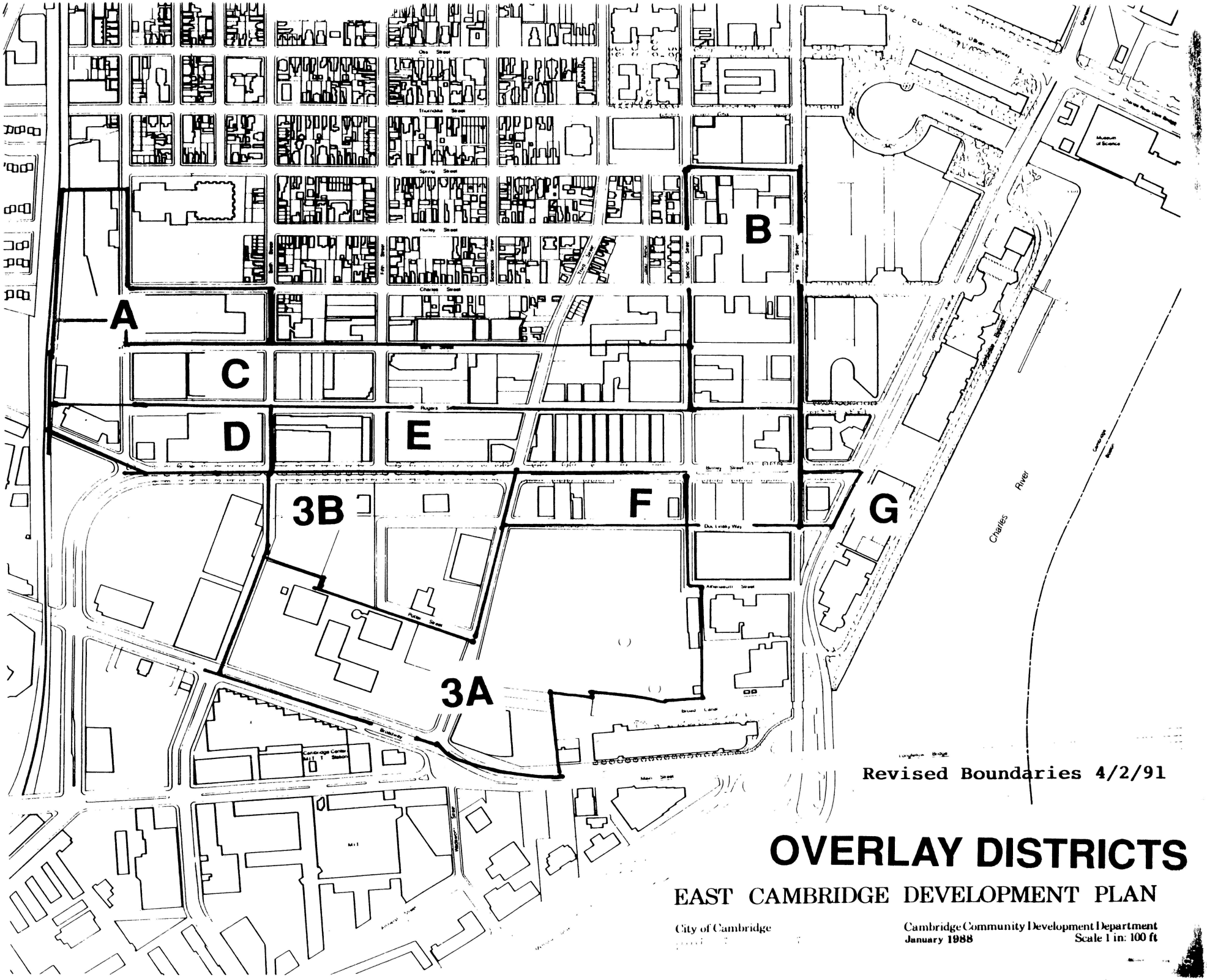


BASE DISTRICTS

EAST CAMBRIDGE DEVELOPMENT PLAN

City of Cambridge

Cambridge Community Development Department
January 1988
Scale 1 in: 100 ft



OVERLAY DISTRICTS

EAST CAMBRIDGE DEVELOPMENT PLAN

City of Cambridge

Cambridge Community Development Department
January 1988

Scale 1 in: 100 ft

A. Amend the Zoning Map of the City of Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry A-1 to Residence C-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Fulkerson Street and the westerly extension of the centerline of Charles Street as shown on Assessor's Plat numbered 32,

1.1 Thence turning and proceeding in a southeasterly direction along the centerline of Charles Street to the centerline of Sixth Street for a distance of approximately 580 feet,

1.2 Thence turning and proceeding in a southwesterly direction along the centerline of Sixth Street to the centerline of Bent Street for a distance of approximately 250 feet,

1.3 Thence turning and proceeding in a northwesterly direction along the centerline of Bent Street and the southwestern extension of the centerline of Bent Street to the intersection with the centerline of Fulkerson Street for a distance of approximately 580 feet,

1.4 Thence turning and proceeding in a northeasterly direction along the centerline of Fulkerson Street to the southwestern extension of the centerline of Charles Street, the point of origian for a distance of approximately 250 feet,

1.01 <u>Premises as shown on Assessor's Plat numbered 32:</u>

All of lot numbered 53, even numbers 252-320 Charles Street, odd numbers 101-117 Sixth Street, odd numbers 271-321 Bent Street and even numbers 126-144 Fulkerson Street.

2.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C-1 to Open Space an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Fulkerson Street and western extension of the northern lot line of lot numbered 87 on Assessor's Plat numbered 32,

2.1 Thence proceeding in an southeasterly direction along the southwestern extension of the northern lot line and the northern lot line of lot numbered 87 to intersection with the eastern side lot line 87 for a distance of approximately 473 feet,

2.2 Thence turning and proceeding in southwesterly direction along the eastern side lot line of lot numbered 87 and the southeastern extension of the eastern side lot line to a point of intersection the centerline of Charles Street for a distance of approximately 275 feet,

2.3 Thence turning and proceeding in a northwesterly direction along the centerline of Charles Street and its western extension to the centerline of Fulkerson Street for a distance of approximately 477 feet,

2.4 Thence turning and proceeding in a northeasterly direction along the centerline of Fulkerson Street to the point of origin for a distance of approximately 275 feet.

2.01 <u>Premises as shown on Assessor's Plat numbered 32:</u>

Lot numbered 87, 319 Charles Street, also known as John J. Ahearn Field.

3.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry A-1 to Residence C-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Sixth Street and the centerline of Charles Street as shown on Assessor's Plat numbered 27,

3.1 Thence proceeding in an southeasterly direction along the centerline of Charles Street to a point of intersection with the northern extension of the eastern side lot line of lot numbered 3 on Assessor's Plat numbered 27 for a distance of approximately 125 feet,

3.2 Thence turning and proceeding in a southwesterly direction along the northern extension of the eastern side lot line of lot numbered 3 and the eastern side lot lines of lot numbered 3 and 83 to the southern side lot line of lot numbered 83 on Assessor's Plat numbered 27 for a distance of approximately 105 feet,

3.3 Thence turning and proceeding in a northwesterly direction along the southern side lot lines of lots numbered 83 and 84 and western extension of the southern side lot line of lot numbered 84 on Assessor's Plat numbered 27 to the centerline of Sixth Street for a distance of approximately 125 feet,

3.4 Thence turning and proceeding in northeasterly direction along the centerline of Sixth Street to the point of origin for a distance of approximately 125 feet.

3.01 <u>Premises as shown on Assessor's Plat numbered 27:</u>

All or parts of lots numbered 1, 2, 3, 14, 83, and 84, even numbers 238-248 Charles Street, and even numbers 100-106 Sixth Street.

4.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry B-1 to Industry A-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of Boston and Albany Railroad tracks and western extension of the centerline of Bent Street,

4.1 Thence proceeding in an southeasterly direction along the western extension of the centerline of Bent Street, the centerline of Bent Street and the eastern extension of the centerline of Bent Street to the centerline of Third Street for a distance of approximately 1,975 feet,

4.2 Thence turning and proceeding in a southerly direction along the centerline of Third Street to the centerline of Binney Street for a distance of approximately 515 feet,

4.3 Thence turning and proceeding in a northwesterly direction along the centerline of Binney Street to the Boston and Albany Railroad tracks for a distance of approximately 1905 feet,

4.4 Thence turning and proceeding in a northeasterly direction along the Boston and Albany Railroad tracks tot he point of origin for a distance of approximately 325 feet.

4.01 Premises as shown on Assessor's Plat numbered 31:

All or parts of lots numbered 21, 20, 15, 14, 8, 13, 12, even numbers 272-322 Bent Street, odd and even numbers 175-192 Fulkerson Street, odd and even numbers 151-186 Rogers Street, odd numbers 263-349 Binney Street, and odd numbers 119-157 Sixth Street.

4.02 Premises as shown on Assessor's Plat numbered 27:

All or parts of lots numbered 93, 81, 78, 82, 76, 80, 79, 77, and 68, even numbers 160-264 Bent Street, even numbers 120-138 Sixth Street, odd and even numbers 194-217 Fifth Street, odd numbers 239-257 Third Street and odd numbers 119-149 Rogers Street.

4.03 Premises as shown on Assessor's Plat numbered 28:

All or parts of lots numbered 23, 22, 15, 33, 34, and 31, even numbers 126-150 Rogers Street, even numbers 140-158 Sixth Street, odd and even numbers 218-241 Fifth Street, odd numbers 259-279 Third Street, and odd numbers 153-251 Binney Street.

5.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry A-1 and Business A to Business A-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Second Street and the centerline of Spring Street,

5.1 Thence proceeding in a southeasterly direction along the centerline of Spring Street to the centerline of First Street for a distance of approximately 450 feet,

5.2 Thence turning and proceeding in a southwesterly direction along the centerline of First Street to the centerline of Rogers Street for a distance of approximately 1,000 feet,

5.3 Thence turning and proceeding in a northwesterly direction along the centerline of Rogers Street to the centerline of Second Street for a distance of approximately 450 feet,

5.4 Thence turning and proceeding in a northeasterly direction along the centerline of Second Street to the centerline of Spring Street, the point of origin.

5.01 Premises as shown on Assessor's Plat numbered 18:

All or parts of lots numbered 68, 67, 69, 70, 66, 45, 62, 2, 61, 65, and 64, even numbers 78-96 Second Street, odd numbers 1-49 Hurley Street, even numbers 2-26 Spring Street, and odd numbers 75-95 First Street.

5.02 Premises as shown on Assessor's Plat numbered 10:

All or parts of lots numbered 32, 33, 34, 35, 37, 36, 16, 30, 31, 38, and 39, even numbers 2-50 Hurley Street, odd and even numbers 1-50 Charles Street, odd numbers 55-91 Bent Street, even numbers 102-156 Second Street, and odd numbers 101-139 First Street.

5.03 Premises as shown on Assessor's Plat numbered 16:

All or parts of lots numbered 23, 10, 11, 24, and 6, even numbers 56-92 Bent Street, even number 182 Second Street, odd numbers 141-159 First Street and odd numbers 25-50 Rogers Street.

6.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C-3/PUD-2 to Industry A-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of First Street and the centerline of Binney Street as shown on A on Assessor's Plat numbered 11,

6.1 Thence proceeding in an southeasterly direction along the centerline of Binney Street to the centerline of Commercial Avenue for a distance of approximately 300 feet,

6.2 Thence turning and proceeding in a southwesterly direction along the centerline of Commercial Avenue to the centerline of Doc Linsky Way (Munroe Street) for a distance of approximately 275 feet,

6.3 Thence turning and proceeding in a northwesterly direction along the centerline of Munroe Street to the centerline of First Street for a distance of approximately 300 feet,

6.4 Thence turning and proceeding in a northeasterly direction along the centerline of First Street to the point of origin for a distance of approximately 250 feet.

6.01 <u>Premises as shown on Assessor's Plat numbered 11:</u>

All or parts of lots numbered 32, 29, 31, and 30, even numbers 184-192 First Street, even numbers 6-22 Binney Street, and odd numbers 79-81 Commercial Avenue.

7.0 Amend the Zoning Map of the City of Cambridge by rezoning from Office 3A to Special District III an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Binney Street and the centerline of Sixth Street as shown on Assessor's Plat numbered 28,

7.1 Proceeding in a southeasterly direction along the centerline of Binney Street to the centerline of Third Street for a distance of approximately 1,020 feet,

7.2 Thence turning and proceeding in a southwesterly direction along the centerline of Third Street to the centerline of Doc Linsky Way (Munroe Street) for a distance of approximately 240 feet,

7.3 Thence turning and proceeding in a northwesterly direction along the centerline of Doc Linsky Way and the western extension of Doc Linsky Way to the northern extension of the centerline of Fifth Street for a distance of approximately 500 feet,

7.4 Thence turning and proceeding in a southwesterly direction along the centerline of Fifth Street and the southern extension of the centerline of Fifth Street to the northern side lot line of lot numbered 39 on Assessor's Plat numbered 29 for a distance of approximately 360 feet,

7.5 Thence turning and proceeding in a northwesterly direction along the northern side lot line of lot numbered 39 to the southern side lot line of lot numbered 47 to the western side lot line of lot numbered 47 on Asseesor's Plat numbered 29 to the centerline of Sixth Street for a distance of approximately 270 feet,

7.6 Thence turning and proceeding in a northeastern direction along western side lot line of lot numbered 47 to the southern side lot line of lot numbered 31 on Assessor's Plat numbered 29 for a distance of approximately 50 feet,

7.7 Thence turning and proceeding in a northwesterly direction along the southwestern side lot line of lot numbered 31 and the northwestern extension of the centerline of Sixth Street for a distance of approximately 249 feet,

7.8 Thence turning and proceeding in a northeasterly direction along the centerline of Sixth Street to the centerline of Binney Street, the point of origin, for a distance of approximately 380 feet.

7.01 Premises as shown on Assessor's Plat numbered 28:

All or parts of lots numbered 46, 45, 44, 9, 39, and 43, even numbers 158-250 Binney Street, even number 178 Sixth Street, and odd numbers 287-299 Third Street.

7.02 Premises as shown on Assessor's Plat numbered 29:

All or parts of lots numbered 48, 31, and 47, even numbers 184-194 Sixth Street, odd numbers 271-299 Fifth Street.

8.0 Amend the Zoning Map of the City of Cambridge by rezoning from Office 3A to Special District II and PUD 3A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Doc Linsky Way (Munroe Street) and the centerline of Third Street as shown on Assessor's Plat numbered 15,

8.1 Proceeding in a southeasterly direction along the centerline of Doc Linsky Way to the intersection with the centerline of Second Street for a distance of approximately 740 feet,

8.2 Thence turning and proceeding in a southwesterly direction along the centerline of Second Street and the southwestern extension of the centerline of Second Street to the southern side lot line of lot numbered 21 on Assessor's Plat numbered 13 for a distance of approximately 740 feet,

8.3 Thence turning and proceeding in a northwesterly direction along the southern side lot line of lots numbered 21 on Assessor's Plat numbered 13 and lot numbered 40 on Assessor's Plat numbered 14 to the end of the Broad Canal as shown on Assessor's Plat numbered 14 for a distance of approximately 356 feet,

8.4 Thence turning and proceeding in a southwesterly direction along the southeastern side of the Broad Canal, the southwester side lot line of lot numbered 38 on Assessor's Plat numbered 14 for a distance of approximately 20 feet,

8.5 Thence turning and proceeding in a northwesterly direction along the southwestern side lot line of lot numbered 38 on Assessor's Plat numbered 14 to a point of intersection with the northeastern extension of the southeastern side lot line of lot numbered 34 on Assessor's Plat numbered 14 for a distance of approximately 174 feet,

8.6 Thence turning and proceeding in southwesterly direction along the northeastern extension of the southeastern side lot line of lot numbered 34 and the southeastern side lot line of lot numbered 34 and lot numbered 29 and the southeastern extension of the southeastern side lot line to the centerline of Main Street, for a distance of approximately 360 feet,

8.7 Thence turning and proceeding in a generally westerly direction along the centerline of Main Street to the centerline of Broadway to the southwestern extension of

the Pedestrian Way shown as lot numbered 93 on Assessor's Plat numbered 44, for a distance of approximately 1365 feet,

8.8 Thence turning and proceeding in a northeasterly direction along the centerline of the pedestrian way, lot numbered 93 on Assessor's Plat number 44, to the intersection with the centerline of Sixth Street and the northwestern extension of the southwestern side lot line of lot numbered 31 on Assessor's Plat numbered 29 for a distance of approximately 450 feet,

8.9 Thence turning and proceeding in a southeasterly direction along the northwestern extension of the southwestern side lot line of lot numbered 31 and the southwestern side lot line of lot numbered 31 on Assessor's Plat numbered 29 to the northwestern side lot line of lot numbered 47 on Assessor's Plat numbered 29, for a distance of approximately 248 feet,

8.10 Thence turning and proceeding in a southwesterly direction along the southwestern side lot line of lot numbered 31 on Assessor's Plat numbered 29 for a distance of approximately 50 feet,

8.11 Thence turning and proceeding in a southeasterly direction along the northeastern side lot line of lots numbered 39, 40, 38, and 35 and the southeastern extension of the northeastern side lot line of lot numbered 35 to the centerline of Third Street, for a distance of approximately 596 feet,

8.12 Thence turning and proceeding in a northeasterly direction along the centerline of Third Street to the centerline of Doc Linsky Way, the point of origin, for a distance of approximately 510 feet.

8.01 Premises as shown on Assessor's Plat numbered 29:

All or parts of lots numbered 45, 39, 40, 38, and 35, even numbers 349-363 Third Street.

8.02 Premises as shown on Assessor's Plat numbered 44:

All or parts of lots numbered 93, 89, 87, 88, and 71, odd number 367 Third Street, and odd numbers 13-97 Broadway.

8.03 Premises as shown on Assessor's Plat numbered 15:

All or parts of lots not numbered, even numbers 42-110 Doc Linsky Way, even numbers 302-316 Third Street, and

odd numbers 225-249 Second Street.

8.04 Premises as shown on Assessor's Plat numbered 14:

All or parts of lots numbered 39, 38, 40, 34, 29, 30, 26, and 31, even numbers 330-378 Third Street, 3-11 Broadway, and odd numbers 131-173 Main Street.

8.05 Premises as shown on Assessor's Plat numbered 13:

All or part of lot numbered 21, odd numbers 249-273 First Street.

9.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry B-1 to Special District IV an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Doc Linsky Way (Munroe Street) and the centerline of Third Street as shown on Assessor's Plat numbered 15,

9.1 Thence proceeding in a northeasterly direction along the centerline of Third Street to the centerline of Binney Street for a distance of approximately 270 feet,

9.2 Thence turning and proceeding in a southeasterly direction along the centerline of Binney Street to the centerline of Second Street for a distance of approximately 642 feet,

9.3 Thence turning and proceeding in a southwesterly direction along the centerline of Second Street to the centerline of Doc Linsky Way for a distance of approxaimately 200 feet,

9.4 Thence turning and proceeding in a northwestery direction along the centerline of Doc Linsky Way to the centerline of Third Street, the point of origin, for a distance of approximately 687 feet.

9.04 <u>Premises as shown on Assessor's Plat numbered 15:</u>

All or parts of lots numbered 9, 12, 19, 20, 15, 16, 17, and 11, even numbers 80-142 Binney Street, even numbers 286-300 Third Street, odd numbers 205-223 Second Street, and odd numbers 41-107 Doc Linsky Way.

10.0 Amend the Zoning Map of the City of Cambridge by rezoning from Office 3A to Special District IV and PUD 3B an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Doc Linsky Way (Munroe Street) and the centerline of Third Street as shown on Assessor's Plat numbered 29,

10.1 Thence proceeding in a southwesterly direction along the centerline of Third Street to the eastern extension of the northern side lot line of lot numbered 35 on Assessor's Plat numbered 29 for a distance of approximately 431 feet,

10.2 Thence turning and proceeding in a northwesterly direction along the eastern extension of the northern side lot line of lot numbered 35 and the northern side lot line of lots numbered 35, 38, 40, and 39 to the southern extension of the centerline of Fifth Street for a distance of approximately 348 feet,

10.3 Thence turning and proceeding in a northerly direction along the southern extension of the centerline of Fifth Street and the centerline of Fifth Street to the western extension of the centerline of Doc Linsky Way for a distance of approximately 350 feet,

10.4 Thence turning and proceeding in a southeasterly direction along the western extension of the cenerline of Doc Linsky Way and the cetnerline of Doc Linsky Way to the centerline of Third Street, the point of origin, for a distance of approximately 440 feet.

10.01 <u>Premises as shown on Assessor's Plat numbered 29:</u>

All or parts of lots numbered 44, 34, 42, 43, and 13, even numbers 112-154 Doc Linsky Way and odd numbers 303-343 Third Street,

11.0 Amend the Zoning Map of the City of Cambridge by creating the East Cambridge Overlay District in an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Second Street and the centerline of Spring Street as shown on Assessor's Plat numbered 18,

11.1 Proceeding in a southwesterly direction along the centerline of Spring Street and the southeastern extension of the centerline of Spring Street to the centerline of First Street for a distance of approximately 450 feet,

11.2 Thence turning and proceeding in a southwesterly direction along the centerline of First Street to the centerline of Binney Street for a distance of approximately 1,250 feet,

11.3 Thence turning and proceeding in a southeasterly direction along the centerline of Binney Street and the southeastern extension of the centerline of Binney Street to the centerline of Commercial Avenue for a distance of approximately 300 feet,

11.4 Thence turning and proceeding in a southwesterly direction along Commercial Avenue to the southeastern extension of the centerline of Doc Linsky Way (Munroe Street) for a distance of approximately 200 feet,

11.5 Thence turning and proceeding in a northwesterly along the southeastern extension of the centerline of Doc Linsky Way and the centerline of Doc Linsky Way to the centerline of Third Street for a distance of approximately 1,410 feet,

11.6 Thence turning and proceeding in a northeasterly direction along the centerline of Third Street to the centerline of Binney Street for a distance of approximately 260 feet,

11.7 Thence turning and proceeding in northwesterly direction along the centerline of Binney Street to the intersection of the Boston and Albany Railroad Tracks for a distance of approximately 2,085 feet,

11.8 Thence turning and proceeding in a northeasterly direction along the Boston and Albany Railroad Tracks to the western extension of the northern side lot line of lot numbered 99 on Assessor's Plat numbered 33 for a distance of approximately 1,280 feet,

11.9 Thence turning and proceeding in a southeasterly direction along the western extension of the northern side lot line and the northern side lot lines of lot

numbered 99 and lot numbered 88 and the eastern extension of the northern side lot line of lot numbered 88 on Assessor's Plat numbered 33 to the centerline of Fulkerson Street for a distance of approximately 265 feet,

11.11 Thence turning and proceeding in a southwesterly direction along the centerline of Fulkerson Street to the western extension of the centerline of Charles Street for a distance of approximately 435 feet,

11.12 Thence turning and proceeding in a southeasterly direction along the western extension of the centerline of Charles Street and the centerline of Charles Street to the intersection with the centerline of Sixth Street for a distance of approximately 570 feet,

11.13 Thence turning and proceeding in a southwesterly direction along the centerline of Sixth Street to the intersection with the centerline of Bent Street for a distance of approximately 250 feet,

11.14 Thence turning and proceeding in southeasterly direction along the centerline of Bent Street and the eastern extension of the centerline of Bent Street to the intersection with the centerline of Second Street for a distance of approximately 1,690 feet,

11.15 Thence turning and proceeding in a northeasterly direction along the centerline of Second Street to the intersection with the centerline of Spring Street, point of origin, for a distance of approximately 750 feet.

11.01 <u>Premises as shown on Assessor's Plat numbered 18:</u>

All or parts of lots numbered 68, 67, 69, 70, 66, 45, 62, 2, 61, 65, and 64, even numbers 78-96 Second Street, even numbers 2-20 Spring Street, odd numbers 1-49 Hurley Street, odd numbers 75-95 First Street.

11.02 <u>Premises as shown on Assessor's Plat numbered 11:</u>

All or parts of lots numbered 32, 29, 31, and 30, even numbers 184-192 First Street, even numbers 6-22 Binney Street, odd numbers 79-81 Commercial Avenue.

11.03 <u>Premises as shown on Assessor's Plat numbered 15:</u>

All or parts of lot numbered 21,even numbers 32-70 Binney Street, even numbers 204-222 Second Street, odd numbers 181-199 First Street, and odd numbers 1-39 Doc Linsky Way.

11.04 Premises as shown on Assessor's Plat numbered 16:

All lots, even numbers 240-280 Third Street, odd and even numbers 25-88 Rogers Street, odd numbers 33-143 Binney Street, odd and even numbers 167-203 Second Street, and odd numbers 141-179 First Street.

11.05 Premises as shown on Assessor's Plat numbered 27:

All or parts of lots numbered 93, 81, 78, 82, 76, 80, 79, 77, and 68, even numbers 160-264 Bent Street, even numbers 120-138 Sixth Street, odd and even numbers 194-217 Fifth Street, odd numbers 239-257 Third Street and odd numbers 119-149 Rogers Street.

11.06 Premises as shown on Assessor's Plat numbered 28:

All or parts of lots numbered 23, 22, 15, 33, 34, and 31, even numbers 126-150 Rogers Street, even numbers 140-158 Sixth Street, odd and even numbers 218-241 Fifth Street, odd numbers 259-279 Third Street, and odd numbers 153-251 Binney Street.

11.07 Premises as shown on Assessor's Plat numbered 31:

All lots, odd numbers 119-157 Sixth Street, odd and even numbers 175-192 Fulkerson Street, even numbers 272-522 Bent Street, odd and even Rogers Street, odd numbers 263-349 Binney Street.

11.08 Premises as shown on Assessor's Plat numbered 32:

All or parts of lots numbered 89, 51, 52, and 53, odd numbers 99-123 and odd and even numbers 123-145 Fulkerson Street, even numbers 252-320 Charles Street, odd numbers 271-321 Bent Street, odd numbers 101-117 Sixth Street.

11.09 Premises as shown on Assessor's Plat numbered 33:

All or parts of lots numbered 99, and 88, 81 Fulkerson Street.

11.001 Premises as shown on Assessor's Plat numbered 17:

All or parts of lots numbered 84, even numbers 234-238 Third Street, and odd numbers 155-165 Second Street.

B. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Section 11.400 East Cambridge Overlay Districts as follows:

11.400 East Cambridge Overlay Districts A - G

11.401 ESTABLISHMENT AND SCOPE There are hereby established the East Cambridge Overlay Districts A-G which shall be governed by the regulations and procedures specified in this Section 11.400. It is the intent of this section that these regulations shall apply to a single area described generally as the area abutting the East Cambridge residential neighborhood, the East Cambridge Riverfront and the Kendall Square Development Area.

11.402 GENERAL PURPOSE It is the purpose of this Section 11.400 to augment existing zoning regulations to respond to the unique problems and pressures affecting the area as pointed out in the East Cambridge Neighborhood Study, Fall 1988. The Overlay Districts are intended to promote development that is consistent with the goals and objectives of the East Cambridge Neighborhood Study and the work of the East Cambridge Rezoning Advisory Committee.

11.403 APPLICABILITY The East Cambridge Overlay Districts shall be Overlay Districts on the Zoning Map established by Section 3.20.

11.403.1 The use of land within said districts shall be controlled by the pertinent regulations in the base zoning districts except as modified by the requirements of this Section 11.400 which shall apply in addition to the regulations imposed by the base zoning map designation.

11.404 GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS

11.404.1 The East Cambridge Overlay Districts shall be considered areas of special planning concern. Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.404.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority shall be guided by the objectives and criteria contained in the publication East Cambridge Overlay Districts

Development Guidelines, Community Development Department, 1991, in addition to the requirements of Sections 10.30 (variances) and 10.40 (Special Permits) and this Section 11.400. These guidelines are also intended to assist in shaping any contemplated physical change within the East Cambridge Overlay Districts.

11.404.3 National Register and Contributing Buildings For the purpose of this Section 11.400 the following definitions shall apply:

a. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.

b. A contributing building shall be

(1) Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or

(2) A building located outside a National Register District but identified as a contributing building in the East Cambridge Overlay Districts Design Guidelines. However, a building shall no longer be considered a contributing building as defined in this Subsection 11.403 (b) for the purpose of this Section 11.400 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

11.404.4 East Cambridge Advisory Committee. There shall be established an East Cambridge Advisory Committee, with members appointed by the City Manager, which shall have the following duties, responsibilities, and membership.

a. Purpose. It is the intent of this Subsection 11.404.4 that the Committee in its official actions fulfill the following purposes.

(1) To establish a formal, ongoing body that will review all major development actions in the East Cambridge Overlay Districts.

(2) To provide a forum within which a wide range of perspectives on development actions can be heard.

(3) To establish a citizen/professional body which can advise both public agencies and private interests as to the development and urban design issues raised by a development or planning proposal and suggest avenues of research which might be pursued to resolve identified conflicts or make the project better fulfill both public and private objectives for the East Cambridge Overlay Districts.

b. Responsibilities. The Committee shall undertake all Large Project Reviews and shall receive all applications for variances and special permits for activities within East Cambridge Overlay Districts for review and comment. In addition, the Committee may comment on any preliminary proposal, for which any public agency or private interests may wish to receive advice and recommendations.

c. Procedures.

(1) Within the six (6) months preceding any application for (1) a building permit for any project subject to a Large Project Development Consultation Review or (2) a special permit or variance for any project within the East Cambridge Overlay Districts, the graphic and other material required in Section 11.45 - Large Project Submittal Requirements shall be submitted to the East Cambridge Advisory Committee for their review and comment.

(2) Within thirty (30) days of that submittal, (or within 60 days with the written consent of the applicant) the Committee shall prepare a written report of findings and recommendations with respect to the applicant's proposed project.

(3) The Committee's written report shall outline the urban design and development issues raised by the proposal. It shall suggest those areas within which additional exploration of alternatives might be sought or factual information gathered which might help to resolve potential conflicts between public and private objectives or which might help to shape the project to better serve these objectives.

(4) The report shall be forwarded to the applicant and shall be included in any application for a building permit, special permit or variance.

(5) It is expected that, in making decisions regarding special permits and variances within the Overlay Districts, the Planning Board and/or Board of Zoning Appeal will give due consideration to the report and recommendations of the advisory committee.

(6) The Community Development staff shall serve as staff to the Committee.

d. (1) Membership. Members in all categories shall be Cambridge residents or business persons or landowners within the Overlay Districts.

(a.) One member having recognized qualifications as architect or landscaped architect who shall also serve as chair of the Committee.

(b.) Three (3) members representing the business community in East Cambridge Overlay Districts.

(c.) Three (3) members representing residents of the East Cambridge neighborhood.

(2) Terms. Committee members shall be appointed for terms of three (3) years each.

11.405 DETAILED PROVISIONS APPLICABLE TO ALL DISTRICTS

11.405.1 Uses The buildings and land uses within the East Cambridge Overlay Districts shall be controlled by the pertinent regulations within the applicable base zoning district except that a parking lot or parking garage for private passenger cars, Section 4.32 b (automobile parking lot or parking garage for private passenger cars) is prohibited.

11.405.2 Off street parking and loading requirements shall be the same as specified in Article 6.000 for the applicable base zoning district except as provided below.

11.405.21 Minimum Parking Requirement The minimum parking requirements shall be one parking space for each two thousand (2,000) square feet of gross floor area for

defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of that portion of a lot abutting the street. Areas devoted to vehicular use are prohibited from this area with the exception of access drives located to provide the most direct access to parking facilities located elsewhere on the site. Said access drives shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage. Where a lot is bounded by more than one street, the provisions of this subsection 11.405.31 shall apply fully only to a single street, which street shall be the principal, major or most important street abutting the lot except as provided in Section 11.405.32 below. For all other streets the provisions of this subsection 11.405.31 shall apply only to the required front yard setback.

11.405.32 First Street, Binney Street, Third Street and Sixth Street shall always be considered principal streets. Any lot abutting one or more of these streets shall be required to conform to the setback restrictions which apply to principal streets for each one of these streets that the lot abuts.

11.405.4 Transfer of Development Rights Notwithstanding the limitations imposed by the definition of lot in Article 2.000 the Planning Board may allow by special permit the transfer of part or all of the permitted gross floor area on one lot (donating lot) to one or more other lots (receiving lots), all held in common ownership, anywhere within the East Cambridge Overlay Districts, without regard to the FAR limitations normally applicable to the receiving lot(s); all other dimensional limitations applicable to the receiving lot(s) shall continue to apply. An additional transfer of development potential may be permitted by Special Permit from the Planning Board between lots not held in common ownership, only for the purpose of construction of the residential development required to be built in order to secure a special permit for additional FAR as provided in Section 11.406.21; and further provided that the transfer may be permitted only if the total number of units or gross floor area on the receiving lot is increased by no more than ten (10) percent above that which would otherwise be permitted by the zoning applicable to the lot(s).

11.405.41 In granting a special permit under this Section 11.405.4 the Planning Board shall consider the following.

any use in the District, except that for residential uses, Section 4.31 a-h (Residential Uses), one parking space shall be required for each dwelling unit.

11.405.22 **Maximum Parking** The maximum parking permitted for uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h (Residential Uses), there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3; however the Board may permit the number of parking spaces to exceed the maximum allowed under this Section 11.405.2 provided the authorized number of parking spaces does not exceed that number which would be permitted on the lot if the maximum parking ratio were applied to the maximum gross floor area permitted on the lot, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

11.405.23 No special permit shall be issued in any East Cambridge Overlay District which permits the total number of parking spaces on a lot to exceed that permitted in this Section 11.405.22 for development authorized by the special permit plus any additional parking present on the site before the date of application, which parking is provided as legally established required accessory parking, not exceeding the minimum required in Article 6.000, at the time of the granting of the special permit in the applicable zoning district in Article 6.000 for uses not located on the lot,

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance with this subsection 11.405.22.

11.405.3 **Yard Requirements** A minimum five (5) foot front yard setback shall be required for all development in the Overlay Districts. Where a greater setback is required in the base district for the front yard, the greater setback shall be the required unless the Planning Board specifically waives the greater requirement by Special Permit. All other yard requirements shall be as required in the base district unless the Planning Board specifically waives the requirement by Special Permit.

11.405.31 **Restrictions in Required or Provided Front Yard Setbacks** That area between the principal front wall plane of a building and a public street, whether required or provided, shall be devoted to Green Area as

a. The transfer results in a superior site development, and

b. the density of development is reduced at locations close to the existing residential neighborhood, existing residential uses, public parks or architecturally or historically significant buildings.

c. A significant amount of publicly accessible open space is created.

d. Housing development is made more feasible through development of a critical mass of residential use.

e. Parking facilities are more logically located to reduce traffic impacts on residential streets, better designed, and/or generally less visually intrusive over a larger area than might otherwise be the case.

f. The transfer facilitates preservation of an architecturally or historically significant building or facilitates the creation of a lot suitable for residential use.

g. The transfer facilitates the creation or retention of light manufacturing space, particularly space suitable for start up or incubator enterprises.

h. The transfer assists in improving the visual appearance and/or operation of an existing industrial facility through renovations and site improvements.

i. Affordable housing units are created beyond that which would otherwise be required.

11.406 DETAILED PROVISIONS APPLICABLE TO INDIVIDUAL DISTRICTS

11.406.1 **Height Limitations.** The permitted height shall be increased or further restricted as detailed below; however, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) on all abutting streets. Any height exceeding forty-five (45) feet may be permitted only after issuance of a special permit from the Planning Board.

(a.) In District A the maximum height shall be sixty (60) feet except as further limited by heights illustrated in Figure I.

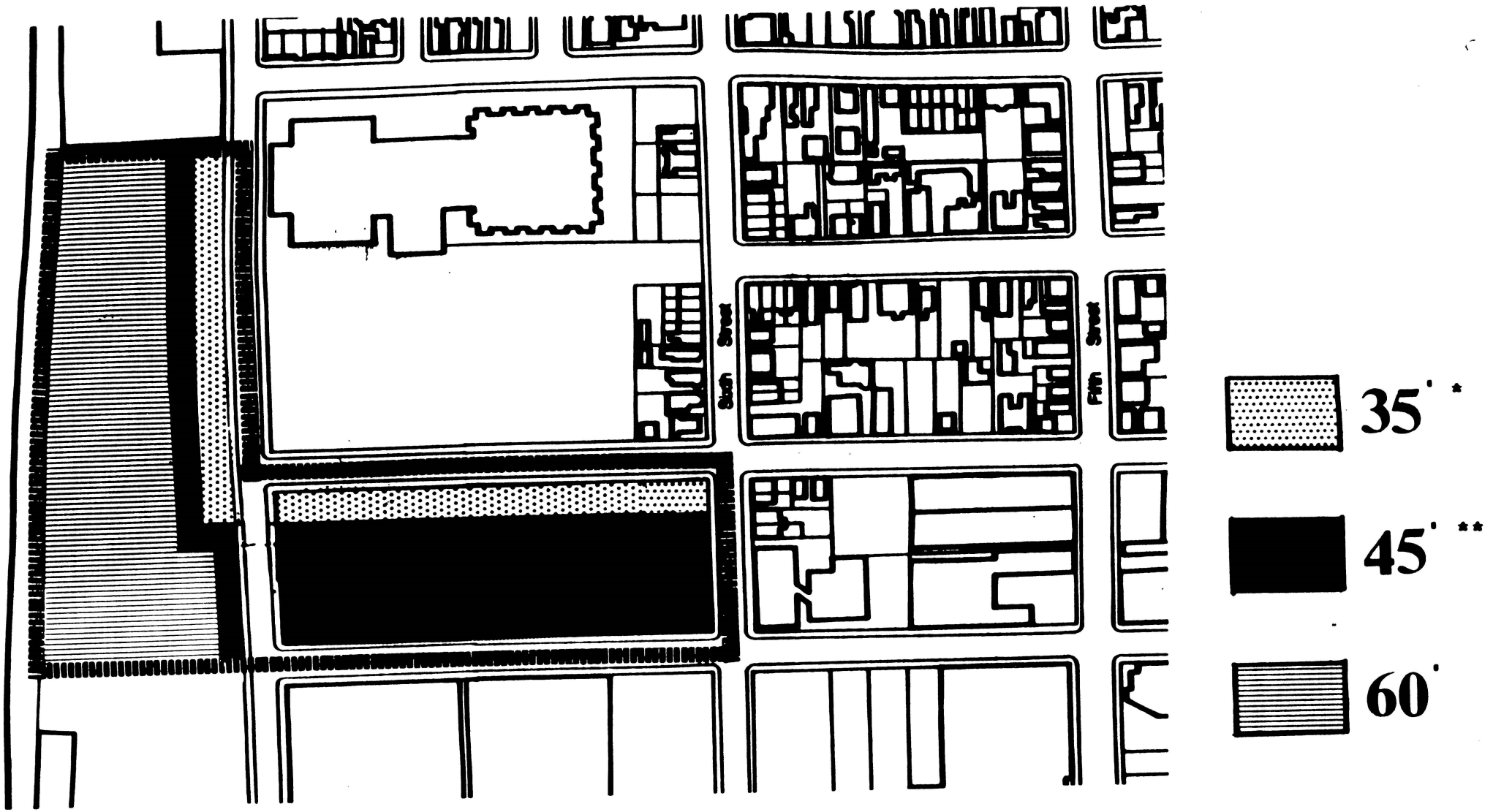


FIGURE I

MAXIMUM PERMITTED HEIGHTS - EAST CAMBRIDGE OVERLAY DISTRICT A

* 35 feet within 50 feet of abutting street line, as shown.

** West of Fulkerson Street, 45 feet within 20 feet of the street line and the 35 foot height limit line, as shown

(b.) In District B the maximum height shall be sixty (60) feet except that where the District abuts a Residence C-1 zoning district on Second Street, no building may exceed thirty-five (35) feet within fifty (50) feet of the street line, or forty-five (45) feet thereafter within seventy (70) feet of the street line.

(c.) In District C the maximum height shall be sixty (60) feet.

(d.) In District D the maximum height shall be seventy (70) feet.

(e.) In District E the maximum height shall be seventy (70) feet except that for those blocks lying between First Street and Second Street the maximum height shall be sixty (60) feet.

(f.) In District F the maximum height shall be seventy (70) feet.

(g.) In District G the maximum height shall be sixty (60) feet.

11.406.11 In granting a Special Permit for additional height the Planning Board shall consider the following.

a. A superior site development will result as indicated by

(1) more generous setbacks used to widen sidewalks or add street tree or other landscaping along public streets

(2) more varied forms of urban open space, including courtyards and plazas

(3) more sensitive relationship of building forms to the height and other characteristics of development on adjacent lots

(4) more rational arrangement of parking so as to reduce its negative impacts on adjacent properties and public streets

(5) greater solar access to building, and open space elements within the development and/or reduced shadow impacts on adjacent development

b. The site can accommodate transferred development potential achieving some of the benefits identified in Section 11.405.41.

c. Independent of any transfer of development potential some of the benefits identified in Section 11.405.41 are achieved.

11.406.2 Additional Gross Floor Area

11.406.21 By Special Permit from the Planning Board the permitted gross floor area may be increased as provided below.

(a.) In District A the maximum FAR shall be 1.25. All residential development authorized above the base .75 FAR shall be devoted exclusively to residential uses meeting the requirements detailed in Section 11.406.22.

(b.) In District B the maximum FAR shall be 1.75. However, for each two (2) square feet of development authorized above the base 1.0 FAR up to a maximum FAR limit of 1.5, one additional square foot of residential development excluding hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(c.) In District C the maximum FAR shall be 1.75. However, for each two (2) square feet of development authorized above the base 1.25 FAR up to a maximum FAR limit of 1.57, one additional square foot of residential development shall be required to be built meeting the requirements detailed in Section 11.406.22.

(d.) In District D the maximum FAR shall be 2.25. However, for each two (2) square feet of development authorized above a 1.5 FAR limit up to a maximum FAR limit of 2.0, one additional square foot of residential development shall be required to be built meeting the requirements detailed in Section 11.406.22.

(e.) In District E the maximum FAR shall be 2.0. However, for each two (2) square feet of development authorized above the base 1.25 FAR up to a maximum FAR limit of 1.75, one additional square foot of residential development shall be required to be built meeting the requirements detailed in Section 11.406.22.

(f.) In District F the maximum FAR shall be 2.25. However, for each two (2) square feet of development authorized above the base 1.5 FAR up to a maximum FAR limit of 2.0, one additional square foot of residential development excluding

hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(g.) In District G the maximum FAR shall be 2.25. However, all development authorized above the base 1.25 FAR shall be devoted exclusively to residential uses meeting the requirements detailed in Section 11.406.22.

11.406.22 Any development authorized by special permit in Section 11.406.21 above shall meet the following requirements.

(a.) The housing shall be constructed within any one of the East Cambridge Overlay Districts subject to the limitations of Section 11.405.4 above.

(b.) Construction of all required housing development shall be completed before issuance of any occupancy permit for development exceeding the FAR limit permitted in the base district or other limit as defined in Section 11.406.21 above.

However, in lieu of construction of the required housing, the housing obligation defined in Section 11.406.21 above may be met by one or a combination of the two alternate means outlined below.

NEW

(1.) Donation to the Affordable Housing Trust of the City of Cambridge of land upon which the required housing can be constructed, either within the proposed development or within the East Cambridge Overlay Districts as limited in paragraph (a.) above; or

(2.) For lots of 20,000 square feet or less, existing as a separate lot in separate ownership on or before January 1, 1991, a cash contribution to the Affordable Housing Trust in an amount equal to cost of acquisition of land necessary to construct the number of units required to be built (assuming 1,000 square feet of gross floor area per dwelling unit).

The value of the cash contribution shall be determined by the Planning Board after consultation with the Community Development Department, the City Assessor's Office, local neighborhood non-profit housing development agencies, and any documentation provided by the applicant and shall be an average cost of land acquisition in residentially zoned

NEW

neighborhoods in the eastern half of the city.

In accepting a donation of land, the Planning Board shall find that the housing site is suitable for construction of the housing required to be built and shall require that all permits necessary to permit the utilization of the site for housing are granted at the time of issuance of the special permit required by this Section 11.406.2. The Planning Board shall require the development of schematic architectural plans, at a minimum, for the housing site indicating the scale, density, height and massing of the structure(s) necessary to accommodate the required housing and indicating its relationship to existing development on adjacent sites or within the proposed development.

(c.) A minimum of seven and one half (7½) percent of the dwelling units required by such special permit shall be affordable housing units made available to Eligible Households as defined in Section 11.200 and shall conform to the Standards detailed in Section 11.200.

(d.) An additional seven and one half (7½) percent of the dwelling units authorized by such special permit shall be offered to the City of Cambridge at prevailing market rates for inclusion in any program available to and selected by the City for provisions of affordable housing. The offer shall be formally made to the City by the permittee only at such time as the specific size, location, finished details, and cost of each unit are known. Should the City fail to exercise its option within three (3) months the permittee is free to make the units available on the open market without further obligations to the City of Cambridge.

11.406.3 Residential Density The maximum residential density shall be increased to six hundred (600) square feet per dwelling unit for Districts A-F. The density shall be increased to three hundred (300) square feet per dwelling unit in District G.

11.406.4 Special Site Development Restrictions for lots in Districts B and E.

(a.) No above grade structured parking or loading facility or parking and loading facility located at grade beneath a building shall be permitted within thirty (30) feet of the First street streetline; or within thirty (30) feet of the

Second Street streetline where a residential zoning district abuts the Districts.

One parking space for each unit in a townhouse shall be exempt from the limitations of this paragraph provided the parking space is covered and enclosed.

(b.) For lots abutting First Street, building facades shall be designed to enhance the retail and pedestrian environment along the street. For lots abutting Second Street where Overlay District B abuts a Residence C-1 District, building facades shall be designed to be compatible with the residential uses located across the street. To that end the following shall be required in those circumstances.

NEW

(1) The principal pedestrian entrance to the building(s) shall face First Street where the lot abuts First Street or both First and Second Streets, and shall face Second Street where the lot only abuts Second Street.

(2) Where office and/or retail uses are accommodated on the ground floor, each separately leased space which abuts First and/or Second Streets shall have an individual public entrance onto that abutting street.

(3) Building facades facing First and Second Streets shall consist of a minimum of twenty-five percent (25%) fully transparent glass in total for the facade, which shall be increased to fifty percent (50%) on the ground floor where retail and office uses are established. The maximum amount of glass permitted in any form shall be seventy-five percent (75%) of the facade(s) facing First Street or Second Street.

(c.) Divergence from the standards specified in paragraphs a and b above may be allowed by the Planning Board after issuance of a special permit. The Board shall grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 11.406.4 than if the standards were inflexibly applied.

11.407 INCENTIVE ZONING PROVISIONS All nonresidential development authorized by Special Permit for additional FAR or for transfer of development rights shall be

subject to the incentive zoning requirements of Section 11.200. All or part of the obligation incurred under Section 11.203 may be used to meet the affordable housing requirements of Section 11.406.22.

11.408.1 TRAFFIC MITIGATION REQUIREMENTS A traffic mitigation plan shall be required as a condition of approval of any Special Permit for additional FAR as detailed in Article 18.000.

11.408.2 CONSTRUCTION MANAGEMENT PROGRAM The applicant shall submit a construction management program, detailing the construction period impacts and a program for their mitigation as detailed in Article 18.000.

11.409 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

a. The proposed development is consistent with the following goals and objectives:

- encourage mixed use development compatible with the residential neighborhood
- promote housing
- encourage development along First Street to relate to the East Cambridge Riverfront and with ground floor retail
- promote street and sidewalk improvements to create a unified image and improve the physical and visual environment
- promote strong visual and pedestrian connections between the residential neighborhood and Kendall Square and the Charles River
- establish strict traffic mitigation measures to minimize traffic impacts in the neighborhood
- encourage structured parking with access located to mitigate traffic impacts.

b. The development is consistent with the provisions of the East Cambridge Overlay Districts Guidelines

c. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

d. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

C. Amend the text of the Zoning Ordinance of the City of Cambridge by creating new sections 13.80 and 13.90, PUD 3A and PUD 3B as follows:

13.80 PUD-3A DISTRICT: DEVELOPMENT CONTROLS

13.81 PURPOSE A PUD-3A District is intended to provide for the creation of a quality mix of general and technical office uses and housing with supporting commercial activities. The district regulations are intended to encourage strong linkages between the district and the existing residential East Cambridge neighborhood, the new development at Kendall Square, and the East Cambridge riverfront. The development is encouraged to be so designed as to break down the scale of large parcels through the use of new public or private roads and ways to better reflect the scale of existing city blocks. The PUD-3A District is intended to promote development that is consistent with the goals and objectives of the East Cambridge Neighborhood Study, Fall 1988, and the work of the East Cambridge Rezoning Advisory Committee .

13.82 USES ALLOWED IN A PUD-3A DISTRICT The uses listed in Section 13.82, alone or in combination with each other, shall be allowed upon permission of the Planning Board.

13.82.1 Residential Uses

(1) Townhouse Development. Any special permit for townhouse development required by Section 11.10 shall be granted by the Planning Board within the scope of the planned unit development Special Permit.

(2) Multifamily dwellings.

(3) Hotels or Motels.

13.82.2 Transportation, Communication, Utility and Institutional Uses All uses listed in Sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district.

13.82.3 Office and Laboratory Uses All uses listed in Section 4.34.

13.82.4 Retail Business and Consumer Service Establishments

(1) Stationery and office supply store.

(2) Printing and reproduction service establishment, photography studio.

(3) Other store for retail sale of merchandise located in a structure primarily containing non-retail uses.

(4) Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.

(5) Restaurants or other eating and drinking establishments listed in subsection 4.35 e, f, g, o and r.

(6) Theater or hall for public gatherings.

(7) Bowling alley, skating rink, tennis center or other commercial recreation establishments.

(8) Manufacturing, processing, assembly and/or packaging of articles and products listed as Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

13.82.5 Other Uses Any use not listed in subsections 13.82.1 - 13.82.4 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-3A District and is necessary to support the predominant uses in the district.

13.83 DISTRICT DIMENSIONAL REGULATIONS

13.83.1 FAR The maximum ratio of floor area to the total area of the development parcel shall be 2.0 except as permitted below.

(1.) The maximum FAR may be increased to 2.75 provided the following conditions are met:

a. For each two square feet of development authorized above the 2.00 FAR, up to a maximum FAR limit of 2.5, one additional square foot of residential development, excluding hotels and motels, shall be required to be built which meets the following requirements

1. The housing shall be constructed within the PUD 3A or PUD 3B Districts except as permitted in paragraph 5 below.

2. Construction of all required residential development shall have been completed before issuance of any final certificate of

occupancy permit for development exceeding a 2.00 FAR limit.

NEW

However, in lieu of construction of the required housing, the housing obligation defined in this Section 13.83.1 above may be met by donation to the Affordable Housing Trust of the City of Cambridge of land upon which the required housing can be constructed, either within the proposed development or within the East Cambridge Overlay Districts as limited in paragraph 5 below.

In accepting a donation of land the Planning Board shall find that the housing site is suitable for construction of the housing required to be built and shall require that all permits necessary to permit the utilization of the site for housing are granted at the time of issuance of the special permit required by this Section 13.83.1. The Planning Board shall require the development of schematic architectural plans, at a minimum, for the housing site indicating the scale, density, height and massing of the structure(s) necessary to accommodate the required housing and indicating its relationship to existing development on adjacent sites or within the proposed development.

3. A minimum of seven and one half (7½) percent of the dwelling units required by such special permit shall be affordable housing units made available to Eligible Households as defined in Section 11.200 and shall conform to the Standards detailed in Section 11.200.

4. An additional seven and one half (7½) percent of the dwelling units authorized by such special permit shall be offered to the City of Cambridge at prevailing market rates for inclusion in any program available to and selected by the City for provision of affordable housing. The offer shall be formally made to the City by the permittee only at such time as the specific size, location, finished details and cost of each unit are known. Should the City fail to exercise its option within three (3) months

the permittee is free to make the units available on the open market without any further obligations to the City of Cambridge.

5. The residential development requirement of this Section 13.83.1 may be met at any location within the East Cambridge Overlay Districts provided the residential development consists of new construction, is equal in total gross floor area to that required to be constructed, and is permitted within the limits of the zoning applicable to the residential development site. The additional residential gross floor area permitted in the PUD 3A District may not be transferred to any lot in the East Cambridge Overlay Districts.

6. All lots and construction thereon, necessary to fulfill the requirements of this Section 13.83.1, shall be subject to approval by the Planning Board as part of the PUD Special Permit.

13.83.2 Development Parcel, Lot size The minimum size of the development parcel for a PUD shall be four (4) acres. A development parcel within the PUD-3A may contain noncontiguous lots elsewhere in this PUD District or within a contiguous PUD District. There shall be no specified minimum lot size for lots located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.83.3 Residential Density For the purpose of computing residential density, the minimum land area for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire development parcel.

13.83.4 Lot width, Setback There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. In general there shall be no minimum required front, rear and side yard requirements for lots located within a development parcel or side and rear yards for the development parcel itself. However, setbacks from the streets abutting the development parcel, including the Sixth Street Pedestrian Way, are expected to follow the recommendations of the <u>East Cambridge Overlay Districts Design Guidelines;</u> at such locations a five (5) foot minimum front yard setback shall be required; at Third Street additional setbacks may be imposed to permit widening of the street to accommodate possible widening to facilitate the extension of the median or to

continue the Parkway character of the street as already established. Additional setbacks may be appropriate along the Sixth Street Pedestrian Way to enhance its open space character. In all cases the Planning Board shall approve all such building setbacks. Any buildings on a parcel abutting the Broad Canal shall be setback or so designed as to provide a pedestrian pathway along the canal's edge. For the purposes of this PUD 3A District the Sixth Street Pedestrian Way, lot numbered 93 on Assessor's Plat numbered 44, the southern extension of Sixth Street from Binney Street to Broadway, shall be considered a street.

13.83.5 Height The maximum height of any building shall be two hundred and thirty (230) feet, except as limited in paragraph 1 below.

1. The Planning Board shall not approve any Final Development Plan in which twenty-five (25) percent or more of the land area of the development parcel is covered with such buildings or parts of buildings, not exempted by Section 5.23, in excess of eighty-five (85) feet in height, or in which ten (10) percent or more of the land area of the development parcel is covered with such buildings or parts thereof in excess of one hundred and twenty (120) feet in height but no more than two hundred and thirty (230) feet. Notwithstanding the foregoing any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets and the Sixth Street Pedestrian Way.

2. In evaluating a Development Proposal providing building heights in excess of eighty-five (85) feet, the Planning Board shall give consideration to evidence presented on the following:

   (a) that increased height will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity or major public open space to a significantly greater extent than if the building height did not exceed eighty-five (85) feet;

   (b) that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space and monotonous development provided, however, that the additional height would not so concentrate development as to prevent the allocation of building mass at lower levels necessary to create a well defined, pedestrian oriented, urban district;

(c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristics of the particular location through more harmonious relationships to the terrain and to proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building as well as the urban design objectives as outlined in the East Cambridge Overlay Districts Design Guidelines;

(d) that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and

(e) that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the development parcel.

13.84 OPEN SPACE The minimum ratio of open space to the total area of the development parcel as defined in Article 2.000 and Section 5.22 shall be twenty-five (25) percent. At a minimum there shall be a contiguous parcel of open space at grade consisting of at least twenty-five thousand (25,000) square feet to be used as a publicly accessible park or seven (7) percent of the development parcel, whichever is less.

13.84.2 Open space shall include parks, plazas, landscaped areas open to the sky; playgrounds; balconies; and pedestrian ways such as bridges, decks, arcades, loggias, and galleries as permitted by the Planning Board. It is intended that the open space provided should serve a variety of purposes and clientele including the general public and visitors to the development as well as residents and employees exclusively.

In addition the Board may permit the following, not generally considered open space, to be included in that area required to meet the minimum open space requirement provided they advance the objectives of the District and the East Cambridge Overlay Districts Design Guidelines: land area reserved for and proposed to be transferred to the City for the widening of public streets; building setbacks from public streets greater than five (5) feet which enhance the parkway like character of those streets; newly created internal private streets and their adjacent curbside parking and sidewalks.

In accepting as open space, facilities which would not otherwise be considered useable open space as defined in this Ordinance, the Board shall specifically find that such facilities provide benefits comparable to those provided by traditional open space: the provision of light and air; the opportunity to provide pleasant and accessible places for people to meet and congregate; opportunities for increased landscaping; enhancement of the pedestrian environment throughout the development; enhancement of the visual, pedestrian, and vehicular connections to the larger East Cambridge Street grid; increased diversity of public spaces: open and enclosed, all weather and seasonal; and particularly with streets and ways, the creation of a system of paths which define an urban pedestrian environment well connected visually and functionally to the older surrounding neighborhood, which integrates new building logically to the traditional pattern of development in the City, and which provides a site development which is welcoming and accessible to the general public. In considering the acceptance of such nontraditional open space the Planning Board may consider the extent to which the proposed facilities will be available to and desired by the general public.

13.85 PERIMETER AND TRANSITION Any part of the perimeter of a PUD which fronts on an existing street or public open space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Development in the PUD-3A District, should provide an integrated pedestrian circulation system with particularly strong linkages between the residential neighborhood, riverfront, and Kendall Square. Further connections to abutting districts should be achieved through the incorporation of private streets which connect to and extend the network of adjacent public and private streets.

13.86 PARKING AND LOADING REQUIREMENTS Development in the PUD-3A District shall conform to the Parking and Loading Requirements set forth in Article 6.000 for uses in Residence C-3, Business B, Office 3 and Industry B Districts, except as modified by this Section 13.86.

13.86.1 Minimum Parking Requirement The minimum parking requirement shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

13.86.2 **Maximum Parking** The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3; however, the Board may permit the number of parking spaces to exceed the maximum allowed under this Section 13.86 provided the authorized number of parking spaces does not exceed that number which would be permitted within the development parcel if the maximum parking ratio were applied to the maximum gross floor area permitted on the development parcel, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

13.86.3 No special permit shall be issued in a PUD 3A District which permits the total number of parking spaces on the development parcel to exceed that permitted in this Section 13.86 for development authorized by the special permit plus any additional parking present on the site before the date of application, which parking is provided as legally established required accessory parking, not exceeding the minimum required in Article 6.000 at the time of the granting of the special permit in the applicable zoning district for uses not located within the development parcel.

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved PUD Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance with this subsection 13.86.3.

13.87 INCENTIVE ZONING REQUIREMENT All nonresidential development authorized shall be subject to the incentive zoning requirements of Section 11.200. All or part of the obligation incurred under Section 11.203 may be used to meet the affordable housing requirements of Section 13.83.1.1.a(3).

13.88.1 TRAFFIC MITIGATION REQUIREMENTS A traffic mitigation plan shall be required as a condition of approval of any Final Development Plan in the PUD 3A District as outlined in Article 18.000.

13.88.2 CONSTRUCTION MANAGEMENT PROGRAM The applicant shall submit a construction management program, detailing the construction period impacts and a program for their mitigation as outlined in Article 18.000.

13.89 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

a. The proposed development is consistent with the following goals and objectives:

- encourage responsible and orderly development;
- promote housing;
- improve the transition from the existing residential neighborhood to the East Cambridge Riverfront and the Kendall Square development;
- create a unified image through setbacks and cornice lines, improve the physical and visual environment;
- develop additional open space;
- promote strong visual and pedestrian connections between the residential neighborhood and Kendall Square and the Charles River which include street and sidewalk improvements;
- encourage development along Third Street to relate to the East Cambridge Riverfront and strongly encourage ground floor retail;
- establish strict traffic mitigation measures to minimize traffic impacts in the neighborhood;
- encourage structured parking with access located to mitigate traffic impacts.

b. The development is consistent with the provisions of the East Cambridge Overlay Districts Guidelines

c. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

d. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

13.90 PUD-3B DISTRICT: DEVELOPMENT CONTROLS

PURPOSE A PUD-3B District is intended to encourage residential development with a strong affordable component throughout much of its area should the land currently owned by the United States Government and encompassed by the District be transferred to private ownership and therefore become subject to the zoning authority of the City of Cambridge. However as the Volpe National Transportation Systems Center, current federal custodian of the land within the District, may choose to expand its operations in its Kendall Square location, in which case a housing component of development would not be appropriate, the District regulations are then intended only to provide a guide to the desirable scale and form of development that expansion might take. The transportation center has proved to be an important resource to the City of Cambridge, and while its expansion would not provide housing benefits, it could certainly provide an enhanced urban environment consistent to the extent practicable with the development objectives of this PUD 3B and the East Cambridge Overlay Districts Development Guidelines. Development in the District should provide strong pedestrian connections between the East Cambridge residential neighborhood and Kendall Square. The development should provide a transition in scale between the existing East Cambridge residential and industrial neighborhood on one side and the new development in Kendall Square and the adjacent development in the PUD 3A District. The PUD 3B District is intended to promote development that is consistent with the goals and objectives of the East Cambridge Neighborhood Study, Fall 1988, and the work of the East Cambridge Rezoning Advisory Committee.

13.92 USES ALLOWED IN A PUD-3B DISTRICT The uses listed in Section 13.92, alone or in combination with each other, shall be allowed upon permission of the Planning Board as described and limited below.

13.92.1 Residential Uses

The following residential uses shall be permitted throughout the PUD 3B District:

(1) Townhouse Development Any special permits for parking arrangements for townhouse development required by Section 11.10 shall be granted by the Planning Board in a planned unit development in a PUD-3B District.

(2) Multifamily dwellings.

13.92.2 Other Residential and Non-Residential Uses

The following residential and nonresidential uses shall be permitted in that portion of the PUD 3B District having a Special District IV base district.

(1) Hotels and motels.

(2) Transportation, Communication, Utility and Institutional Uses All uses listed in Sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district.

(3) Office and Laboratory Uses All uses listed in Section 4.34.

(4) Retail Business and Consumer Service Establishments

(a) Stationery and office supply store.

(b) Printing and reproduction service establishment, photography studio.

(c) Other store for retail sale of merchandise located in a structure primarily containing non-retail uses.

(d) Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.

(e) Restaurants or other eating and drinking establishments listed in subsection 4.35 e, f, g, o, and r.

(f) Theater or hall for public gatherings.

(g) Bowling alley, skating rink, tennis center or other commercial recreation establishments.

(h) Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

13.92.3 Other Uses Any use not listed in subsections 13.92.1 - 13.92.2 or which is limited as to location within the PUD 3B District shall be allowed or allowed elsewhere within the District only upon written determination by

the Planning Board that such use is consistent with the objectives of the PUD-3B District and is necessary to support the predominant uses in the district or portions of the District.

13.93 DISTRICT DIMENSIONAL REGULATIONS

13.93.1 FAR The maximum ratio of floor area to the total area of the development parcel shall be 2.25 subject to the limitations detailed below.

1. For each two square feet of development authorized above the base 1.5 FAR, up to a maximum FAR limit of 2.0, one additional square foot of residential development, excluding hotels and motels, shall be required to be built meeting the following requirements:

   (a) The housing shall be constructed within the PUD 3B District area or the adjacent PUD 3A district.

   (b) Construction of all required housing development shall have been completed before issuance of any certificate of occupancy permit for development exceeding the 1.5 FAR limit.

NEW

However, in lieu of construction of the required housing, the housing obligation defined in this Section 13.93.1 above may be met by donation to the Affordable Housing Trust of the City of Cambridge of land upon which the required housing can be constructed, either within the proposed development or within the East Cambridge Overlay Districts as limited in paragraph (e) below. In accepting a donation of land the Planning Board shall find that the housing site is suitable for construction of the housing required to be built and shall require that all permits necessary to permit the utilization of the site for housing are granted at the time of issuance of the special permit required by this Section 13.93.1. The Planning Board shall require the development of schematic architectural plans, at a minimum, for the housing site indicating the scale, density, height and massing of the structure(s) necessary to accommodate the required housing and indicating its relationship to existing development on adjacent sites or within the proposed development.

(c) A minimum of seven and one half (7½) percent of the dwelling units required by such special permit shall be affordable housing units made available to Eligible Households as defined in Section 11.200 and shall conform to the Standards detailed in Section 11.200.

(d) An additional seven and one half (7½) percent of the dwelling units authorized by such special permit shall be offered to the City of Cambridge at prevailing market rates for inclusion in any program available to and selected by the City for provisions of affordable housing. The offer shall be formally made to City the by the permittee only at such time as specific size, location, finished details, and cost of each unit are known. Should the City fail to exercise its option within three (3) months the permittee is free to make the units available on the open market without any further obligations to the City of Cambridge.

(e) The residential development requirement of this Section 13.93.1 may be met at any location within the East Cambridge Overlay Districts provided the residential development consists of new construction or conversion of a nonresidential structure to residential use, is equal in total gross floor area to that required to be constructed, and is permitted within the limits of the zoning applicable to the residential development site. The additional residential gross floor area permitted in the PUD 3B District may not be transferred to any lot in the East Cambridge Overlay Districts.

(f) All lots and construction thereon, necessary to fulfill the requirements of this Section 13.93.1, shall be subject to approval by the Planning Board as part of the PUD Special Permit.

2. Nothing in this Section 13.93.1, however, shall prohibit any or all FAR authorized for nonresidential uses to be devoted to residential uses.

3. Limitations on Use and Distribution of Allowable FAR. For that portion of a PUD Development Parcel

lying within the Special District III base District, the following use and FAR limitations shall apply.

(a) The density of development shall at no time exceed an FAR of 1.5.

(b) All development shall consist exclusively of residential uses as permitted in Section 13.92.1 above and such Institutional Uses, Section 4.33 as would customarily be associated with or subsidiary to elderly oriented or elderly oriented congregate housing in a continuing care or similar facility.

(c) Only that portion of development allowed which exceeds an FAR of 1.4 may be used for nonresidential uses permitted in Sections 13.92.2 and 13.92.3 above and/or transferred to development parcels or portions of development parcels not located within the Special District III area.

(d) The transfer of development potential permitted in subparagraph (c) above shall be permitted provided the approved Final Development Plan provides for:

1. the construction of housing within the Special District III portion of the Development Parcel in an amount equal to at least eighty (80) percent of the maximum density permitted (i.e. a minimum 1.2 FAR).

2. the issuance of a certificate of occupancy for the housing on or before issuance of any permanent certificate of occupancy for any authorized nonresidential development exceeding the 1.5 FAR base district limitation.

3. all housing shall be subject to the affordability requirements of Section 13.93.1(1)(e).

13.93.2 Development Parcel, Lot Size The minimum size of the development parcel for the PUD shall be two (2) acres. A development parcel within the PUD-3B District may contain noncontiguous lots elsewhere in this PUD District or within the contiguous PUD 3A District. There shall be no specified minimum lot size for lots

located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.93.3 Residential Density For the purpose of computing residential density, the minimum land area for each dwelling unit shall be 600 square feet. Residential density shall be computed based on the entire development parcel.

13.93.4 Lot Width, Setback There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. In general there shall be no minimum required front, rear and side yard requirements for lots located within a development parcel or side and rear yards for the development parcel itself. However, setbacks from the streets abutting the development parcel, including the Sixth Street Pedestrian Way, are expected to follow the recommendations of the East Cambridge Overlay Districts Design Guidelines; at such locations a five (5) foot minimum front yard setback shall be required; additional setbacks may be imposed as along the Sixth Street Pedestrian Way or Third Street to enhance the desired open space or parkway character. In all cases the Planning Board shall approve all such building setbacks. For the purpose of the PUD 3B District the Sixth Street Pedestrian Way, lot numbered 93 on Assessor's Plat numbered 44, the southern extension of Sixth Street from Binney Street to Broadway, shall be considered a street.

13.93.5 Height The maximum height of any building shall be one hundred and twenty (120) feet, except that for that area lying between Binney Street and the center line of Doc Linsky Way and its westerly extension, the maximum height shall be seventy (70) feet. The height provisions of the base districts for portions of buildings exceeding forty-five (45) feet in height shall, however, continue to apply. Heights in excess of seventy (70) feet shall be evaluated as required in Section 13.83.5,2.

13.94 OPEN SPACE The minimum ratio of open space to the total area of the development parcel as defined in Article 2.000 and Section 5.22 shall be twenty-five (25) percent. The provisions of Section 13.84.2 shall apply in this PUD 3B District.

13.95 PERIMETER AND TRANSITION Any part of the perimeter of a PUD which fronts on an existing street or public open space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and

screening. Development in the PUD-3B District, should provide integrated pedestrian circulation systems, providing particularly strong linkages between the residential neighborhood, riverfront, and Kendall Square.

13.96 PARKING AND LOADING REQUIREMENTS Development in the PUD-3B District shall conform to the Off Street Parking and Loading Requirements set forth in Article 6.000 for uses in Residence C-3, Business B, Office 3 and Industry B Districts, except as modified by this Section 13.96.1.

13.96.1 Minimum Parking Requirement The minimum parking requirement shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

13.96.2 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3; however the Board may permit the number of parking spaces to exceed the maximum allowed under this Section 13.96 provided the authorized number of parking spaces does not exceed that number which would be permitted within the development parcel if the maximum parking ratio were applied to the maximum gross floor area permitted on the development parcel, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

13.96.3 No special permit shall be issued in a PUD 3B District which permits the total number of parking spaces on the development parcel to exceed that permitted in this Section 13.96 for development authorized by the special permit plus any additional parking present on the site before the date of application, which parking is provided as legally established required accessory parking not exceeding the minimum required in Article 6.000 at the time of the granting of the special permit in the applicable zoning district for uses not located within the development parcel.

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved PUD Special Permit shall

provide integrated pedestrian circulation systems, providing particularly strong linkages between the residential neighborhood, riverfront, and Kendall Square.

13.96 PARKING AND LOADING REQUIREMENTS Development in the PUD-3B District shall conform to the Off Street Parking and Loading Requirements set forth in Article 6.000 for uses in Residence C-3, Business B, Office 3 and Industry B Districts, except as modified by this Section 13.96.1.

13.96.1 Minimum Parking Requirement The minimum parking requirement shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

13.96.2 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3; however the Board may permit the number of parking spaces to exceed the maximum allowed under this Section 13.96 provided the authorized number of parking spaces does not exceed that number which would be permitted within the development parcel if the maximum parking ratio were applied to the maximum gross floor area permitted on the development parcel, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

13.96.3 No special permit shall be issued in a PUD 3B District which permits the total number of parking spaces on the development parcel to exceed that permitted in this Section 13.96 for development authorized by the special permit plus any additional parking present on the site before the date of application, which parking is provided as legally established required accessory parking not exceeding the minimum required in Article 6.000 at the time of the granting of the special permit in the applicable zoning district for uses not located within the development parcel.

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved PUD Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance with this subsection 13.96.3.

provide a schedule by which the parking on the development parcel shall be brought into compliance with this subsection 13.96.3.

13.97 INCENTIVE ZONING REQUIREMENT All nonresidential development authorized shall be subject to the incentive zoning requirements of Section 11.200. All or part of the obligation incurred under Section 11.203 may be used to meet the affordable housing requirements of Section 11.93.1.1.c.

13.98.1 TRAFFIC MITIGATION REQUIREMENT A traffic mitigation plan shall be required as a condition of approval of any Final Development Plan in the PUD 3B District as outlined in Article 18.000.

13.98.2 CONSTRUCTION MANAGEMENT PROGRAM The applicant shall submit a construction management program, detailing the construction period impacts and a program for their mitigation as outlined in Article 18.000.

13.99 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

a. The proposed development is consistent with the following goals and objectives:

- encourage mixed use development compatible with the residential neighborhood
- promote housing
- promote street and sidewalk improvements to create a unified image and improve the physical and visual environment
- promote strong visual and pedestrian connections between the residential neighborhood and Kendall Square and the Charles River
- establish strict traffic mitigation measures to minimize traffic impacts in the neighborhood
- encourage structured parking with access located to mitigate traffic impacts.

b. The development is consistent with the provisions of the East Cambridge Overlay Districts Guidelines

c. No National Register or contributing building is demolished or so altered as to terminate or

preclude its designation as a National Register or contributing building; and

d. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

D. Amend the Text of the Zoning Ordinance of the City of Cambridge by creating new Sections 17.20, 17.30, and 17.40 - Special Districts as follows:

17.20 Special District II

17.30 Special District III

17.40 Special District IV

17.20 Special District II

17.21 SCOPE This Section 17.20 regulates development within the Special District II as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.20, all requirements of and regulations applicable to the Office 2 District shall apply equally to the Special District II.

17.22 PERMITTED USES Uses permitted in the Office 2 District shall be equally allowed in the Special District II with the exception of the following:

a. The following additional uses shall be permitted: Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a (Assembly or packaging or articles), and Section 4.37 b 4,5,9 (Electrical, electronic and communication instruments; Engineering, laboratory and scientific instruments, temperature controls; and Medical and dental instruments and supplies, optical instruments and lenses) provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

b. The following uses shall be prohibited: Parking lot or parking garage for private passenger cars, Section 4.32 b (Automobile parking lot or parking garage for private passenger cars).

17.23 DIMENSIONAL REGULATIONS The following Dimensional Regulations will apply to all development proposals within the District.

17.23.1 Maximum FAR The FAR for any lot shall not exceed 1.75.

17.23.2 Building Height Limitations The maximum height permitted in the district for all uses shall be eighty-five (85) feet. However, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets and the Sixth

Street Pedestrian Way also known as lot numbered 93 on Assessor's Plat numbered 44.

17.24 OFF STREET PARKING AND LOADING REQUIREMENT

17.24.1 Off street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.24.2 Minimum Parking Requirement The minimum parking requirement shall be one parking space for each two thousand (2,000) square feet of gross floor area except that for residential uses, Section 4.31 a-h (Residential Uses), one parking space shall be required for each dwelling unit.

17.24.3 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3.

17.30 Special District III

17.31 SCOPE This Section 17.30 regulates development within the Special District III as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.30, all requirements of and regulations applicable to the Residence C-2 District shall apply equally to the Special District III. The regulations of this special District III shall apply should the land currently owned by the United States government and encompassed by the District be transferred to private ownership and therefore become subject to the zoning authority of the City of Cambridge. However as the Volpe National Transportation Systems Center, current federal custodian of the land within the District, may choose to expand its operations in its Kendall Square location, in which case a housing component of development would not be appropriate, the District regulations are then intended only to provide a guide to the desirable scale and form of development that expansion might take. The transportation center has proved to be an important resource to the City of Cambridge, and while its expansion would not provide housing benefits, it could certainly provide an enhanced urban environment consistent to the extent practicable with the development objectives of this Special District III and the East Cambridge Overlay Districts Development Guidelines.

17.32 PERMITTED USES Uses permitted in the Residence C-2 District shall be equally allowed in the Special District III with the exception of the following:

a. The following uses shall be prohibited:

(1) Parking lot or parking garage for private passenger cars, Section 4.32 b.

(2) Hotel and Motel uses, Section 4.31 i (2).

17.33 DIMENSIONAL REGULATIONS

17.33.1 Maximum FAR The FAR for any lot in the district shall not exceed 1.5.

17.33.2 Building Height Limitations The maximum height permitted in the district for all uses shall be seventy (70) feet. However, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets and the Sixth Street Pedestrian Way also known as lot numbered 93 on Assessor's Plat numbered 44.

17.40 Special District IV

17.41 SCOPE This Section 17.40 regulates development within the Special District IV as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.40, all requirements of and regulations applicable to the Office 2 District shall apply equally to the Special District IV.

17.42 PERMITTED USES Uses permitted in the Office 2 District shall be equally allowed in the Special District IV with the exception of the following:

a. The following additional uses shall be permitted: Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

b. The following uses shall be prohibited: Parking lot or parking garage for private passenger cars, Section 4.32 b.

17.43 DIMENSIONAL REGULATIONS The following Dimensional Regulations shall apply to all development proposals within the district.

17.43.1 Maximum FAR The FAR for any lot in the district shall not exceed 1.5.

17.43.2 Building Height Limitations The maximum height permitted in the district for all uses shall be seventy (70) feet. However, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets.

17.44 OFF STREET PARKING AND LOADING REQUIREMENTS

17.44.1 Off street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.44.2 Minimum Parking Requirement The minimum parking requirement shall be one space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

17.44.3 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

E. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Article 18.000 as follows:

18.10 Traffic Mitigation Requirements
18.20 Construction Management Program

18.10 Traffic Mitigation Requirements Where a Traffic Mitigation Plan is required as a condition of approval of any special permit the plan shall be submitted to the special permit granting authority for review and approval, at a time and in a manner set forth by the special permit granting authority in its Decision. Upon approval of the plan the permittee shall be obligated to thereafter implement the provisions of the plan for as long as the special permit is in force and effect. In developing the plan the permittee shall consider and adopt as appropriate but shall not be limited to the following traffic mitigation techniques:

(1) Join and participate in a Landowners' Transportation Management Association if in operation, and ensure that the following traffic mitigation measures are implemented, maintained and monitored. If such an operation is not in effect, then reasonable efforts shall be undertaken to form such an organization.

(2) Promote the use of public transportation by providing up to date maps, schedules and transit information, establishing an MBTA Pass sales office, educating and strongly encouraging or requiring all tenants to subsidize employee "T" Passes, and making reference to transit facilities and proximity in marketing and advertising materials.

(3) Operate the computer based ride sharing program RideSource from CARAVAN for Commuters, Inc., collect and disseminate ride sharing information, and share information with other tenants, organizations and companies where applicable.

(4) Encourage staggered or flexible work hours for employees of all tenants through the provisions of utilities and open parking facilities during off peak hours and other appropriate means.

(5) Establish parking management techniques such as providing preferential parking spaces and reduced rates for van pools and car pools, and encouraging short term parking when possible.

(6) Consider joint use of parking facilities to maximize effectiveness of parking management programs.

(7) Operate a shuttle system or join with and expanding an existing system, e.g. CambridgeSide Galleria, to serve tenants and make public transit more accessible.

(8) Provide sufficient covered and secure bicycle racks.

(9) Consider cooperating to provide innovative tenant services, such as day care, courier and copy services, shower and locker room facilities, and shuttles to airports.

(10) Work with the Commuter Mobility Manager of the City of Cambridge to facilitate implementation of this traffic mitigation program.

(11) Require that all conditions of an approved plan be made a condition of tenant leases as applicable or appropriate.

18.20 Construction Management Program Where a construction management program is required as a condition of approval of any special permit the applicant shall submit such a program, detailing the construction period impacts anticipated and a program for mitigation of those impacts. The permittee shall be obligated to thereafter implement the provisions of the Plan until a certificate of occupancy has been issued for all development authorized by the Permit. This program will include but not be limited to the following:

- Restricting contractor and supplier site access to designated roadways;

- Identify construction worker parking areas at sufficient capacity to prevent on street parking. Include a shuttle bus system if needed;

- Designating locations for storing construction equipment and materials;

- Developing a construction plan which will ensure minimum disruption to street and pedestrian flow and safety; and

- Posting of a bond or other surety to ensure the repair of all damage to public property resulting from construction of the project.

F. In Section 10.48 and 11.202 add the following after the last line in the list.

Section 11.405.4	Transfer of Development Rights, East Cambridge Overlay Districts
Section 11.406.21	Additional Gross Floor area, East Cambridge Overlay Districts

G. In Article 3.000, Section 3.15, delete all reference to the East Cambridge Interim Planning Overlay District.

8.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

April 8, 1991

To The Honorable, The City Council:

I am hereby transmitting a recommendation received from the Planning Board relative to the Board's Rezoning Petition affecting the area covered by the East Cambridge Interim Planning Overlay District, for your consideration.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachments

Consent Agenda # 8

Planning Board's Recommendation on the petition affecting the area covered by the East Cambridge Interim Planning Overlay District.

In City Council,

April 8, 1991

Referred to the petition

THE WORKS
CAMBRIDGE DEPARTMENT OF PUBLIC

RECEIVED IN OFFICE OF CITY CLERK
1991 MAY 16 AM 9:36
CAMBRIDGE MA.

147 Hampshire Street
Cambridge
Massachusetts 02139
617-349-4800

Ok
5/15/91

TO: Joseph E. Connarton
City Clerk

FROM: Jeffrey Nutting
Coordinator of Public Works

RE: East Cambridge Permanent Rezoning Petition

DATE: 15 May 1991

My staff has researched the information regarding protesters on the bottom of page 2 of my memo of 8 March 91.

The eleven parcels listed are all owned by ComEnergy. No further protesters were counted as ComEnergy holdings passed the requisite 20% mark.

Please note that the third parcel is Block 14 Lot 39, not Block 13.

Please let me know if you need any further information.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

MAY 16, 1991

TO: THE HONORABLE, THE CITY COUNCIL

FROM: JOSEPH E. CONNARTON JEC
CITY CLERK

SUBJECT: EAST CAMBRIDGE PERMANENT REZONING PETITION.

Attached you will find a communication from Jeffrey Nutting, Coordinator of the Public Works Department stating that the eleven parcels listed as protest are parcels owned by ComEnergy.

I hope this information will be beneficial to you.

Your kind attention in this matter will be greatly appreciated.

COMMUNICATIONS AND REPORTS FROM CITY OFFICERS

Communication received from Coordinator of Public Works regarding the Permanent East Cambridge Rezoning Petition.

In City Council,

May 20, 1991

Placed on file

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

MAY 16, 1991

TO: THE HONORABLE, THE CITY COUNCIL

FROM: JOSEPH E. CONNARTON JEC
CITY CLERK

SUBJECT: OWNERSHIP OF THE DEPARTMENT OF TRANSPORTATION BUILDING.

Please be advised that I have contacted the General Services Administration in regards to your inquiry as to the ownership of the parcel of land occupied by the Department of Transportation located at 55 Broadway and have been informed that this parcel is currently owned by the Department of Transportation.

I hope this information will be beneficial to you.

Your kind attention in this matter will be greatly appreciated.

COMMUNICATIONS AND REPORTS FROM CITY OFFICERS

Communication received from Joseph E. Connarton, City Clerk, transmitting information regarding the ownership of the parcel occupied by the Department of Transportation.

In City Council,

May 20, 1991

Placed on file

THE WORKS

147 Hampshire Street
Cambridge
Massachusetts 02139
617.498.9051

RECEIVED BY
OFFICE OF CITY CLERK
1991 MAR 11 PM 4:14
CAMBRIDGE MA.

TO: Joseph E. Connarton
City Clerk

FROM: Jeffrey Nutting
Coordinator of Public Works

3/8/91

RE: East Cambridge Permanent Rezoning Petition

DATE: 8 March 1991

The tally of protesters on the above-referenced petition has stopped with the emergence of the following figures:

3,228,227.5 square feet in the petition area
1,077,077 square feet owned by protesters

33.02% of petition area is owned by protesters

The calculations are attached for informational purposes, but do not hesistate to call if you need any additional information.

EAST CAMBRIDGE PERMANENT

Section	Plat	Area		Area Subtotals
1.01	32	107024		
1.02	31	37500		144524
2	32		N/A	
3.01	27	8000		8000
4.01	31	305053		718389
4.02	27	216450		
4.03	28	196886		
5.01	18	80067		320067
5.02	10	160000		
5.03	16	80000		
6.01	11	24203		24203
7.01	28	137412		253258
7.02	29	115846		
8.01	29	89365		975687.5
8.02	44	212918.5		
8.03	15		N/A	
8.04	14	620646		
8.05	13	52758		
9.04	15	106784		106784
10.01	29	146660		146660
11.01	14		dup. 5.01	530655
11.02	11		dup 6.01	
11.03	15	63830		
11.04	16	298782	new. also dup. 5.03	
11.05	27		dup. 4.02	
11.06	28		dup. 4.03	
11.07	31		dup 4.01	
11.08	32	75795	new; +dup. 1.01 & 1.0	
11.09	33	64671		
11.0001	17	27577		
		3228227.5		3228227.5
				0

PROTESTERS

32	53	107024	
14	~~38~~ 39	397530	Correction
13	39	13855	
29	13	2000	
29	34	35891	
29	43	3110	
29	44	101459	
13	21	168000	
14	40	84784	
13	23	68520	
14	36	83904	

1066077 Protesters

3228227.5 ZONE AREA
33.02%

THE WORKS

147 Hampshire Street
Cambridge
Massachusetts 02139
617.498.9051

CITY CLERK
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CAMBRIDGE MA.

TO: Joseph E. Connarton
City Clerk

FROM: Jeffrey Nutting
Coordinator of Public Works

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11.09	33	64671		
11.0001	17	27577		
		3228227.5		3228227.5
				0

PROTESTERS

32	53	107024
14	38	397530
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29	44	101459
13	21	168000
14	40	84784
13	23	68520
14	36	83904

1066077 Protesters

3228227.5 ZONE AREA

33.02%

City of Cambridge

The Committee on Ordinance conducted a public hearing on Wednesday, February 20, 1991 beginning at 6:06 p.m. in the Sullivan Chamber, City Hall. The purpose of the hearing was to discuss and receive public testimony relative to a proposed amendment to the Zoning Ordinance establishing East Cambridge Overlay Districts. Members present were Councillor Francis Duehay, Councillor Jonathan Myers, Councillor Timothy Toomey, Councill Ed Cyr, Councillor William Walsh and City Clerk Joseph Connarton.

Councillor Duehay opened the hearing by outlining the procedure for receiving public testimony, with proponents being heard first and opponents being heard second.

The Committee then heard from Mr. Michael Rosenberg, Assistant City Manager for Community Development who provided the Committee with a brief historical analysis of the planning process for the East Cambridge area. He stated that the proposal before the Committee is the product of two years of work and the recommendation of the Planning Board and the East Cambridge Rezoning Advisory Committee after much effort on the part of neighborhood residents and property owner members of the Committee. Mr. Rosenberg then made a visual presentation of the area to the Committee.

At the conclusion of this presentation, the Committee then heard from Elizabeth Flemings of the Community Development who outlined the text of the proposed Ordinance. She stated that the proposed amendment included but was not limited to the following characteristics:

*The amount of permitted development in the affected area is reduced modestly;

*Housing is mandated to be built as part of the last increment of development on commercial sites; if housing is not built, the permitted commercial development is significantly reduced;

*Traffic mitigation requirements are imposed for new large scale developments when special permit approval is required;

*Maximum parking limits for all developments are established;

*Height limitations are more carefully controlled; new design guidelines are beng developed.

Ms. Flemings further stated that the long range effects of this proposal reduces development by 25%, traffic flow by 50%, establishes clear traffic control measures, provides

for open space needs and will create a development consistent with the neighborhood in question.

Speaking in favor of the proposed amendment were:

Hugo Salemne, President
East Cambridge Planning Team
89 Third Street
Cambridge, MA

Mr. Salemne stated that although he supported the proposal, he strongly urged the Committee work for the creation of additional housing for the area.

Also speaking in favor were:

Richard Vendetti E. Camb. Planning	Patricia Lomans E. Camb. Planning	Robert Travers 54 Fulkerson St. Cambridge, MA
Ruth Campbell 155 Charles Street Cambridge, MA	Jonathan Wheatley 57 Otis Street Cambridge, MA	Vahan Hintlian 416 Essex Street Arlington, MA

Mr. Hintlian stated that as a property owner within the area, he believed this proposal would control the diversity of future developments within the East Cambridge area and would prevent high rise structures being erected which obstruct the Boston skyline and creates a "shadow" over the neighborhood. Furthermore, he stated that he felt that in terms of large scale developments, particularly those which deal with housing need to have an adjustment mechanism established based on current economic conditions.

Speaking in opposition to the proposal were:

John Kelly, Thypin Steel 301 Binney St. Cambridge, MA	Eric Wallinger, Esquire Exchange Place Boston, MA (Rep. Thypin Steel) Boston, MA

These gentlemen both indicated that this proposal would cause financial hardship in the company and further stated that the Steel Company was being singled out for the largest floor area ratio (FAR) reduction.

The Committee then heard from David Glater, Esquire, Chief Counsel, Volpe National Transportation Systems Center who submitted a prepare statement in opposition to the proposal (copy attached and incorporated herein by reference).

Councillor Duehay stated he believed this was the first time the Federal government had injected itself into a local zoning matter in Cambridge and questioned who authorized this statement to be issued.

Mr. Glater responded by stating the Department of Transportation owned the D.O.T. facility which is in the effected area and consequently that was why the Federal government has spoken out on this issue. Furthermore, he stated that his superiors at D.O.T. had authorized his statement.

Councillor Duehay stated he believed that the General Services Administration (G.S.A.) and not the Development of Transportation (D.O.T.) owned the facility.

Also speaking in opposition were:

Timothy Cronin Comm Gas One Main Street Cambridge, MA	Rep./Metro Pipe & Supply 303 Binney Street Cambridge, MA	Paul Casey, Comm One Main Street Cambridge, MA

The above speakers submitted written statements (copy of which are attached and incorporated herein by reference).

Councillor Toomey stated that although not everyone was happy with the proposal, it was clear to him that a compromise had been reached by those individuals who had worked so hard during the past two years. He supports the petition he stated.

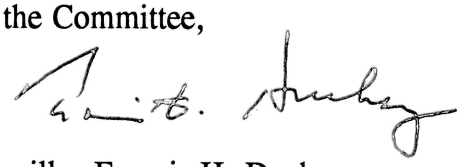
Councillor Cyr stated he too supports the petition and added he would like to have t he density suggested by the neighborhood but didn't believe that would receive the support of seven (7) members of the Council.

Councillor Toomey moved to refer the petition to the full City Council without recommendation.

The motion carried.

The hearing was adjourned at 7:55 p.m.

For the Committee,



Councillor Francis H. Duehay
Chair

s

attachment

Ordinancemeeting2-20-91

COMMITTEE REPORT

Report from Committee on Ordinances for a hearing held on Wednesday Feb. 20, 1991 relative to a proposed amendment to the Zoning Ordinances to establish a permanent East Cambridge Overlay District.

In City Council,

March 4, 1991

3/4/91 technical amendment offered to the petition Petition passed to a second reading as Amended

not sent to assessors as already marked 33 %



THE ATHENAEUM GROUP
Athenaeum House
215 First Street
Cambridge, Massachusetts 02142
617-492-2155

March 12, 1991

CITY CLERK'S OFFICE
CAMBRIDGE MA.
1991 MAR 12 PM 2:36

Mr. Joseph R. Connarton
City Clerk
City Hall
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Connarton:

The Cambridge land owners listed below oppose the petition submitted by the Cambridge Planning Board relative to the permanent rezoning of the East Cambridge Interim Planning Overlay District Area.

As such, we do hereby respectfully file a written protest pursuant to Chapter 40A, Section 5 of the Massachusetts General Laws. Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six (6) councillors. However, the statute further provides that if a written protest is filed prior to final approval of a change to the ordinance, stating the reasons for the protest, signed by the owners of twenty percent (20%) or more of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet (300') therefrom, then a three-fourths vote (7 councillors) would be necessary for the ordinance to be enacted. As land owners of real estate which will be affected by the proposed changes, we now so file such a protest.

We do not believe the mandating of housing developments acknowledges the realities of the day, and in fact will work to prevent any development at all.

Please place this written protest into the office records of the City.

Sincerely,

ATHENAEUM REALTY NOMINEE TRUST
JONA REALTY TRUST

Robert A. Jones
Trustee

RAJ:emg

Enclosure



LAND SCHEDULE

ATHENAEUM REALTY NOMINEE TRUST
JONA REALTY TRUST

Cambridge Land Holdings Impacted by the Proposed Zoning Petition

RECEIVED BY
OFFICE OF CITY CLERK
2001 MAR 12 PM 2:36
CAMBRIDGE MA.

Land parcels located within the Proposed Zoining Petition Area.

Address	Owner	Square Ft.
195 First Street	Jona Realty Trust	63,829
77 William Linsky Way	Athenaeum Realty Nominee Trust	24,058
SUBTOTAL		**87,887**

Land parcels located in the immediate area of the Proposed Zoning Petition Area (within 300 feet).

Address	Owner	Square Ft.
215 First Street	Athenaeum Realty Nominee Trust	79,943
SUBTOTAL		**79,943**

TOTAL AFFECTED LAND HOLDINGS	**167,830**

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: Joseph E. Connarton, City Clerk

FROM: Faith McDonald, Principal Assessor

SUBJECT: East Cambridge Rezoning Petition

DATE: February 19, 1991

In reply to your memo dated February 13, 1991, please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above-referenced petition.

CITY CLERK'S OFFICE
FEB 19 AM 11:54
CAMBRIDGE MA.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

February 13, 1991

TO: SALLY POWERS
BOARD OF ASSESSORS

FROM: JOSEPH E. CONNARTON JEC
CITY CLERK

SUBJECT: WRITTEN PROTEST TO THE PERMANENT EAST CAMBRIDGE REZONING PETITION

Enclosed you will find two copies of the written protest received by this office regarding the permanent rezoning petition for the East Cambridge area.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

COMEnergy

RECEIVED BY
OFFICE OF CITY CLERK
1991 FEB -7 AM 10:29
CAMBRIDGE MA.

COM/Energy Research Park Realty
One Main Street
Post Office Box 9150
Cambridge, Massachusetts 02142-9150
Telephone (617) 225-4000

February 6, 1991

Property Location:
3rd Street.

Mr. Joseph R. Connarton
City Clerk
City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

RE: Planning Board Petition for Permanent Rezoning in the East Cambridge Interim Planning Overlay District Area

Dear Joe:

The purpose of this letter is to express COM/Energy Research Park Realty's (CERP) opposition to the City of Cambridge Planning Board's proposed permanent zoning petition for the East Cambridge Interim Planning Overlay District (EC-IPOD) area. The zoning scheme, advocated by the Planning Board to be accepted, places a disproportionate and unfair burden upon CERP, which translates into a significant financial injury. While CERP will suffer a significant reduction in value, other landowners within the EC-IPOD will benefit with an upzoning of their property. In effect, the downzoning of CERP's site serves to subsidize the upzoning of other landowners within the EC-IPOD. In relation to CERP's land, it becomes inconceivable that this proposed zoning scheme ever be adopted when one considers among other things:

- the proximity of the CERP land to the hundreds of millions of dollars spent on the public transportation infrastructure at Kendall Square, i.e., MBTA's Red Line;

- the CERP land, being located in the Kendall Square orbit, is more removed from the neighborhood than any other parcel of land located within the EC-IPOD;

- the land area of the CERP site is large enough that the bulk of the height for the development can be massed closest to Kendall Square, thus away from the neighborhood;

- the CERP land is the least apt to be a potential source of increase in automobile traffic.

As CERP has previously stated, we are sensitive to and committed to a process of development that fosters community involvement. While we have reservations to any rezoning of our property, based on our belief that the current zoning in place for our site is more than adequate to address the concerns raised by the community, in the spirit of cooperation we recommend the following changes to the Planning Board's proposed zoning petition as a means of striking a balance between the diverging interests.

Recommendations

1) Section 11.404.4 creates another layer of bureaucracy in an already cumbersome zoning process. This Advisory Committee should be unofficial in keeping with its designation as an advisory committee. Also note that Section 11.404 applies to all districts, which includes PUDs. As such, 11.404.4(c) Procedures are in potential conflict with PUD Guidelines, outlined in Section 12 of the Zoning Ordinance.

2) Section 13.81 Purpose. The reference to both the East Cambridge Neighborhood Study and the work of the East Cambridge Rezoning Advisory Committee should be omitted. The Neighborhood Study was an "attitudinal study," and the work of the Rezoning Committee didn't lead to any consensus on the zoning. Since neither lends any substantive planning analysis to the process, it should be omitted.

3) Section 13.82.4(8). The disallowance, as a permitted use, of manufacturing, processing, assembling and/or packaging of articles and products in excess of 200 lbs. should be omitted. Such an onerous clause might preclude a computer hardware producer, or possibly a biotech firm, from locating in this area of Cambridge, which results in lost tenant prospects, jobs, and taxes, etc.

4) Section 13.83.1(a). The requirement calling for the one (1) square foot of residential development be constructed for every two (2) square foot of commercial development over a 2.0 Floor Area Ratio (FAR), prior to issuance of a final certificate of occupancy, should be eliminated. As noted by one member of the Planning Board and acknowledged by others present, this requirement "may be too cumbersome" for a property owner to meet, especially with regard to obtaining project financing. A compromise solution to this requirement, that is acceptable to CERP, is to make the residential aspect of the increased FAR market-driven rather than mandatory. In effect, an owner of property would be required to either set aside land for housing until such time as the market allows for the production of residential development or transfer the housing to another lot in the East Cambridge Overlay Districts.

   If the Planning Board's proposed mandatory residential provision is included it will stymie development for the unforeseeable future. With the proposed restrictive zoning, no project could go forward with any expectation of receiving financing. When consideration is given to the glut of housing available in East Cambridge currently, plus the fact additional housing is in the pipeline for development at North Point, the mandatory residential requirement is not necessary.

It should be noted that strategically located commercial development is likely to be a catalyst to the revival of the economy and the continued financial well-being of Cambridge, not residential development.

As such, we recommend that Section 13.83.1.1 read as follows:

1) The maximum FAR may be increased to 2.75 with

   a) 2.5 allowable for commercial development; and

   b) .25 allowable for residential development, which meets the following requirements:

      1) Same as Planning Board's proposed zoning;

      2) deleted in its entirety;

      3) now becomes 2;

      4) now becomes 3;

      5) a. now becomes 4;

         b. the last sentence should be deleted in its entirety or the word "not" should be deleted. As written, the last sentence is inconsistent with the first sentence and Section 11.405.4, which allows the transfer of development rights.

      6) now becomes 5.

5) Section 13.83.4 concerns relating to the East Cambridge Overlay District Design Guidelines will be addressed later in this letter.

6) Section 13.83.5.1 Heights. The proposed height limitations will severely limit our ability to market the site. We had expressed this need on numerous occasions, also stating that we would step down the heights of the development as one moves away from Kendall Square toward the neighborhood. As such, we recommend that the language outlined in the November 30, 1990 draft zoning amendment proposal be adopted. Therefore, Section 13.83.5.1 would read as follows:

   1. The Planning Board shall not approve any Final Development Plan in which twenty-five (25) percent or more of the land area of the development parcel is covered with such buildings or parts of buildings, not exempted by Section 5.23, in excess of one hundred twenty (120) feet in height, or in which fifteen (15) percent or more of the land area of the development parcel is covered with such buildings or parts thereof in excess of one hundred and eighty (180) feet in height, but no more than two hundred and thirty (230) feet. Notwithstanding the foregoing, the Planning Board, in its discretion, may accept for review an application for a Special

Permit based on a Development Proposal which deviates from the aforesaid provisions of this Section 13.83.5, provided that the Final Development Plan is in conformity with such provisions.

Any portion of a building exceeding a height of forty-five (45) feet should be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets and the Sixth Street Pedestrian Way.

7) Section 13.83.5.2(c), as written, is arbitrary. Limiting objective language is necessary to avoid subjective misgivings.

8) Section 13.84 OPEN SPACE. The twenty-five (25) percent open-space requirement is too onerous a requirement. As compared to the pre-EC-IPOD zoning calling for a fifteen (15) percent open-space requirement, the twenty-five (25) percent open-space requirement represents a 67% increase in open space. Such a requirement will have a limiting impact on the proposed FAR and heights. We recommend that a more moderate figure of twenty (20) percent for open space be utilized, which allows plazas and sidewalks to be included in the calculation.

9) Section 13.84.2. The word "may" in the first line of the first sentence of the second paragraph should be replaced with the word "shall" to avoid arbitrariness once again.

The third paragraph of Section 13.84.2 makes reference to open space that promotes the "enhancement of the visual, pedestrian, and vehicular connections to the larger East Cambridge Street grid; increased diversity of public spaces." No street grid currently exists at the CERP site. Creating a street grid through the site invites a clash between pedestrian and automobiles users. As such, the reference to the grid should be omitted.

10) Section 13.89.a. It should be noted that, given the recent influx of retail development in Kendall Square and at the CambridgeSide Galleria Mall, ground floor retail activity at the CERP site need not be extensive. The CERP site will serve as a critical pedestrian link between Kendall Square and the Galleria Mall. As such, ground floor retail activity should be kept at the minimum amount necessary to support the critical mass created by the development and yet reinforce the flow of the pedestrian movement between Kendall Square and the Galleria Mall.

<u>Points Where Further Clarification or Elaboration Are Necessary:</u>

1) Section 11.404.2 refers to a publication entitled "East Cambridge Overlay Districts Development Guidelines." Should this actually be the East Cambridge Overlay District Design Guidelines? If not, this document has not been provided for our review and comment.

2) Section 11.405.1. Since we are currently using our site for parking purposes, this use, including accessory parking, would be a grandfathered use.

3) Section 13.86.2. In addition to obtaining assurances that our parking use, including accessory parking, is grandfathered, an explanation as to how the City expects to interface the parking requirements for zoning with the State Implementation Plan currently being formulated is necessary.

Design Guideline Comments

It is our firm belief that the Design Guidelines, as prepared by the Community Development Department's staff, are too restrictive. If the guidelines are imposed upon CERP, the City will have, in effect, master planned our land without having taken into consideration our development concept for the site or our property rights. Such heavy-handed guidelines are inconsistent with the intent of the Planned Unit Development concept, which is to foster creativity in design.

Some specific comments relating to the design guidelines are:

AREA-WIDE GUIDELINES

A. Urban Design Plan

It should be noted that new development can be made to link very well to the existing community without having to adhere to existing pattern of streets and squares, and yet be a very pleasant experience, especially for pedestrians. A recent example that is indicative of such urban design is the CambridgeSide Galleria's water plaza. The Galleria water plaza creates an environment where people want to be - it welcomes pedestrian users by creating a "sense of place" that leaves a lasting impression on its visitors.

An excerpt from the CERP's PUD Application (filed October 24, 1990 with the City) that describes our development concept for the CERP site is attached for your review.

B. Housing Design Strategy

The guidelines state that it "seek(s) the development of new residences in appropriate locations." Yet the guidelines note a preferred housing location on the CERP site between two (2) utility uses that will remain as utility uses indefinitely. One utility use is the COM/Gas take-station that serves as the main source of gas distribution for Cambridge, while the other utility use is Cambridge Electric Light Company's Kendall Power Plant and operations yard.

The Kendall Power Plant yard houses two (2) large oil storage tanks and two (2) gas turbine auxiliary power units, which provide additional power for Cambridge during peak electric hours. The design guidelines have located the preferred housing directly abutting this incompatible use. These facts were expressed to Community Development's staff on numerous occasions, yet the design guidelines presented fail to acknowledge the reality of the situation. As such, the identified location of the preferred housing is illogical and inconsistent with the strategy announced and comprehensive well-researched sound planning

practices. Given the reality of the situation, we once again raise the question as to whether the CERP site is an appropriate location for housing. We are of the opinion it is not.

C. Street and Sidewalk Design

Active Ground Floors

As noted previously, given the recent influx of retail development in Kendall Square and at the CambridgeSide Galleria Mall, extensive ground floor retail activity at the CERP site is not necessary. The CERP site will serve as a natural pedestrian corridor between Kendall Square and the Galleria. As such, ground floor activity will be kept to that which is necessary to support the critical mass created by the development and yet reinforce the flow of the pedestrian movement between Kendall Square and the Galleria Mall.

AREA 4 (CERP Site)

Character and Use

Our comments, listed under the Urban Design heading, apply to this section as well.

We strongly disagree with the concept of extending Athenaeum Street through our site to Third Street. This guideline is totally opposite to the development concept we envision for this site. By suggesting that Athenaeum Street be continued through the site, the guidelines are inviting a "clash" between pedestrians and automobiles. Whereas our concept establishes an inner court, designed predominantly for pedestrians' use and to coincide with the increased pedestrian circulation anticipated between Kendall Square and the Galleria Mall.

Dimensional Standards

The dimensional standards outlined in the guidelines do not set "the most basic constraints" as it claims it does. It goes far beyond establishing basic constraints to the extent they pose major impediments to our ability to develop and market the site.

The guidelines note that the largest building should be located as shown in the guidelines plan. The location noted happens to be the corner located closest to the neighborhood. The residents on the East Cambridge IPOD Rezoning Committee expressed a desire to have the bulk of the height for the development massed closest to Kendall Square, a desire also shared by CERP. Logic requires that the tallest building be located closest to Kendall Square so as to take advantage of the MBTA Red Line and to reduce shadows in the plaza area between the hours of 11:00 a.m. and 2:00 p.m. (hours when the plaza would be frequented the most). This would also keep shadows cast into the neighborhood at a minimum, a concern apparently ignored and discarded in the proposed zoning scheme.

Finally, it should be noted that the dimensional standards (heights and open-space requirements) and the design guidelines, when reviewed together, make it extremely difficult for one to achieve the FARs allowed under this downzoning - if they can be reached at all.

Open Space

As noted under the zoning recommendations section of this letter and just above, the open-space requirements are too onerous for the same reasons. Also, as previously noted, the inclusion of a street system through the site invites conflict between pedestrian and automobile uses. We prefer to emphasize "pedestrian-public" circulation (inviting people into the site) rather than vehicular movement.

The guidelines make reference to a building located at the terminus of the Broad Canal. It should also be noted that the approximate location of this building does not fall within the land area owned by CERP. The land is owned by the Cambridge Electric Light Company. In addition, the guidelines comment that the building is needed to "screen the unsightly utility functions north of the Canal." If such is the case, why would one locate the housing they recommend directly abutting this "unsightly" use?

Area 5

The Urban Design Plan (Page 13A) shows the Athenaeum Street extension continuing across Third Street and terminating as a cul de sac. This concept is inconsistent with prior area-wide guidelines calling for "integrat(ing) all new projects into the pattern of streets and squares, which make Cambridge a pleasant, walkable, livable City." In fact, this concept appears to be more in line with our development concept for the CERP site.

In summary, we would like to add that no substantive planning analysis has ever been presented to substantiate the zoning proposal proposed by the Planning Board, nor can the proposed zoning be considered a uniform approach to land-use planning, especially when one considers the zoning in relation to the surrounding zoning districts.

We have already suffered from the lost opportunities due to the imposition of the EC-IPOD, as has the City in terms of jobs and taxes lost. The CERP site, located in Kendall Square and being one of the last developable sites in Cambridge, plays a strategic role in the economic health of the City. There is a need for us to get back on schedule with our development plans so future opportunities, which also benefit the City, will not be lost. Cambridge must be prepared to meet the upcoming opportunities, otherwise it will be left behind in the next economic upsurge.

We consider ourselves to be a "good corporate citizen" and remain committed to a process for development that is a balanced approach to orderly growth

and development and which fosters community involvement. However, we oppose the permanent zoning plan for East Cambridge, advanced by the Planning Board.

I hope the recommendations and comments that I have made gives you some "food for thought" prior to your taking any action on the Planning Board's permanent zoning proposal for East Cambridge. Should you have any questions on this matter, I will be glad to answer them at the scheduled February 20th Ordinance Committee public hearing.

Sincerely,

Paul B. Casey
Director of Real Estate

CERP
35/91J/bmc
Attachment

B. DEVELOPMENT CONCEPT

Briefly describe the development concept which is being sought in this planned unit development proposal. Include the project's planning objectives and describe how they will be achieved. In this statement, describe the intended character of the development both in terms of its internal aspects and its relationship to the area around the development parcel.

The development concept is to develop approximately 1,192,590 square feet of office space in four buildings, including street-level retail. It will be built in phases with approximately 1,200 parking spaces. This is an opportunity to create a vital and dynamic environment for office and some support retail in Kendall Square. The center will be named "Cambridge Research Park."

In order to create a "sense of place," the development will seek to establish a distinctive, recognizable image, both internally as well as externally. The unique site plan, with asymmetrical paths and a circular courtyard, reinforced by the curved structure of the buildings, the changing facades and geometrics, and the interesting roof forms, will together give the development a strong identity when viewed from Kendall Station, the Longfellow Bridge, and Boston's Financial District.

The architectural style shall be interestingly unique while also blending with the existing environment. To preserve this delicate balance, the development will be designed with varied window vocabulary, quality materials of brick and stone, considerable detailing, modest structural grids, stimulating geometry, and scale elements that humanize the mass of the edifices. Arcades, screenwalls, earth beams, landscaping, paving materials, bollards, canopies, awnings, sophisticated graphics, and pendants will create an environment where people will want to be.

The sizable program of office space and parking places a high development density on the site. In order to create inviting office space, this plan carefully places the buildings in relation to each other and existing buildings; uses reflective curvlinear glass walls in the courtyard; and utilizes parking within the building footprint to afford light and views.

Pedestrian, vehicular and service paths through the site present a special opportunity. The pedestrian paths are natural to the flow of the public in context with this region of the City, forming a natural corridor between the Kendall Square T-station and the CambridgeSide Galleria Mall. These will be reinforced with site materials to produce a sequence of interesting spaces. Automobiles and service vehicles will flow directly in and out of the parking garages from existing City streets and alleys. The inner court will be exclusively for pedestrians and automobiles that have business at the complex. The Broad Canal terminus will be a newly designed plaza with landscaping, paving, gazebo, and seating.

The Cambridge Community Development Department's challenge to create a project "not of itself" presents a unique opportunity. How can the design have its own identity without calling attention to itself? To answer this challenge, the proposed master plan incorporates both screen walls and building facades that establish the streetwall and reinforce the existing Cambridge street grid. The structure will show punched brick openings with lightly colored stone detail. Positive and negative geometrics will break the window fabric at specific locations. As the project relates to its environs, thus all is calm. Upon entering the courtyard, however, the unique placement of the buildings, the articulated curtain walls, the retail and pedestrian arcades, and the quality of the plaza paving and planting will combine to create a lasting impression on the visitor.

Office programs change over time due to supply and demand, and the flexibility of expansion of office space, research and development areas, retail and parking are integral to the design of the development. The structural spacing, planning modules, floor plan layouts, floor sizes, and floor-to-floor heights will be designed to adapt to the changes of the marketplace.

The construction of the complex must be phased to respond to economic demand. To this end, each of the four phases will be designed to be operational in itself, with interesting architecture, fully developed landscaping, and structured parking. As each phase is erected, the plan will become more distinguished, with each piece contributing to the total design.

The proposed development is designed to contain quality work space and parking. It is contemplated that the project will eventually include four buildings in a circular pattern, with parking, and a ground-level arcade with retail uses. The ground level would be arranged to provide pedestrian access to Main Street, First and Third Streets, and the Broad Canal sides of the project.

Public pedestrian access is planned from three principal points: Main Street, Third Street, and Broad Canal. Increased pedestrian circulation is anticipated between the Kendall Square area, the CambridgeSide Galleria Mall, and the Charles River as various developments and amenities continue to occur under the proposed East Cambridge Riverfront Plan. The proposed development site is planned to both reinforce and provide for this pedestrian movement. Pedestrian circulation areas are proposed along Third Street and Broad Canal frontages; several pedestrian links between these edges are also proposed at ground level.

Vehicular access to the site is planned at three points: Main Street, Athenaeum/First Street, and Third Street.

The scale of the proposed project is defined by two basic elements: four office buildings, with parking, and a ground-floor arcade. The office buildings step down in height toward Doc Linskey Way as one moves away

from Kendall Square (230', 200', 175', 165'). Each building in turn is to be further articulated to reduce its apparent bulk and mass by vertical notches or set-backs. The 4-story base and arcade picks up the heights of adjacent buildings and provides at street level a continuing and compatible building edge when perceived by pedestrians and drivers nearby. The ground-level arcade provides added relief to the building scale and signals pedestrian entry and movement zones.

Full height vertical notches of reflecting glass will serve to break up the basic volumes of each office building. The notches will also serve to identify the main entry points to each building, as well as the reception areas and elevator lobbies for each tenant office floor.

In summary, this development is envisioned as a major entrance to Cambridge. It is at a key location as to its visibility across the Charles River from Boston. Therefore, its massing and scale have been considered in both a regional and local context. Its location can also provide pedestrian linkage among Kendall Square, the CambridgeSide Galleria Mall, and the Charles River. The proposed project has been designed in accordance with the previously articulated principles and planning goals of the proposed East Cambridge Riverfront Plan in the Kendall Square area.

THYPIN STEEL

RECEIVED BY
OF CITY CLERK
-8 AM 9:52
CAMBRIDGE MA.

February 7, 1991

Mr. Joseph E. Connarton
City Clerk
City of Cambridge
City Hall
Cambridge, MA 02139

Re: Proposed East Cambridge Rezoning Amendment - C.40 A S 5

Dear Mr. Connarton:

Enclosed is a written protest and statement of reasons on the above-referenced amendment.

Please contact me if you have any questions.

Sincerely,

THYPIN STEEL COMPANY OF NEW ENGLAND, INC.

John H. Kelley
Controller

/1

cc: Eric W. Wodlinger

RECEIVED BY
OFFICE OF CITY CLERK
1991 FEB -8 AM 9:52
CAMBRIDGE MA.

WRITTEN PROTEST AND STATEMENT OF REASONS
RE: PROPOSED EAST CAMBRIDGE DISTRICT REZONING
AMENDMENT - c. 40A §5

The rezoning proposal drastically reduces density and requires residential development in areas previously zoned exclusively for commercial and industrial use. This imposes an unfair burden upon property owners within the areas proposed to be rezoned by destroying the economic incentives to redevelop the commercial and industrial portions of the district. The purported goals of the rezoning, reducing traffic and increasing the stock of affordable housing are in fact not realistically advanced by the rezoning proposal; these interests are more properly addressed by the parking freeze and the linkage program. Instead, incompatible residential use is being proposed in areas where existing industrial and commercial development has long been established and where Cambridge has a unique potential for developing intensive commercial and research and development uses to support its tax base. This proposal is unsound as a matter of city planning and will reduce both the real value and the tax base of the land it downzones. The undersigned oppose this proposal for the following additional reasons:

(1) Little consideration is given to the creation of a sound and thriving commercial zone around the Cambridge Center properties nor to providing expansion space for the research and development and office growth around Broadway. Nor is much attention given to integrating the existing First Street commercial properties into the renovated Lechmere Riverfront commercial and residential developments. In light of the capital investment, the tax base gains and the potential for creating a critical mass of office, research and development and commercial space in these areas, the proposed rezoning is clearly inadequate.

(2) The proposed rezoning will drastically reduce allowable densities from those allowed under the current zoning (in some cases, by 50%). This reduction is proposed as a solution to traffic concerns, concerns which already are effectively addressed by the Parking Freeze Ordinance passed in November and codified at Chapter 10.16 of the Cambridge Municipal Code. Furthermore, the traffic mitigation package included in the rezoning will appropriately address remaining traffic concerns caused by new development.

(3) The proposed rezoning addresses concerns of the residential portions of the neighborhood but ignores the legitimate concerns of commercial and office property owners and the remaining owners of industrial and light industrial property. No consensus was formed among the Rezoning Advisory Committee on what uses are most appropriate for East Cambridge. Despite this, the proposed rezoning reorients significant portions of the District to residential use despite the clear lack of a market for new housing, especially given the existing commercial/industrial use of the southern half of the District. The rezoning's overlay provisions; allowing modest increases in density contingent on building new housing (in addition to housing contributions under the City's linkage system) are in fact illusory.

The undersigned landowners therefore protest the proposed rezoning and call for a 3/4 vote of the City Council pursuant to C. 40A §5.

Name	Address of Property
Boston Concessions Group Joseph H. Armstrong Jr. Vice President	111 South St. Cambridge
Metropolitan Pipe David B. Costello	303 Binney ST
John H. Kelley Thyan Steel	301 Binney St 152 Fulkerson St

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: Joseph E. Connarton, City Clerk

FROM: Sally Powers, Director of Assessment

SUBJECT: Written protest to E. Cambridge rezoning petition

DATE: March 4, 1991

In reply to your memo dated March 4, 1991, please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above-referenced petition.

CITY CLERK'S OFFICE
1991 MAR -4 PM 2:00
CAMBRIDGE, MA

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 4, 1991

TO: SALLY POWERS
BOARD OF ASSESSORS

FROM: JOSEPH E. CONNARTON
CITY CLERK

SUBJECT: WRITTEN PROTEST TO THE PERMANENT EAST CAMBRIDGE REZONING PETITION.

Enclosed you will find two copies of the written protest received by this office regarding the permanent rezoning petition for the East Cambridge area.

Please note this is a new written protest that has been previously received by you for Thypin Steel on February 13, 1991.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

RECEIVED BY
OFFICE OF CITY CLERK
1991 MAR -1 AM 9:28
CAMBRIDGE MA.

THYPIN STEEL

RECEIVED BY
OFFICE OF CITY CLERK
FEB 29 AM 9:27
CAMBRIDGE MA.

February 27, 1991

Mr. Joseph E. Connarton
City Clerk
City of Cambridge
City Hall
Cambridge, MA 02139

Re: Proposed East Cambridge Rezoning Amendment - C.40 A S 5

Dear Mr. Connarton:

Enclosed is a new written protest and statement of reasons on the above-referenced amendment with the proper signatures.

Please contact me if you have any questions.

Sincerely,

THYPIN STEEL COMPANY OF NEW ENGLAND, INC.

John H. Kelley
Controller

/1

cc: Eric W. Wodlinger

RECEIVED BY
OFFICE OF CITY CLERK
'88 MAR -1 AM 9:28
CAMBRIDGE MA.

WRITTEN PROTEST AND STATEMENT OF REASONS
RE: PROPOSED EAST CAMBRIDGE DISTRICT REZONING
AMENDMENT - c. 40A §5

The rezoning proposal drastically reduces density and requires residential development in areas previously zoned exclusively for commercial and industrial use. This imposes an unfair burden upon property owners within the areas proposed to be rezoned by destroying the economic incentives to redevelop the commercial and industrial portions of the district. The purported goals of the rezoning, reducing traffic and increasing the stock of affordable housing are in fact not realistically advanced by the rezoning proposal; these interests are more properly addressed by the parking freeze and the linkage program. Instead, incompatible residential use is being proposed in areas where existing industrial and commercial development has long been established and where Cambridge has a unique potential for developing intensive commercial and research and development uses to support its tax base. This proposal is unsound as a matter of city planning and will reduce both the real value and the tax base of the land it downzones. The undersigned oppose this proposal for the following additional reasons:

(1) Little consideration is given to the creation of a sound and thriving commercial zone around the Cambridge Center properties nor to providing expansion space for the research and development and office growth around Broadway. Nor is much attention given to integrating the existing First Street commercial properties into the renovated Lechmere Riverfront commercial and residential developments. In light of the capital investment, the tax base gains and the potential for creating a critical mass of office, research and development and commercial space in these areas, the proposed rezoning is clearly inadequate.

(2) The proposed rezoning will drastically reduce allowable densities from those allowed under the current zoning (in some cases, by 50%). This reduction is proposed as a solution to traffic concerns, concerns which already are effectively addressed by the Parking Freeze Ordinance passed in November and codified at Chapter 10.16 of the Cambridge Municipal Code. Furthermore, the traffic mitigation package included in the rezoning will appropriately address remaining traffic concerns caused by new development.

RECEIVED BY
OFFICE OF CITY CLERK
2001 MAR -1 AM 9:28
CAMBRIDGE MA.

(3) The proposed rezoning addresses concerns of the residential portions of the neighborhood but ignores the legitimate concerns of commercial and office property owners and the remaining owners of industrial and light industrial property. No consensus was formed among the Rezoning Advisory Committee on what uses are most appropriate for East Cambridge. Despite this, the proposed rezoning reorients significant portions of the District to residential use despite the clear lack of a market for new housing, especially given the existing commercial/industrial use of the southern half of the District. The rezoning's overlay provisions; allowing modest increases in density contingent on building new housing (in addition to housing contributions under the City's linkage system) are in fact illusory.

The undersigned landowners therefore protest the proposed rezoning and call for a 3/4 vote of the City Council pursuant to C. 40A §5.

Name	Address of Property
Victor Lederer, Trustee for Manhasset Bay	301 Binney Street
Victor Lederer, Trustee for O&T Realty	152 Fulkerson St.

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: Joseph E. Connarton, City Clerk

FROM: Faith McDonald, Principal Assessor

SUBJECT: East Cambridge Rezoning Petition

DATE: February 22, 1991

In reply to your memo dated February 21, 1991, please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above-referenced petition.

CITY CLERK'S OFFICE
CAMBRIDGE, MASS.
FEB 22 AM 9:45

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

February 21, 1991

TO: SALLY POWERS
BOARD OF ASSESSORS

FROM: JOSEPH E. CONNARTON JEC
CITY CLERK

SUBJECT: WRITTEN PROTEST TO THE PERMANENT EAST CAMBRIDGE REZONING PETITION.

Enclosed you will find two copies of the written protest received by this office regarding the permanent rezoning petition for the East Cambridge area.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

U.S. Department
of Transportation

**Research and
Special Programs
Administration**

Volpe National
Transportation
Systems Center

Kendall Square
Cambridge, Massachusetts 02142

February 20, 1991

TO: HONORABLE MEMBERS OF THE CAMBRIDGE CITY COUNCIL:

My name is David Glater, and I am the Chief Counsel for the Volpe National Transportation Systems Center, Research and Special Programs Administration (RSPA), United States Department of Transportation (VNTSC or the Center). I am pleased to have the opportunity to present to you the views of my agency on the proposed amendments to the Cambridge Zoning Ordinance being considered this evening. These amendments propose to change the present provisions of the Zoning Ordinance which cover property in Kendall Square, Cambridge, owned by the United States Government and occupied by the Center. These amendments would replace the single zone in which the Government's property now lies, O-3A, with two new zones, Special Districts II and III. Special District II generally permits the same uses as permitted in the Office 2 District, with some additional uses (proposed §17.22); Special District III generally permits the same uses as permitted in the Residence C-2 District (proposed §17.32).

The United States Department Transportation (DOT) opposes these proposed revisions of the Cambridge Zoning Ordinance. For the reasons given below, DOT believes that these amendments may adversely affect the implementation of agency plans for expansion and further development on this site. This prospect has obvious negative implications for the creation of much-needed new employment opportunities at this site -- jobs which Cambridge and all of Massachusetts urgently need. The proposed changes are therefore particularly inappropriate at this time.

Mission and Operation of the Volpe National Transportation Systems Center

Let me describe for you briefly the mission and functions of the Volpe Center. The Center is the Department of Transportation's multi-disciplined research, development and analysis facility, providing DOT and other Federal agencies with a wide range of technical project support. Established in 1970, the Center is charged with developing integrated systems approaches to critical transportation issues, especially those that cut across the individual modes of transportation - air, rail, highway, and so on. The Center serves as a bridge linking Federal requirements

with the scientific, technical, and analytic capabilities of private industry and academia. A small sampling of the Center's activities includes:

Technical support to investigations into mass transit system safety, the safety of the Nation's fleet of aging commercial passenger aircraft, the effect of human factors on transportation system safety, and vehicle crashworthiness assessments;

Research into issues related to energy conservation, noise pollution, and the screening of passengers to detect explosives;

Conducting nationally-attended colloquia on current transportation concerns, e.g., the financing of transportation infrastructure through public-private partnerships, and the role of new technologies in intercity passenger transportation;

Providing technical assistance in connection with development and introduction of magnetic levitation vehicles in the United States;

Developing an advanced traffic management system for air traffic flow control and delay reduction.

The list could go on.

Unlike other Federal Government departments and agencies, the Center is not funded as a visible "line item" in the Federal budget. It receives no direct appropriations. Instead it is "market-driven" -- funded entirely by its clients, including DOT and other Federal Government agencies, which transfer funds to the Center to cover the cost of work the Center performs for them.

The Center has experienced a steady rate of growth of about 20% per year in demand for its services, as measured by the year-to-year increases in funds transferred to us over the past six years. Our annual spending to provide this support has grown similarly -- at a rate of more than 15% annually. As shown on Attachment 1, a significant portion of that expenditure occurs right here in Massachusetts. In the last fiscal year, FY 1990, of the total funds obligated by the Center of $154 million, approximately $112.5 million were expended in Massachusetts on employee salaries, contract services and supplies. We anticipate that the Center's overall obligations will grow again in FY 1991, and that Massachusetts' share will increase accordingly. Further, given the Center's involvement in current Congressional and Administration initiatives to improve the nation's infrastructure, proposals to involve the Center in environmental

issues such as oil pollution identification and cleanup, and a possible new role for the Center as a technical resource to States and localities, significant future growth seems likely. Obviously, this expansion in employment and expenditures would be welcome news to the Massachusetts economy.

The Center presently houses approximately 550 Federal employees, plus an equal number of on-site, private-sector R&D support staff. Assuming the demand for the Center's support continues at its historic growth rate, the Center will need additional space in the very near future, both for its own civil service employees and for contractor support personnel. We are particularly gratified that the President's just-announced fiscal year 1992 budget allocates an increase of 75 personnel "billets" to the Volpe Center. The location of major new R&D activities at the Center would create additional space needs.

In recent years the Department of Transportation has been barred from planning or implementing any change in the Center's current status by specific language included in DOT's appropriation statutes. This language was included to prevent the prior Administration's attempts to privatize the Center.

In the Fiscal Year 1991 DOT appropriations statute, effective October 1, 1990, this restrictive language was modified at the Department's request to permit planning for the Center's further development as a Federal facility. Moreover, the Senate Appropriations Committee has specifically directed The Department's Research and Special Programs Administration to prepare a plan for the Center's future:

> This document shall assess whether TSC should seek to become a more comprehensive and effective National Transportation R&D Center. The plan should specify how TSC will change its mission, functions, and status in relation to national needs in transportation and logistics. Consideration should be given to how TSC will handle any changes in size and personnel needs and whether TSC should seek to be of increased use to FHWA [Federal Highway Administration] in its research and development programs and to State and local governments. If the plan calls for an expansion of TSC's size or role, then the plan should stipulate objectives for such an expansion and specific milestones for achieving these objectives.

This Congressional direction creates more than a mere window of opportunity -- it is an open doorway, beckoning. The requested assessment is now under way. Its conclusions will shape the nature and extent of future growth at the Center. Although we cannot state what these conclusions will be, we know from very current experience that demand for the Center's services is continuing to grow. Further, the Senate report identifies whole

new areas of work for application of the Center's resources, including support to State and local governments on transportation issues.

The Proposed Zoning Amendments

As the Center's plans emerge, the question will certainly be raised as to how they mesh with the local community's desires for development of the property. Any plans for the Center's use of its property would almost certainly conform to the uses authorized in the current Zoning Ordinance's coverage of the property, Office-3A, and to the uses allowed in proposed Special District II. It is equally certain, however, that our plans would not conform to the proposed restriction to limited residential use imposed in Special District III. Just as states and localities compete to entice private firms to locate new facilities within their boundaries, there is competition within the Federal sector to obtain the resources to expand. If the proposed zoning amendments were approved as presently written, they might tip the balance against the Center's future development. The resultant impact on local employment and contract expenditures is obvious.

The Department of Transportation and the Center have always maintained a good working relationship with our Cambridge neighbors. We operate on a flexi-time work schedule to minimize our contribution to East Cambridge's peak-hour commuting traffic. We provide all on-site personnel with easy access to the MBTA's T-pass program. We employ local high schoolers in part-time, after-school jobs through the Federal "Stay-in School" program. And, we are a source of welcome green open space and trees in Kendall Square. Certainly, we do not want to find ourselves in a confrontational position with local authorities. The Center would much prefer to consult and cooperate with State and local authorities on the future development of its property, once the Center's needs have been determined.

The Center's Proposed Revisions to the Amendments

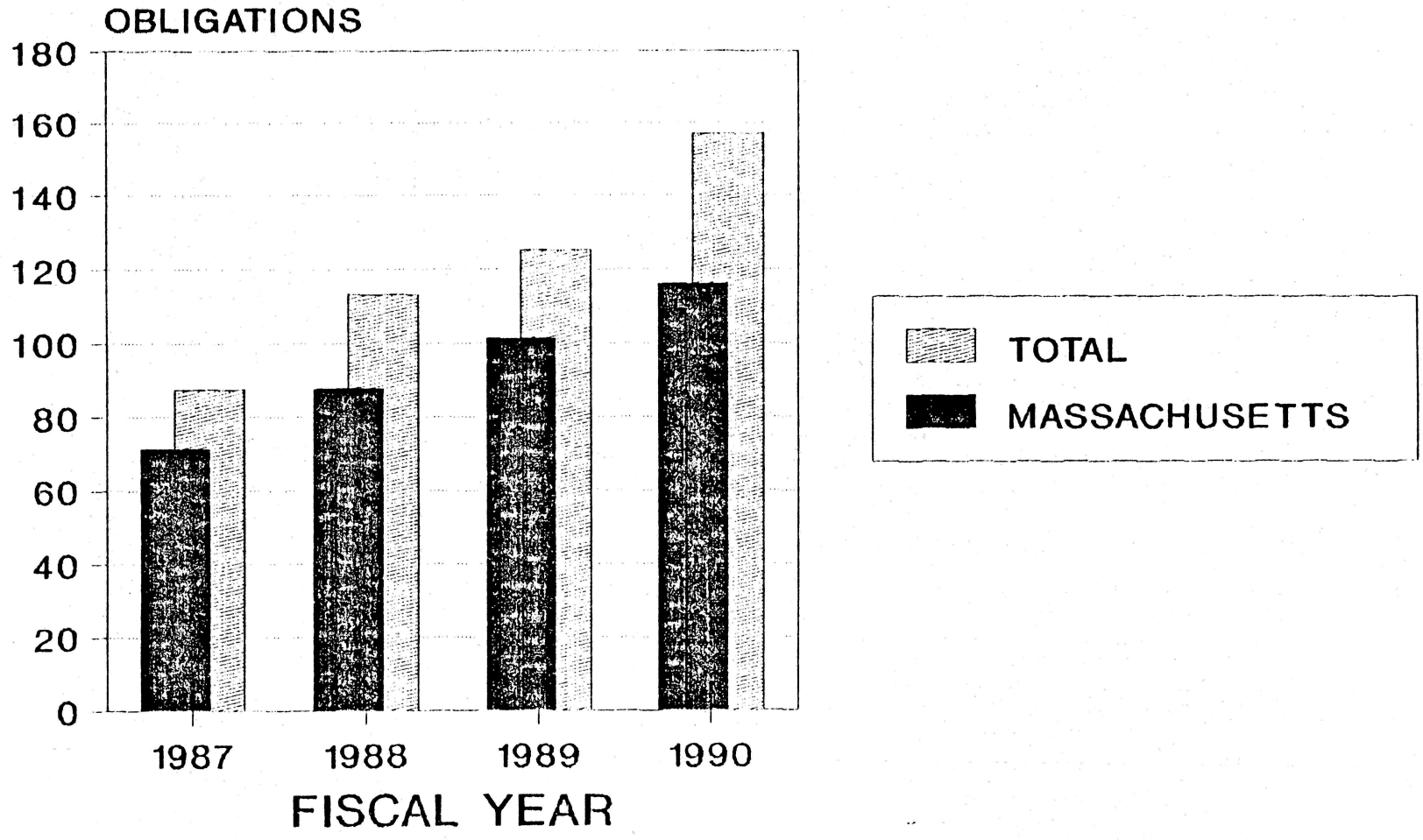
We ask that the Council recognize the Center's present and potential contribution as an employer and generator of employment in the area, both for technically skilled and unskilled workers, and treat it as a valued neighbor. To this end, Attachment 2 to this statement sets forth our proposed revisions to the Zoning Ordinance amendment. These revisions make clear that the Cambridge Zoning Ordinance would apply to the Center's property only at such time as ownership of the property is transferred to a nonfederal entity, and would harmonize the Center's development of the property with uses permitted by the underlying zoning. To accomplish these results, we propose the addition of a clarifying

note at the end of §§17.21 and 13.81 (PUD 3A), and the inclusion of all of the Center's land in Special District II. Under our revision, the Center's land now included by the proposed amendment within Special District III, zoned for limited residential use only, would be included in Special District II, consistent with treatment of the balance of the contiguous Federal property.

I would be pleased to work with the Council and its staff on the specific implementation of these proposed revisions, or to come up with an alternative approach which would satisfy Cambridge community interests and address our concerns.

2 Attachments

VNTSC OBLIGATIONS
(MILLIONS OF DOLLARS)



PROPOSED CHANGES TO ZONING AMENDMENTS

Purpose: To place all property owned by the U.S. Government located in Kendall Square into the same Special District SD-II; to clarify that property owned by the U.S. Government located in Special District SD-II is not subject to this ordinance while under Government ownership.

§7.0 Delete "III" and replace with "II and PUD 3A".

§11.400 East Cambridge Overlay Districts
Insert the following text as new §11.403-2:

> With respect to that property within the East Cambridge Overlay Districts owned by the United States Government and occupied by the United States Department of Transportation, RSPA/Volpe National Transportation Systems Center, the requirements of this zoning ordinance shall become applicable only after such time as the U.S. Government sells or otherwise transfers ownership of the property to a non-federal entity.

§13.80 PUD-3A
Insert the following text as note following §13.81:

> With respect to that property within the PUD-3A District owned by the United States Government and occupied by the United States Department of Transportation, RSPA/Volpe National Transportation Systems Center, §13.80 shall become applicable only after such time as the U.S. Government sells or otherwise transfers ownership of the property to a non-federal entity.

§13.92.2 Delete the first sentence: "The following...."

§13.93.3 Delete entire section.

§17.20 Special District II
Insert the following text as note following §17.21:

> With respect to that property within the Special District II owned by the United States Government and occupied by the United States Department of Transportation, RSPA/Volpe National Transportation Systems Center, the requirements of this zoning ordinance shall become applicable only after such time as the U.S. Government sells or otherwise transfers ownership of the property to a non-federal entity.

§17.30 Delete the entire section [17.30 through 17.33.2].

COMGas

Commonwealth Gas Company
Post Office Box 9150
Cambridge, Massachusetts 02142-9150
Telephone (617) 225-4000

February 20, 1991

City Council
City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02141

Dear Councilors:

RE: East Cambridge Rezoning Proposal

This letter is submitted on behalf of Commonwealth Gas Company (the Company), and in furtherance of several letters previously submitted on behalf of the Company to the Cambridge Planning Board.

The Company owns a parcel of land and building located at 303 Third Street, i.e. within the proposed Overlay District. On this site the Company has a customer service center, office and training facilities, certain transmission and distribution operations, a (Company) vehicle maintenance and parking facility, a construction mobilization and equipment center, and a stand-by gas supply facility. By the nature of these activities, you can see that the Company's Third Street operation is essential to its service commitment to its more than 50,000 customers in the Cambridge and Somerville area. The Company plans to continue these operations for the foreseeable future.

The Company has, therefore, no present intention to develop this property, or to otherwise change its operations there. However, the Company respectfully objects to the proposed rezoning Plan, as even though the same could not affect present operations at this site, the Company is certain that the value of the property would be significantly impaired (by the rezoning). Moreover, as described below in greater detail, the degree of this impairment is considerably greater than that impacting other parcels within the proposed Overlay District. For these reasons, and pursuant to the Company's obligation to its ratepayers and shareholders to preserve the value of its assets, the Company does not support the proposed rezoning Plan.

The Company desires to comment on specific elements of the Plan as follows:

1. *The Company recognizes enhancing the availability of housing, including affordable housing, as a lauditory goal, but questions the appropriateness of the Plan's strong emphasis on residential use as it relates to parcels within the PUD 3-B District. To our knowledge, this area was not historically devoted to residential use, and in light of the commercial/industrial mix of abutting properties (which would continue even under the proposed Plan), we suggest that far more appropriate sites could be found on which to construct residential units.*

2. *The Company is concerned about the unequivocal statement of preference (for residential use as referenced above) in the "Purpose" provision, i.e section 13.90, as it relates to the 'permissible uses' described in Section 13.92. The Company is also concerned about the incorporation of the "East Cambridge Neighborhood Study" and the "work" of the East Cambridge Rezoning Advisory Committee in the Plan (also in section 13.90). The Company believes that other more specific provisions within the proposed Plan sufficiently define the permissible uses, etc., and the broad statement of 'purpose', and the incorporation of the 'Study' and the Committee's 'work' only create ambiguity within the Plan.*

3. *There is no section numbered "13.91".*

4. *The weight restriction (of 200 pounds) on products manufactured in the PUD 3-B District seems too severe, as it would prevent the manufacture/assembly of many larger computer or medical components (which provide the cornerstone of the manufacturing base within the City) (see section 13.92(h)).*

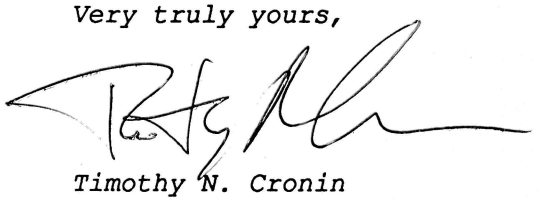
5. *The maximum FAR of 2.25 for the PUD 3-B District, compared to the permissible density allowed under the zoning bylaw now in effect, represents perhaps the most severe density reduction of any parcel within the Overlay District, and we are unaware of any facts justifying such a significant detrimental change (see section 13.93.1). If proximity to the Kendall Square area (and its public transportation facilities) is a key criteria (in determining density), then the location of the Company's parcel would seem to justify a considerably higher maximum FAR.*

6. *The maximum permissible height of present and (permissible) future projects in the area, as well as the proximity of the parcel to the Charles River (i.e. it is set back a considerable distance from the River), would seem to justify a maximum permissible height of greater than one hundred twenty feet (see section 13.93.5).*

7. *The Open Space requirement of twenty-five percent seems excessive given the size of the parcels within the PUD 3-B District (see section 13.94), including the Company's site.*

I look forward to discussing these matters with you at the hearing tonight, or at any other time which you find convenient.

Very truly yours,



Timothy N. Cronin
Staff Attorney

CG

RECEIVED BY
OFFICE OF CITY CLERK
1991 MAR 11 AM 11:43
CAMBRIDGE MA.

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: Joseph E. Connarton, City Clerk

FROM: Sally Powers, Director

SUBJECT: East Cambridge Rezoning Petition

DATE: March 11, 1991

In reply to your memo dated March 8, 1991, please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above referenced petition.

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 8, 1991

TO: SALLY POWERS
BOARD OF ASSESSORS

FROM: JOSEPH E. CONNARTON
CITY CLERK

SUBJECT: WRITTEN PROTEST TO THE PERMANENT EAST CAMBRIDGE REZONING PETITION.

Enclosed you will find two copies of the written protest received by this office regarding the permanent rezoning petition for the East Cambridge area.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

Canal Realty Corporation

RECEIVED BY
OFFICE OF CITY CLERK
1991 MAR -7 AM 10: 10
CAMBRIDGE MA.

303 BINNEY STREET
CAMBRIDGE, MA 02142
617/492-6400

March 4, 1991

Mr. Joseph E. Connarton, City Clerk
City of Cambridge
City Hall
Cambridge, MA 02139

Re: Proposed Permanent Rezoning of East Cambridge

Dear Mr. Connarton:

Enclosed for filing please find the written protest of Canal Realty Trust, the real estate entity of Metropolitan Pipe & Supply Company, to the petition of the Planning Board for the permanent rezoning of East Cambridge which petition is presently before the Committee on Ordinances of the Cambridge City Council.

Very truly yours,

Albert W. Brown, Trustee
Canal Realty Trust

AWB/ld
cc: Committee on Ordinances

WRITTEN PROTEST AND STATEMENT OF REASONS
RE: PROPOSED EAST CAMBRIDGE DISTRICT REZONING
AMENDMENT - c. 40A §5

The rezoning proposal drastically reduces density and requires residential development in areas previously zoned exclusively for commercial and industrial use. This imposes an unfair burden upon property owners within the areas proposed to be rezoned by destroying the economic incentives to redevelop the commercial and industrial portions of the district. The purported goals of the rezoning, reducing traffic and increasing the stock of affordable housing are in fact not realistically advanced by the rezoning proposal; these interests are more properly addressed by the parking freeze and the linkage program. Instead, incompatible residential use is being proposed in areas where existing commercial and industrial development has long been established and where Cambridge has a unique potentialfor developing intensive commercial and research and development uses to support its tax base. This proposal is unsound as a matter of city planning and will reduce both the real value and the tax base of the land it downzones. The undersigned oppose this proposal for the following additional reasons:

(1) Little consideration is given to the creation of a sound and thriving commercial zone around the Cambridge Center properties nor to providing expansion space for the research and development and office growth around Broadway. Nor is much attention given to integrating the existing First Street commercial properties into the renovated Lechmere Riverfront commercial and residential developments. In light of the capital investment, the tax base gains and the potential for creating a critical mass of office, research and development and commercial spaces in these areas, the proposed rezoning is clearly inadequate.

(2) The proposed rezoning will drastically reduce allowable densities from those allowed under the current zoning (in some cases, by 50%). This reduction is proposed as a solution to traffic concerns, concerns which already are effectively addressed by the Parking Freeze Ordinance passed in November and codified at Chapter 10.16 of the Cambridge Municipal Code. Furthermore, the traffic mitigation package included in the rezoning will appropriately address remaining traffic concerns caused by new development.

(3) The proposed rezoning addresses concerns of the residential portions of the neighborhood but ignores the legitimate concerns of commercial and office property owners and the remaining owners of industrial and light industrial property. No concensus was formed among the Rezoning Advisory Committee on what uses are most appropriate for East Cambridge. Despite this, the proposed rezoning reorients significant portions of the District to residential use despite the clear lack of a market for new housing, especially given the existing commercial/industrial use of the southern half of the District. The rezoning's overlay provisions allowing modest increases in density contingent on building new housing (in addition to housing contributions under the City's linkage system) are in fact illusory.

The undersigned landowners therefore protest the proposed rezoning and call for a 3/4 vote of the City Council pursuant to C. 40A §5.

Name	Address of Property
Canal Realty Trust By: Albert W Brwon Albert W. Brwon, Trustee	Fulkerson and Binney

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: Joseph E. Connarton, City Clerk

FROM: Faith McDonald, Principal Assessor

SUBJECT: East Cambridge Rezoning Petition

DATE: February 22, 1991

In reply to your memo dated February 20, 1991, please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above-referenced petition.

CITY CLERK'S OFFICE
CAMBRIDGE MA.
FEB 22 AM 9 44

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

February 20, 1991

TO: SALLY POWERS
BOARD OF ASSESSORS

FROM: JOSEPH E. CONNARTON
CITY CLERK

SUBJECT: WRITTEN PROTEST TO THE PERMANENT EAST CAMBRIDGE REZONING PETITION.

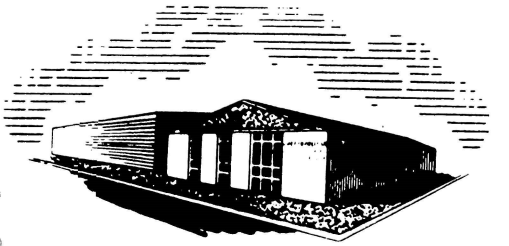
Enclosed you will find two copies of the written protest received by this office regarding the permanent rezoning petition for the East Cambridge area.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

Metropolitan Pipe & Supply Co.

303 BINNEY STREET
CAMBRIDGE, MA 02142
617 / 492-6400
FAX 617-354-3869



FEB 14 AM 11:53
CAMBRIDGE MA.

February 11, 1991

Councillor Francis H. Duehay, Chairman
Committee on Ordinances
Cambridge City Council
City Hall
Cambridge, MA 02139

Re: Petition by Planning Board for a Permanent Rezoning in East Cambridge

Dear Mr. Duehay:

Metropolitan Pipe and Supply Company is a wholesale plumbing and heating supplier located on approximately four acres of land at the corner of Binney and Fulkerson Street. The company is a family owned business that was founded by my grandfather in East Cambridge more than 50 years ago. We employ over 70 people.

Metropolitan Pipe and Supply Company opposes the Planning Board's Petition for the following reason. The Planning Board's Petition would eliminate the approximately 30,000 square feet of our property that is presently zoned Industrial A-1 and change this zone to Residential C-1. This change would, in effect, prevent any further expansion of our business at our present location. We can see absolutely no basis for this change. The area in question has been an industrial area for more than 50 years and does not encroach, in any way, on the residential section of East Cambridge which is located several blocks from our property. It is our understanding that, in general, rezoning is only proposed in a situation where the use in a given area has so dramatically changed over the years that rezoning is called for. This is certainly not the case in this situation.

I plan to attend the public hearing on February 20th and at that time I will ask your committee to vote down the Petition of the Planning Board.

Very truly yours,

Albert W. Brown, President

cc: Cambridge Planning Board

COPY

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: Joseph E. Connarton, City Clerk

FROM: Sally Powers, Director

SUBJECT: East Cambridge Rezoning Petition

DATE: January 25, 1991

In reply to your memo dated January 23, 1991, please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above-referenced petition.

CAMBRIDGE MA.
FEB 21 AM 8:57

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

January 23, 1991

TO: SALLY POWERS
BOARD OF ASSESSORS

FROM: JOSEPH E. CONNARTON JEC
CITY CLERK

SUBJECT: WRITTEN PROTEST TO THE PERMANENT EAST CAMBRIDGE REZONING PETITION.

Enclosed you will find two copies of the written protest received by this office regarding the permanent rezoning petition for the East Cambridge area.

Would you kindly certify these parcels and forward same to the Engineering Department as soon as possible.

Your kind attention in this matter will be greatly appreciated.

COMEnergy

RECEIVED & P.C.
OFFICE OF CITY CLERK
1991 JAN 22 AM 10:48
CAMBRIDGE MA.

COM/Energy Services Company
One Main Street
Post Office Box 9150
Cambridge, Massachusetts 02142-9150
Telephone (617) 225-4000

January 18, 1991

Mr. Joseph R. Connarton
City Clerk
City Hall
City of Cambridge
795 Massachusetts Avenue
Cambridge, Ma. 02139

Dear Mr. Connarton:

The Cambridge land owners listed below oppose the petition submitted by the Cambridge Planning Board relative to the permanent rezoning of the East Cambridge Interim Planning Overlay District Area.

As such, we do hereby respectfully file a written protest pursuant to Chapter 40A, Section 5 of the Massachusetts General Laws. Massachusetts General Laws Chapter 40A, Section 5, states generally that no zoning ordinance can be adopted except by a two-thirds vote of the City Council. For Cambridge, this would mean six (6) councillors. However, the statute further provides that if a written protest is filed prior to final approval of a change to the ordinance, stating the reasons for the protest, signed by the owners of twenty percent (20%) or more of the land proposed to be included in such change, or of the area of the land immediately adjacent extending three hundred feet (300') therefrom, then a three-fourths vote (7 councillors) would be necessary for the ordinance to be enacted. As land owners of real estate which will be affected by the proposed changes, we now so file such a protest.

We oppose the proposed amendment to the Cambridge Zoning Ordinance because it does not serve the best interests of the City of Cambridge or the people who live and work here. We believe that the current regulation is sufficient and that the proposed regulation will only decrease the value of our property. Please refer to Schedule A attached for a detailed listing of our land holdings adversely impacted by the proposed zoning petition.

Please place this written protest into the official records of the City.

Sincerely,

COM/Energy Services Company



Michael P. Sullivan
Vice President

Cambridge Electric Light Company
Commonwealth Gas Company
COM/Energy Research Park Realty
Darvel Realty Trust

Enclosure

SCHEDULE A

COMMONWEALTH ENERGY SYSTEM

Cambridge Land Holdings Impacted by the Proposed Zoning Petition

Land parcels located within the Proposed Zoning Petition Area.

Address	Owner	Square Ft.
364 Third Street	COM/Energy Research Park Realty	397,530
330 Third Street	Commonwealth Gas Co.	13,855
31 Potter Street	Commonwealth Gas Co.	142,460
SUBTOTAL		553,845

Land parcels located in the immediate area of the Proposed Zoning Petition Area (within 300 feet).

Address	Owner	Square Ft.
273 First Street	Cambridge Electric Light Co.	168,000
364R Third Street	Cambridge Electric Light Co.	84,784
One Main Street	Darvel Realty Trust	68,520
101 Main Street	Darvel Realty Trust	83,904
209 Otis Street	Cambridge Electric Light Co.	13,899
SUBTOTAL		419,107

TOTAL AFFECTED LAND HOLDINGS **972,952**

COM/ENERGY SERVICES COMPANY
ONE MAIN STREET
P.O. BOX 9150
CAMBRIDGE, MA 02142-9150
(617) 225-4000

TRANSMITTAL

Date: Feb. 19, 1991

Subject: COM/Energy - Subsidiaries Opposition to the East Cambridge Zoning

To: Joe Connarton

From: Paul Casey

- [x] Enclosed
- [ ] Under separate cover
- [ ] By mail
- [x] By messenger
- [ ] By air courier
- [ ] Sent per your request
- [x] Sent for your information
- [ ] Sent for your approval
- [ ] Sent for your comment
- [ ] Returned for correction and resubmittal
- [ ] Approved
- [ ] Approved as noted

Joe,

Attached is the listing that should have been attached to the JAN. 18th letter sent to you in opposition to the East Cambridge zoning.

Paul

SCHEDULE A

COMMONWEALTH ENERGY SYSTEM

Cambridge Land Holdings Impacted by the Proposed Zoning Petition

Land parcels located within the Proposed Zoning Petition Area.

Address	Owner	Square Ft.
364 Third Street	COM/Energy Research Park Realty	397,530
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SUBTOTAL		419,107

TOTAL AFFECTED LAND HOLDINGS **972,952**

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 11, 1991

Russell B. Higley
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find copies of five amendments which were passed to a second reading at the City Council meeting of March 4, 1991 as follows:

1. Zoning amendment to create a permanent East Cambridge zoning district.

2. Zoning amendment to extend the Cambridgeport Interim Planning Overlay District.

3. Zoning amendment to replace the regulations relative to signs and illuminations.

4. Municipal Code amendment entitled "Mandatory Recycling".

5. Municipal Code amendment relative to the Interim Parking Control Committee.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

Your kind attention in this matter will be greatly appreciated.

Sincerely yours,

Joseph E. Connarton

Joseph E. Connarton
City Clerk

JEC/dl

Encs. First Publication Numbers 2522, 2523, 2524, 2525 & 2526

c.c. Councillor Duehay, Chairman, Committee on Ordinances
Joseph Cellucci, Inspectional Services Commissioner
Birge Albright, Law Dept.

FIRST PUBLICATION NO. 2522.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge be amended as follows:

By creating a new section 11.400 - East Cambridge Overlay District, 13.80 - PUD-3A, 13.90 - PUD-3B, 17.20 - Special District II, 17.30 - Special District III, 17.40 - Special District IV, 18.10 - Traffic Mitigation Measures, and 18.20 - Construction Management Program; amend the Zoning Map of the City of Cambridge by deleting the existing zoning districts in the East Cambridge Interim Planning Overlay District and replace them with Residence C-1, Industry A-1, Business A-1, and the new Special Districts II, III and IV, the Zoning Map is also amended to include the East Cambridge Overlay Districts in the area of Charles Street to Binney Street and a new PUD 3A and PUD 3B in the area currently zoned Office 3 and PUD-3. The petition would replace the East Cambridge Interim Planning Overlay District in its entirety.

Passed to a second reading as amended at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

NOTE: Pursuant to the provisions of General Laws, Chapter 43, Section 23, Tercentenary Edition, being a part of the City Charter, the Ordinances as aforesaid, which exceed in length eight octavo pages or ordinary book print may be examined at the Office of the City Clerk in the form of a printed pamphlet during office hours on or after March 4, 1991.

ATTEST:- Joseph E. Connarton,
City Clerk.

FIRST PUBLICATION NO. 2523.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge be amended as follows:

Amend the text of the Zoning Ordinance, Section 3.14 - Cambridgeport Interim Planning Overlay District to read as follows:

Section 3.14 - Cambridgeport Interim Planning Overlay District

1. All requirments of the existing base zoning districts shall apply except as modified and limited by the requirements of these paragraphs 2-4 below;

2. The Floor Area Ratio applicable on any lot shall be limited to 1.0;

3. The maximum height of any building shall be 45 feet inclusive of those structural elements otherwise exempt under the provisions of Section 5.23 of the Zoning Ordinance;

4. Notwithstanding the limitations in paragraphs 2 and 3 above, any building existing at the time of adoption of this Section may be renovated or restored, changes made to the uses contained therein or additions may be made thereto providing the following conditions are met:

   a. Any additions shall not exceed 10% of the gross floor area of the existing building or 30,000 square feet, whichever is greater; and

   b. All regulations and limitations of the base district shall be met.

5. This Section 3.14 shall be in effect through February 28, 1991.

Passed to a second reading at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

FIRST PUBLICATION NO. 2524.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the city of Cambridge be amended as follows:

By amending the text of Article 7.000 - Signs and Illuminations by replacing the current regulations relative to signs with a new sign ordinances.

The purpose of the amendment is to limit the size of individual signs and tighten the circumstances under which damaged nonconforming signs can be replaced. The following is a list of the proposed modifications: reduce the total signage allowed on a lot, further reduce the size of freestanding and projecting signs, cap the size of wall signs, limit the circumstances under which internally illuminated signs can be employed, prohibit such illumination for freestanding and projecting signs, make the regulations uniform for all nonresidential districts, require the removal of some of the more visually offensive nonconforming signs, modify the currrent mechanism for review of the design of proposed signs and limit the height of all signs.

Passed to a second reading at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

NOTE: Pursuant to the provisions of General Laws, Chapter 43, Section 23, Tercentenary Edition, being a part of the City Charter, the Ordinances as aforesaid, which exceed in length eight octavo pages of ordinary book print may be examined at the Office of the City Clerk in the form of a printed pamphlet curing office hours on or after March 4, 1991.

ATTEST:- Joseph E. Connarton, City Clerk.

FIRST PUBLICATION NO. 2525.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to the Municipal Code of the City of Cambridge.

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 8.24 of the Municipal Code entitled "Rubbish, Garbage and Litter" is hereby amended by striking out Section 8.24.070 and substituting in place thereof the following new section 8.24.070 entitled "Mandatory Recycling".

Passed to a second reading as amended at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

NOTE: Pursuant to the provisions of General Laws, Chapter 43, Section 23, Tercentenary Edition, being a part of the City Charter, the Ordinances as aforesaid, which exceed in length eight octavo pages of ordinary book print may be examined at the Office of the City Clerk in the form of a printed pamphlet during office hours on or after March 4, 1991.

ATTEST:- Joseph E. Connarton
City Clerk.

FIRST PUBLICATION NO. 2526.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

In amendment to the"Municipal Code of the City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

That Chapter 10.16 is hereby amended in Section 10.16.050 entitled "Interim Parking Control Committee" by striking out the first sentence in said section and substituting in place thereof the following new first sentence which reads as follows:

All applications for controlled parking facility permits and determinations of exclusion shall be reviewed by an Interim Parking Control Committee (IPCC or Committee) comprised of of five Cambridge residents with appropriate experience, appointed by the City Manager.

Passed to a second reading at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

ATTEST:- Joseph E. Connarton, City Clerk.

FIRST PUBLICATION NO. 2522.

City of Cambridge

In the Year One Thousand, Nine Hundred Ninety-One

AN ORDINANCE

Be it ordained by the City Council of the City of Cambridge as follows:

That the Zoning Ordinances of the City of Cambridge be amended as follows:

By creating a new section 11.400 - East Cambridge Overlay District, 13.80 - PUD-3A, 13.90 - PUD-3B, 17.20 - Special District II, 17.30 - Special District III, 17.40 - Special District IV, 18.10 - Traffic Mitigation Measures, and 18.20 - Construction Management Program; amend the Zoning Map of the City of Cambridge by deleting the existing zoning districts in the East Cambridge Interim Planning Overlay District and replace them with Residence C-1, Industry A-1, Business A-1, and the new Special Districts II, III and IV, the Zoning Map is also amended to include the East Cambridge Overlay Districts in the area of Charles Street to Binney Street and a new PUD 3A and PUD 3B in the area currently zoned Office 3 and PUD-3. The petition would replace the East Cambridge Interim Planning Overlay District in its entirety.

Passed to a second reading as amended at the City Council meeting held on March 4, 1991 and on or after March 18, 1991 the question comes on passing to be ordained.

NOTE: Pursuant to the provisions of General Laws, Chapter 43, Section 23, Tercentenary Edition, being a part of the City Charter, the Ordinances as aforesaid, which exceed in length eight octavo pages or ordinary book print may be examined at the Office of the City Clerk in the form of a printed pamphlet during office hours on or after March 4, 1991.

ATTEST:- Joseph E. Connarton,
City Clerk.

FIRST PUBLICATION NO. 2522.

City of Cambridge

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City Clerk.

4/7/91

APPROVED
Russell B Higley
CITY SOLICITOR

OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 349-4260

JOSEPH E. CONNARTON
CITY CLERK

JOHN E. FLYNN
DEPUTY CITY CLERK

March 11, 1991

Russell B. Higley
City Solicitor
City Hall
Cambridge, MA

Dear Sir:

Enclosed you will find copies of five amendments which were passed to a second reading at the City Council meeting of March 4, 1991 as follows:

1. Zoning amendment to create a permanent East Cambridge zoning district.

2. Zoning amendment to extend the Cambridgeport Interim Planning Overlay District.

3. Zoning amendment to replace the regulations relative to signs and illuminations.

4. Municipal Code amendment entitled "Mandatory Recycling".

5. Municipal Code amendment relative to the Interim Parking Control Committee.

Would you kindly review these amendments and indicate your approval or disapproval on the bottom and return to this office.

City of Cambridge

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ATTEST:- Joseph E. Connarton,
City Clerk.

Committee on Ordinances

2/20/91
5:45 P.M.

Present Councillor Francis H. Durkay - Presiding

1. C. Myers
2. C. Toomey
3. C. Reeves
4. C. Cyr 5:51 P.M
5. C. Walsh 6:05 P.M

5:45 P.M. Cambridgeport Interim overlay

C. Durkay — Opened / outlined procedure

M. Rosenberg
M. Flynn — Outlined purpose being to hold off development pending drafting of permanent ordinance, work w/ community on-going. Should be completed by end of March

Will be coming back for further extension thru March

Reg. M. Rosenberg looks into amending current proposal to address it: check w/ Law Dept.

C. Myers — Ques. time frame
Discussion w/ businesses re: employment incentives. Shld be done now

C. Duehay — Anyone in favor

None

Anyone in opposition.

Don Grossman
179 Sidney St. — Somewhat opposed
- long continuation of interim suspension property values people have filed for abatements

- there has been much opportunity for input by everyone
- new people are coming forward with brand new ideas and proposals.

C. Myers — Ques. if Pl. Bd has reviewed exclusive housing plans

In some cases the Board has recommended and reviewed mixed residential housing. It depends on the cases in question.

C. Walsh — Moved to refer to full C/C
C. Reeves

V/V

reverse-out

6:06 P.M. East Cambridge Overlay District

I. Duehay — Outlined procedure

M. Rosenberg — A great deal of work (2 yrs) preceded by neighborhood study for East Camb. Industrial area.

Slide presentation describing area current and future potential

Betty Fleming — Outlined east camb. advisory committee which had been working for past 2 years
- reduce height
- " traffic impact
- encourage develop. compatable w/ neighborhood

Special permit will be allowed
(For every 2' of develop. 1' for housing)
7.5% affordable 7.5% market

- Traffic mitigation plan will be required
- Construction plan to deal w/ traffic resulting from same.

- Long term benefits
  - 25% reduction in development
  - 50% " in traffic
  - traffic control
  - open space
  - development comp

Hugo Salemme
89 Third St.
East Camb. Planning Team

Supports petition
Rezoning package off to good start, but doesn't go far enough.

Need more housing w/in plan
Should be a mixed use project.
Neighborhood has had a negative effect from sales of homes

in East Cambridge. People selling because of getting a good price

Wld like scale set on prices of new housing so it will reflect the neighborhood

Richard Vendetti

Supports petition, good for neighborhood.
I and others on committee represent our neighborhood.
People say otherwise, not true.

Pat Lomans
East Camb. Planning Team

Supports petition
Residents have some problems w/ this petition just like the developer. Wld like to see a 1.0 for whole district, but thts unrealistic.

Robert Graves
54 Fulberson St

Support's petition
Wants all agreements in writing

Ruth Campbell
155 Charles St.

Supports petition.
Would like buffer zone
and upgrade around Kendall Sq.

57 Otis St.
Camb.

Supports petition

Vahan Hintlian
416 Essex St
Apt

" "
this would control density.
- design guidelines should be defined somewhat; should be flexible for future
- extra document clarifications should be made
- timing of large scale developments (housing) needs to have adjustment mechanism.

Opposition

John ~~Sean~~ Kelly, Comptroller
Thypin ~~Typin~~ Steel

We just want to keep what we have, don't want to take anything away. Housing @ DOT is dead.

Our property is being singled out for drastic FAR reduction.

Exercise caution due to economic conditions

Eric Wodlinger, Esq.
Choate Hall and Stewart

Represents Thypin ~~Typin~~ Steel
this wld cause financial hardship. (reduction in property value)

Daniel Glater, Esq.
D.O.T. (Chief Counsel)

Opposed to petition.

Outlined what goes on at center.
Steady growth of 20% per year in spending in MA.
550 Federal 500 civilian employees

C. Durkay — Have you been working w/ committee

NO

C. Durkay — It's quite strange Fed. Govt is injecting itself in this local issue.

Who authorized your statement

Metropolitan Steel — opposed to petition

Timothy Cronin
Com/Gas — " "

303 Third Street, we have no plans for development. If downzoned, would have detrimental impact on property. This is our only objection.

Paul Casey
Com/Energy — opposed to petition

" Design guidelines have "Master Planned" our site

C. Goomey — Ref to full C/C w/o recommendation.

w/o

" — Not many happy faces and I think that's a good sign that a compromise was reached.

C. Lyr — Wished we could deal w/ density neighborhood wants, but doesn't think it will get 7 votes.

" — Have vision to protect neighborhoods

C. Walsh — Bdy 7:59 P.M.

CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
TEL. 498-9011

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

November 19, 1990

To The Honorable, The City Council:

Enclosed please find a copy of the Planning Board's resubmittal of the East Cambridge Interim Planning Overlay District, as it relative to recommendations for permanent rezoning in the East Cambridge commercial and industrial area.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
enclosure

CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD
CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

November 13, 1990

To the Honorable, the City Council

Subject: Resubmittal of the East Cambridge Interim Planning Overlay District.

In response to a request made by residents of East Cambridge at a Board meeting held in the neighborhood to review the final recommendations for permanent rezoning in the East Cambridge commercial and industrial area, the Planning Board is hereby resubmitting the East Cambridge Interim Planning Overlay District to the Council for consideration.

The community expressed concern that with the submittal to the Planning Board of a Planned Unit Development application under the current zoning a major development might receive final approval before a permanent rezoning could be adopted by the City Council.

The Planning Board be will considering the final text of the permanent rezoning recommendation at a special meeting to be held on November 27, 1990. It is anticipated that the recommendation will be forwarded to the Council for its consideration within a week of that meeting. On that schedule consideration of the Interim District petition would be moot and all protections it would afford will be provided with the permanent rezoning petition.

Nevertheless, to assure the community that no inappropriate development will occur before the City council has had an opportunity to consider the permanent petition, the Board considers the resubmittal of the Interim petition prudent and appropriate.

Respectfully submitted for the Planning Board,

Paul Dietrich

Paul Dietrich, Chairman

I. Amend the Zoning Ordinance of the City of Cambridge as described below by creating a new Section 3.15 - The East Cambridge Interim Planning Overlay District in the area of East Cambridge as shown on the accompanying map, having the following requirements:

Section 3.15

1. All requirements of the existing base zoning districts shall apply except as modified and limited by the requirements of this Section subsections 2-4 below;

2. The floor area ratio applicable on any lot shall be limited to 1.0 or that applicable in the base district, whichever is less;

3. The maximum height of any building shall be 45' or that applicable in the base district, whichever is less;

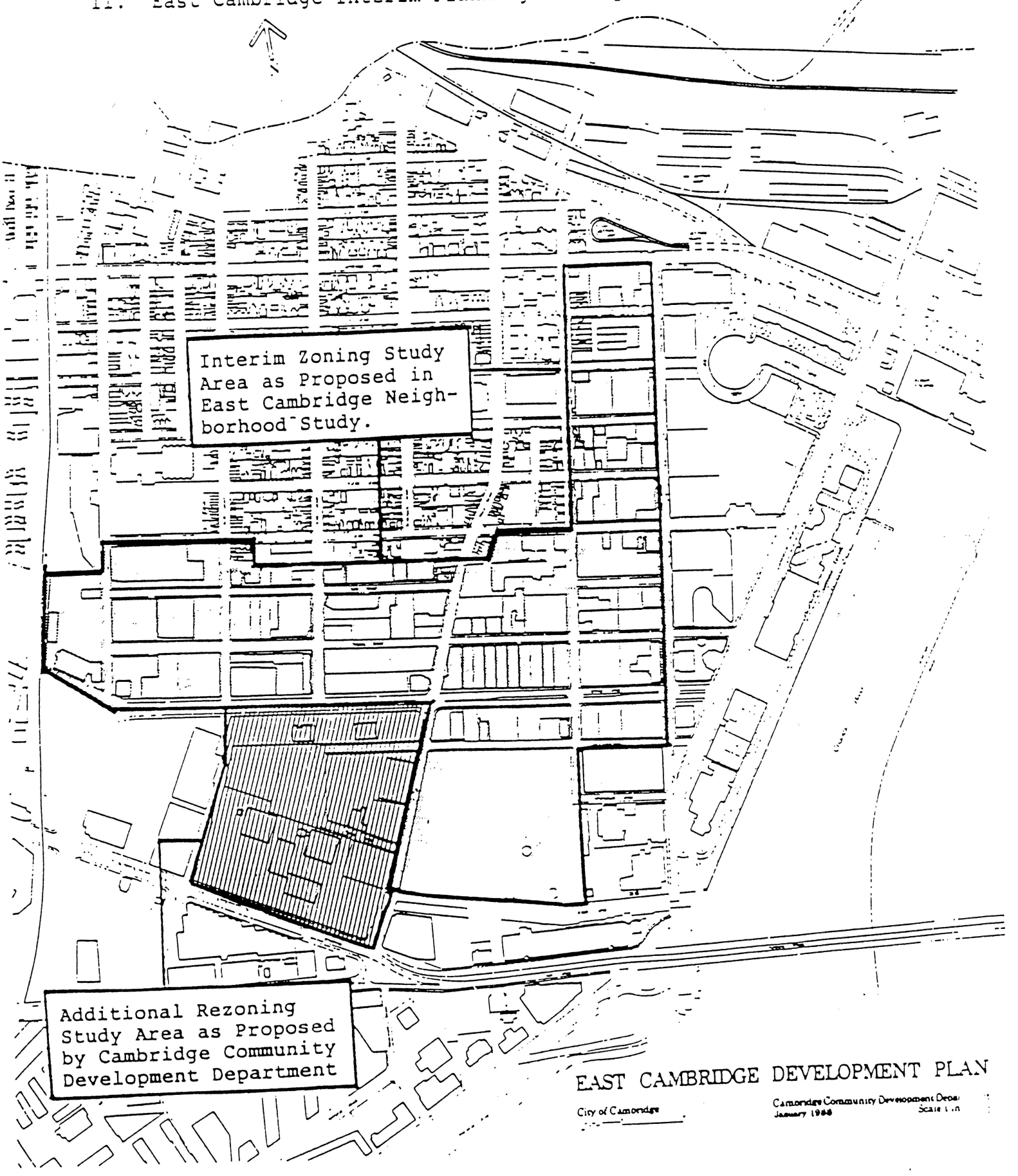
4. Not withstanding the limitations in subsections 2 and 3 above, any building existing at the time of adoption of this Section may be renovated or restored, changes made to the uses contained therein or additions may be made hereto providing the following conditions are met:

   (a) Any additions shall not exceed 10% of the gross floor area of the existing building or 30,000 gross square feet, whichever is greater; and

   (b) All regulations and limitations of the base district shall be met.

5. This Section 3.15 shall be in effect through February ~~30~~ 28, 1991.

II. East Cambridge Interim Planning Overlay District (shaded areas).



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

December 13, 1990

To the Honorable, the City Council:

SUBJECT: Planning Board Petition for Permanent Rezoning in the East Cambridge Interim Planning Overlay District Area.

The Planning Board is hereby submitting for City Council consideration a recommended permanent zoning petition for the portion of East Cambridge which has been the subject of extensive planning study by the Planning Board and the East Cambridge Rezoning Advisory committee for the past two years. The proposal as presented here is a faithful reflection of the majority recommendations made by the Advisory Committee to the Planning Board after many months of intensive effort on the part of neighborhood residents and property owner members of the Committee.

The rezoning proposal is comprehensive: it creates two new planned unit development districts, a new overlay district, and three new base zoning districts while also making changes to several other existing base zoning districts. These extensive proposals, however, achieve several straightforward objectives:

- The amount of permitted development in the affected area is reduced modestly.

- Housing is mandated to be built as part of the last increment of development allowed on commercial sites; if housing is not built the permitted commercial development is significantly reduced.

- Traffic mitigation requirements are imposed for new large scale developments when special permit approval is required; more directly, maximum parking limits for all developments are established which will assure that the amount of traffic entering the district as a result of the new development, is limited.

- Heights of new buildings are more carefully controlled; more opportunities are presented to review and regulate the design of new development. A set of design guidelines, now in draft form, is being developed to support that process.

This proposed zoning petition is the result of much study and analysis by the Advisory Committee and the Planning Board with substantial support from the Community Development Department. Given the magnitude of this proposal and its importance to East Cambridge and the City as a whole, the Board considers it vital that the policy context within which the petition was developed be more forthrightly presented so that the proposal can be better understood and evaluated. To that end, the Board will forward to the City Council in the near future a document which clearly states those underlying policy assumptions as the Board understands them and as they have operated to affect the details of the present zoning recommendation.

Respectfully submitted for the
Planning Board

Paul Dietrich

Paul Dietrich, Chairman

A. Amend the Zoning Map of the City of Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry A-1 to Residence C-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Fulkerson Street and the westerly extension of the centerline of Charles Street as shown on Assessor's Plat numbered 32,

1.1 Thence turning and proceeding in a southeasterly direction along the centerline of Charles Street to the centerline of Sixth Street for a distance of approximately 560 feet,

1.2 Thence turning and proceeding in a southwesterly direction along the centerline of Sixth Street to the centerline of Bent Street for a distance of approximately 250 feet,

1.3 Thence turning and proceeding in a northwesterly direction along the centerline of Bent Street and the southwestern extension of the centerline of Bent Street to the Boston and Albany Railroad tracks for a distance of approximately 850 feet,

1.4 Thence turning and proceeding in a northeasterly direction along the Boston and Albany Railroad tracks to a point said point being 150 feet on the Railroad tracks on Assessor's Plat numbered 32,

1.5 Thence turning and proceeding in an southeasterly direction along a line perpendicular to the Boston and Albany Railroad tracks to the centerline of Fulkerson Street for a distance of approximately 280 feet,

1.6 Thence turning and proceeding in a northeasterly direction along the centerline of Fulkerson Street to the point of origin for a distance of approximately 100 feet.

1.01 <u>Premises as shown on Assessor's Plat numbered 32:</u>

All of lot numbered 53, even numbers 252-320 Charles Street, odd numbers 101-117 Sixth Street, odd numbers 271-321 Bent Street and even numbers 126-144 Fulkerson Street.

1.02 <u>Premises as shown on Assessor's Plat numbered 31:</u>

All or parts of lot numbered 21, odd number 145 Fulkerson Street.

2.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C-1 to Open Space an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Fulkerson Street and western extension of the northern lot line of lot numbered 87 on Assessor's Plat numbered 32,

2.1 Thence proceeding in an southeasterly direction along the southwestern extension of the northern lot line and the northern lot line of lot numbered 87 to intersection with the eastern side lot line 87 for a distance of approximately 473 feet,

2.2 Thence turning and proceeding in southwesterly direction along the eastern side lot line of lot numbered 87 and the southeastern extension of the eastern side lot line to a point of intersection the centerline of Charles Street for a distance of approximately 275 feet,

2.3 Thence turning and proceeding in a northwesterly direction along the centerline of Charles Street and its western extension to the centerline of Fulkerson Street for a distance of approximately 477 feet,

2.4 Thence turning and proceeding in a northeasterly direction along the centerline of Fulkerson Street to the point of origin for a distance of approximately 275 feet.

2.01 <u>Premises as shown on Assessor's Plat numbered 32:</u>

Lot numbered 87, 319 Charles Street, also known as John J. Ahearn Field.

3.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry A-1 to Residence C-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Sixth Street and the centerline of Charles Street as shown on Assessor's Plat numbered 27,

3.1 Thence proceeding in an southeasterly direction along the centerline of Charles Street to a point of intersection with the northern extension of the eastern side lot line of lot numbered 3 on Assessor's Plat numbered 27 for a distance of approximately 125 feet,

3.2 Thence turning and proceeding in a southwesterly direction along the northern extension of the eastern side lot line of lot numbered 3 and the eastern side lot lines of lot numbered 3 and 83 to the southern side lot line of lot numbered 83 on Assessor's Plat numbered 27 for a distance of approximately 105 feet,

3.3 Thence turning and proceeding in a northwesterly direction along the southern side lot lines of lots numbered 83 and 84 and western extension of the southern side lot line of lot numbered 84 on Assessor's Plat numbered 27 to the centerline of Sixth Street for a distance of approximately 125 feet,

3.4 Thence turning and proceeding in northeasterly direction along the centerline of Sixth Street to the point of origin for a distance of approximately 125 feet.

3.01 <u>Premises as shown on Assessor's Plat numbered 27:</u>

All or parts of lots numbered 1, 2, 3, 14, 83, and 84, even numbers 238-248 Charles Street, and even numbers 100-106 Sixth Street.

4.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry B-1 to Industry A-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of Boston and Albany Railroad tracks and western extension of the centerline of Bent Street,

4.1 Thence proceeding in an southeasterly direction along the western extension of the centerline of Bent Street, the centerline of Bent Street and the eastern extension of the centerline of Bent Street to the centerline of Third Street for a distance of approximately 1,975 feet,

4.2 Thence turning and proceeding in a southerly direction along the centerline of Third Street to the centerline of Binney Street for a distance of approximately 515 feet,

4.3 Thence turning and proceeding in a northwesterly direction along the centerline of Binney Street to the Boston and Albany Railroad tracks for a distance of approximately 1905 feet,

4.4 Thence turning and proceeding in a northeasterly direction along the Boston and Albany Railroad tracks tot he point of origin for a distance of approximately 325 feet.

4.01 Premises as shown on Assessor's Plat numbered 31:

All or parts of lots numbered 21, 20, 15, 14, 8, 13, 12, even numbers 272-322 Bent Street, odd and even numbers 175-192 Fulkerson Street, odd and even numbers 151-186 Rogers Street, odd numbers 263-349 Binney Street, and odd numbers 119-157 Sixth Street.

4.02 Premises as shown on Assessor's Plat numbered 27:

All or parts of lots numbered 93, 81, 78, 82, 76, 80, 79, 77, and 68, even numbers 160-264 Bent Street, even numbers 120-138 Sixth Street, odd and even numbers 194-217 Fifth Street, odd numbers 239-257 Third Street and odd numbers 119-149 Rogers Street.

4.03 Premises as shown on Assessor's Plat numbered 28:

All or parts of lots numbered 23, 22, 15, 33, 34, and 31, even numbers 126-150 Rogers Street, even numbers 140-158 Sixth Street, odd and even numbers 218-241 Fifth Street, odd numbers 259-279 Third Street, and odd numbers 153-251 Binney Street.

5.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry A-1 and Business A to Business A-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Second Street and the centerline of Spring Street,

5.1 Thence proceeding in a southeasterly direction along the centerline of Spring Street to the centerline of First Street for a distance of approximately 450 feet,

5.2 Thence turning and proceeding in a southwesterly direction along the centerline of First Street to the centerline of Rogers Street for a distance of approximately 1,000 feet,

5.3 Thence turning and proceeding in a northwesterly direction along the centerline of Rogers Street to the centerline of Second Street for a distance of approximately 450 feet,

5.4 Thence turning and proceeding in a northeasterly direction along the centerline of Second Street to the centerline of Spring Street, the point of origin.

5.01 Premises as shown on Assessor's Plat numbered 18:

All or parts of lots numbered 68, 67, 69, 70, 66, 45, 62, 2, 61, 65, and 64, even numbers 78-96 Second Street, odd numbers 1-49 Hurley Street, even numbers 2-26 Spring Street, and odd numbers 75-95 First Street.

5.02 Premises as shown on Assessor's Plat numbered 10:

All or parts of lots numbered 32, 33, 34, 35, 37, 36, 16, 30, 31, 38, and 39, even numbers 2-50 Hurley Street, odd and even numbers 1-50 Charles Street, odd numbers 55-91 Bent Street, even numbers 102-156 Second Street, and odd numbers 101-139 First Street.

5.03 Premises as shown on Assessor's Plat numbered 16:

All or parts of lots numbered 23, 10, 11, 24, and 6, even numbers 56-92 Bent Street, even number 182 Second Street, odd numbers 141-159 First Street and odd numbers 25-50 Rogers Street.

6.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C-3/PUD-2 to Industry A-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of First Street and the centerline of Binney Street as shown on A on Assessor's Plat numbered 11,

6.1 Thence proceeding in an southeasterly direction along the centerline of Binney Street to the centerline of Commercial Avenue for a distance of approximately 300 feet,

6.2 Thence turning and proceeding in a southwesterly direction along the centerline of Commercial Avenue to the centerline of Doc Linsky Way (Munroe Street) for a distance of approximately 275 feet,

6.3 Thence turning and proceeding in a northwesterly direction along the centerline of Munroe Street to the centerline of First Street for a distance of approximately 300 feet,

6.4 Thence turning and proceeding in a northeasterly direction along the centerline of First Street to the point of origin for a distance of approximately 250 feet.

6.01 <u>Premises as shown on Assessor's Plat numbered 11:</u>

All or parts of lots numbered 32, 29, 31, and 30, even numbers 184-192 First Street, even numbers 6-22 Binney Street, and odd numbers 79-81 Commercial Avenue.

7.0 Amend the Zoning Map of the City of Cambridge by rezoning from Office 3A to Special District III an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Binney Street and the centerline of Sixth Street as shown on Assessor's Plat numbered 28,

7.1 Proceeding in a southeasterly direction along the centerline of Binney Street to the centerline of Third Street for a distance of approximately 1,020 feet,

7.2 Thence turning and proceeding in a southwesterly direction along the centerline of Third Street to the centerline of Doc Linsky Way (Munroe Street) for a distance of approximately 240 feet,

7.3 Thence turning and proceeding in a northwesterly direction along the centerline of Doc Linsky Way and the western extension of Doc Linsky Way to the northern extension of the centerline of Fifth Street for a distance of approximately 500 feet,

7.4 Thence turning and proceeding in a southwesterly direction along the centerline of Fifth Street and the southern extension of the centerline of Fifth Street to the northern side lot line of lot numbered 39 on Assessor's Plat numbered 29 for a distance of approximately 360 feet,

7.5 Thence turning and proceeding in a northwesterly direction along the northern side lot line of lot numbered 39 to the southern side lot line of lot numbered 47 to the western side lot line of lot numbered 47 on Asseesor's Plat numbered 29 to the centerline of Sixth Street for a distance of approximately 270 feet,

7.6 Thence turning and proceeding in a northeastern direction along western side lot line of lot numbered 47 to the southern side lot line of lot numbered 31 on Assessor's Plat numbered 29 for a distance of approximately 50 feet,

7.7 Thence turning and proceeding in a northwesterly direction along the southwestern side lot line of lot numbered 31 and the northwestern extension of the centerline of Sixth Street for a distance of approximately 249 feet,

7.8 Thence turning and proceeding in a northeasterly direction along the centerline of Sixth Street to the centerline of Binney Street, the point of origin, for a distance of approximately 380 feet.

7.01 Premises as shown on Assessor's Plat numbered 28:

All or parts of lots numbered 46, 45, 44, 9, 39, and 43, even numbers 158-250 Binney Street, even number 178 Sixth Street, and odd numbers 287-299 Third Street.

7.02 Premises as shown on Assessor's Plat numbered 29:

All or parts of lots numbered 48, 31, and 47, even numbers 184-194 Sixth Street, odd numbers 271-299 Fifth Street.

8.0 Amend the Zoning Map of the City of Cambridge by rezoning from Office 3A to Special District II and PUD 3A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Doc Linsky Way (Munroe Street) and the centerline of Third Street as shown on Assessor's Plat numbered 15,

8.1 Proceeding in a southeasterly direction along the centerline of Doc Linsky Way to the intersection with the centerline of Second Street for a distance of approximately 740 feet,

8.2 Thence turning and proceeding in a southwesterly direction along the centerline of Second Street and the southwestern extension of the centerline of Second Street to the southern side lot line of lot numbered 21 on Assessor's Plat numbered 13 for a distance of approximately 740 feet,

8.3 Thence turning and proceeding in a northwesterly direction along the southern side lot line of lots numbered 21 on Assessor's Plat numbered 13 and lot numbered 40 on Assessor's Plat numbered 14 to the end of the Broad Canal as shown on Assessor's Plat numbered 14 for a distance of approximately 356 feet,

8.4 Thence turning and proceeding in a southwesterly direction along the southeastern side of the Broad Canal, the southwester side lot line of lot numbered 38 on Assessor's Plat numbered 14 for a distance of approximately 20 feet,

8.5 Thence turning and proceeding in a northwesterly direction along the southwestern side lot line of lot numbered 38 on Assessor's Plat numbered 14 to a point of intersection with the northeastern extension of the southeastern side lot line of lot numbered 34 on Assessor's Plat numbered 14 for a distance of approximately 174 feet,

8.6 Thence turning and proceeding in southwesterly direction along the northeastern extension of the southeastern side lot line of lot numbered 34 and the southeastern side lot line of lot numbered 34 and lot numbered 29 and the southeastern extension of the southeastern side lot line to the centerline of Main Street, for a distance of approximately 360 feet,

8.7 Thence turning and proceeding in a generally westerly direction along the centerline of Main Street to the centerline of Broadway to the southwestern extension of

the Pedestrian Way shown as lot numbered 93 on Assessor's Plat numbered 44, for a distance of approximately 1365 feet,

8.8 Thence turning and proceeding in a northeasterly direction along the centerline of the pedestrian way, lot numbered 93 on Assessor's Plat number 44, to the intersection with the centerline of Sixth Street and the northwestern extension of the southwestern side lot line of lot numbered 31 on Assessor's Plat numbered 29 for a distance of approximately 450 feet,

8.9 Thence turning and proceeding in a southeasterly direction along the northwestern extension of the southwestern side lot line of lot numbered 31 and the southwestern side lot line of lot numbered 31 on Assessor's Plat numbered 29 to the northwestern side lot line of lot numbered 47 on Assessor's Plat numbered 29, for a distance of approximately 248 feet,

8.10 Thence turning and proceeding in a southwesterly direction along the southwestern side lot line of lot numbered 31 on Assessor's Plat numbered 29 for a distance of approximately 50 feet,

8.11 Thence turning and proceeding in a southeasterly direction along the northeastern side lot line of lots numbered 39, 40, 38, and 35 and the southeastern extension of the northeastern side lot line of lot numbered 35 to the centerline of Third Street, for a distance of approximately 596 feet,

8.12 Thence turning and proceeding in a northeasterly direction along the centerline of Third Street to the centerline of Doc Linsky Way, the point of origin, for a distance of approximately 510 feet.

8.01 <u>Premises as shown on Assessor's Plat numbered 29:</u>

All or parts of lots numbered 45, 39, 40, 38, and 35, even numbers 349-363 Third Street.

8.02 <u>Premises as shown on Assessor's Plat numbered 44:</u>

All or parts of lots numbered 93, 89, 87, 88, and 71, odd number 367 Third Street, and odd numbers 13-97 Broadway.

8.03 <u>Premises as shown on Assessor's Plat numbered 15:</u>

All or parts of lots not numbered, even numbers 42-110 Doc Linsky Way, even numbers 302-316 Third Street, and

odd numbers 225-249 Second Street.

8.04 Premises as shown on Assessor's Plat numbered 14:

All or parts of lots numbered 39, 38, 40, 34, 29, 30, 26, and 31, even numbers 330-378 Third Street, 3-11 Broadway, and odd numbers 131-173 Main Street.

8.05 Premises as shown on Assessor's Plat numbered 13:

All or part of lot numbered 21, odd numbers 249-273 First Street.

9.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry B-1 to Special District IV an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Doc Linsky Way (Munroe Street) and the centerline of Third Street as shown on Assessor's Plat numbered 15,

9.1 Thence proceeding in a northeasterly direction along the centerline of Third Street to the centerline of Binney Street for a distance of approximately 270 feet,

9.2 Thence turning and proceeding in a southeasterly direction along the centerline of Binney Street to the centerline of Second Street for a distance of approximately 642 feet,

9.3 Thence turning and proceeding in a southwesterly direction along the centerline of Second Street to the centerline of Doc Linsky Way for a distance of approxaimately 200 feet,

9.4 Thence turning and proceeding in a northwestery direction along the centerline of Doc Linsky Way to the centerline of Third Street, the point of origin, for a distance of approximately 687 feet.

9.04 <u>Premises as shown on Assessor's Plat numbered 15:</u>

All or parts of lots numbered 9, 12, 19, 20, 15, 16, 17, and 11, even numbers 80-142 Binney Street, even numbers 286-300 Third Street, odd numbers 205-223 Second Street, and odd numbers 41-107 Doc Linsky Way.

10.0 Amend the Zoning Map of the City of Cambridge by rezoning from Office 3A to Special District IV and PUD 3B an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Doc Linsky Way (Munroe Street) and the centerline of Third Street as shown on Assessor's Plat numbered 29,

10.1 Thence proceeding in a southwesterly direction along the centerline of Third Street to the eastern extension of the northern side lot line of lot numbered 35 on Assessor's Plat numbered 29 for a distance of approximately 431 feet,

10.2 Thence turning and proceeding in a northwesterly direction along the eastern extension of the northern side lot line of lot numbered 35 and the northern side lot line of lots numbered 35, 38, 40, and 39 to the southern extension of the centerline of Fifth Street for a distance of approximately 348 feet,

10.3 Thence turning and proceeding in a northerly direction along the southern extension of the centerline of Fifth Street and the centerline of Fifth Street to the western extension of the centerline of Doc Linsky Way for a distance of approximately 350 feet,

10.4 Thence turning and proceeding in a southeasterly direction along the western extension of the cenerline of Doc Linsky Way and the cetnerline of Doc Linsky Way to the centerline of Third Street, the point of origin, for a distance of approximately 440 feet.

10.01 <u>Premises as shown on Assessor's Plat numbered 29:</u>

All or parts of lots numbered 44, 34, 42, 43, and 13, even numbers 112-154 Doc Linsky Way and odd numbers 303-343 Third Street,

11.0 Amend the Zoning Map of the City of Cambridge by creating the East Cambridge Overlay District in an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Second Street and the centerline of Spring Street as shown on Assessor's Plat numbered 18,

11.1 Proceeding in a southwesterly direction along the centerline of Spring Street and the southeastern extension of the centerline of Spring Street to the centerline of First Street for a distance of approximately 450 feet,

11.2 Thence turning and proceeding in a southwesterly direction along the centerline of First Street to the centerline of Binney Street for a distance of approximately 1,250 feet,

11.3 Thence turning and proceeding in a southeasterly direction along the centerline of Binney Street and the southeastern extension of the centerline of Binney Street to the centerline of Commercial Avenue for a distance of approximately 300 feet,

11.4 Thence turning and proceeding in a southwesterly direction along Commercial Avenue to the southeastern extension of the centerline of Doc Linsky Way (Munroe Street) for a distance of approximately 200 feet,

11.5 Thence turning and proceeding in a northwesterly along the southeastern extension of the centerline of Doc Linsky Way and the centerline of Doc Linsky Way to the centerline of Third Street for a distance of approximately 1,410 feet,

11.6 Thence turning and proceeding in a northeasterly direction along the centerline of Third Street to the centerline of Binney Street for a distance of approximately 260 feet,

11.7 Thence turning and proceeding in northwesterly direction along the centerline of Binney Street to the intersection of the Boston and Albany Railroad Tracks for a distance of approximately 2,085 feet,

11.8 Thence turning and proceeding in a northeasterly direction along the Boston and Albany Railroad Tracks to the western extension of the northern side lot line of lot numbered 99 on Assessor's Plat numbered 33 for a distance of approximately 1,280 feet,

11.9 Thence turning and proceeding in a southeasterly direction along the western extension of the northern side lot line and the northern side lot lines of lot

numbered 99 and lot numbered 88 and the eastern extension of the northern side lot line of lot numbered 88 on Assessor's Plat numbered 33 to the centerline of Fulkerson Street for a distance of approximately 265 feet,

11.11 Thence turning and proceeding in a southwesterly direction along the centerline of Fulkerson Street to the western extension of the centerline of Charles Street for a distance of approximately 435 feet,

11.12 Thence turning and proceeding in a southeasterly direction along the western extension of the centerline of Charles Street and the centerline of Charles Street to the intersection with the centerline of Sixth Street for a distance of approximately 570 feet,

11.13 Thence turning and proceeding in a southwesterly direction along the centerline of Sixth Street to the intersection with the centerline of Bent Street for a distance of approximately 250 feet,

11.14 Thence turning and proceeding in southeasterly direction along the centerline of Bent Street and the eastern extension of the centerline of Bent Street to the intersection with the centerline of Second Street for a distance of approximately 1,690 feet,

11.15 Thence turning and proceeding in a northeasterly direction along the centerline of Second Street to the intersection with the centerline of Spring Street, point of origin, for a distance of approximately 750 feet.

11.01 <u>Premises as shown on Assessor's Plat numbered 18:</u>

All or parts of lots numbered 68, 67, 69, 70, 66, 45, 62, 2, 61, 65, and 64, even numbers 78-96 Second Street, even numbers 2-20 Spring Street, odd numbers 1-49 Hurley Street, odd numbers 75-95 First Street.

11.02 <u>Premises as shown on Assessor's Plat numbered 11:</u>

All or parts of lots numbered 32, 29, 31, and 30, even numbers 184-192 First Street, even numbers 6-22 Binney Street, odd numbers 79-81 Commercial Avenue.

11.03 <u>Premises as shown on Assessor's Plat numbered 15:</u>

All or parts of lot numbered 21,even numbers 32-70 Binney Street, even numbers 204-222 Second Street, odd numbers 181-199 First Street, and odd numbers 1-39 Doc Linsky Way.

11.04 Premises as shown on Assessor's Plat numbered 16:

All lots, even numbers 240-280 Third Street, odd and even numbers 25-88 Rogers Street, odd numbers 33-143 Binney Street, odd and even numbers 167-203 Second Street, and odd numbers 141-179 First Street.

11.05 Premises as shown on Assessor's Plat numbered 27:

All or parts of lots numbered 91, 6, 70, 86, 85, 32, 35, 34, 33, 93, 81, 78, 82, 76, 77, 68, 80, and 79, even numbers 108-138 Sixth Street, odd and even numbers 183-216 Fifth Street, odd numbers 221-257 Third Street, odd and even numbers 157-264 Bent Street, and odd numbers 119-149 Rogers Street.

11.06 Premises as shown on Assessor's Plat numbered 28:

All or parts of lots numbered 23, 22, 15, 33, 34, and 31, even numbers 126-150 Rogers Street, even numbers 140-158 Sixth Street, odd and even numbers 218-241 Fifth Street, odd numbers 259-279 Third Street, and odd numbers 153-251 Binney Street.

11.07 Premises as shown on Assessor's Plat numbered 31:

All lots, odd numbers 119-157 Sixth Street, odd and even numbers 175-192 Fulkerson Street, even numbers 272-522 Bent Street, odd and even Rogers Street, odd numbers 263-349 Binney Street.

11.08 Premises as shown on Assessor's Plat numbered 32:

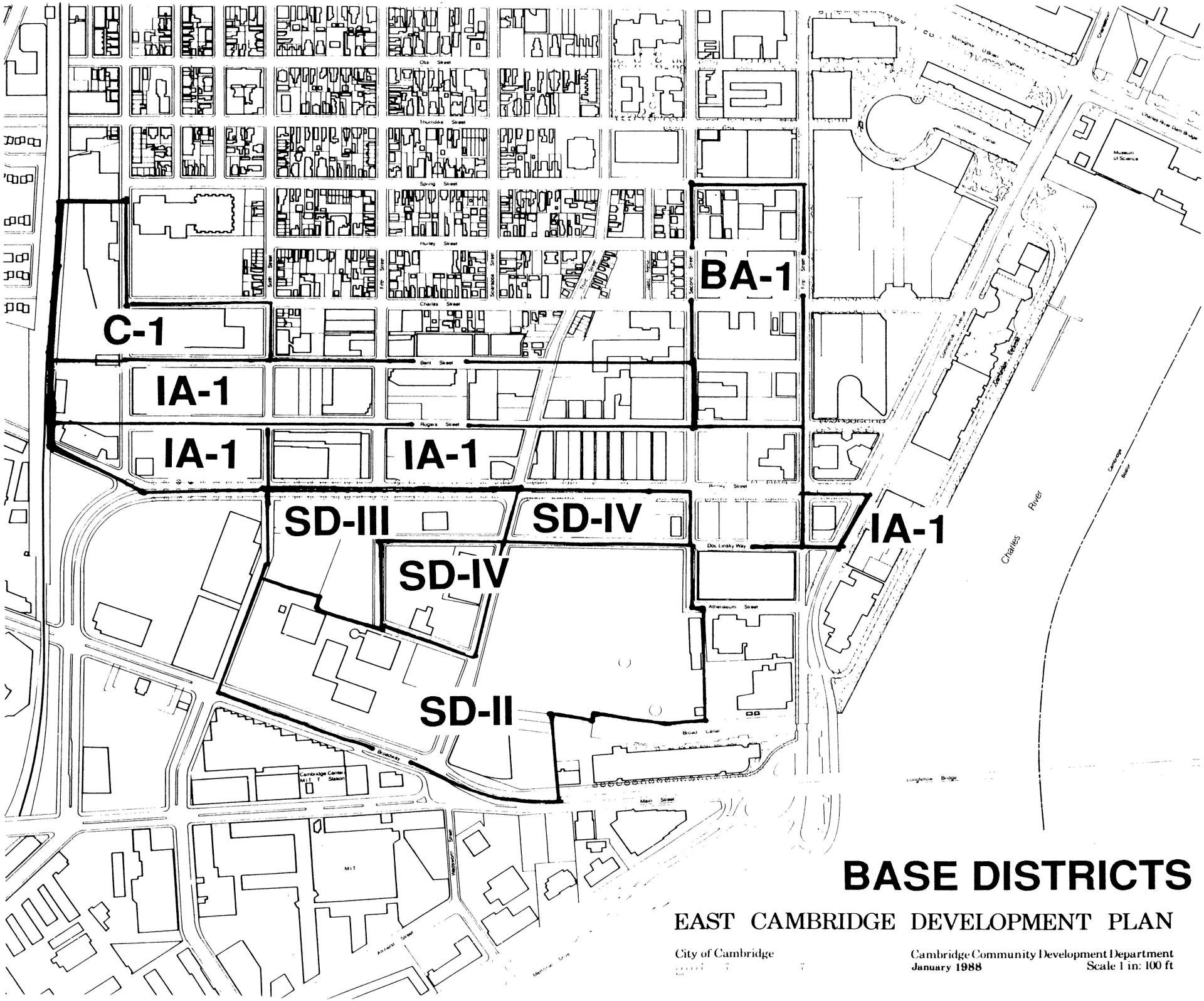
All or parts of lots numbered 89, 51, 52, and 53, odd numbers 99-123 and odd and even numbers 123-145 Fulkerson Street, even numbers 252-320 Charles Street, odd numbers 271-321 Bent Street, odd numbers 101-117 Sixth Street.

11.09 Premises as shown on Assessor's Plat numbered 33:

All or parts of lots numbered 99, and 88, 81 Fulkerson Street.

11.001 Premises as shown on Assessor's Plat numbered 17:

All or parts of lots numbered 84, even numbers 234-238 Third Street, and odd numbers 155-165 Second Street.

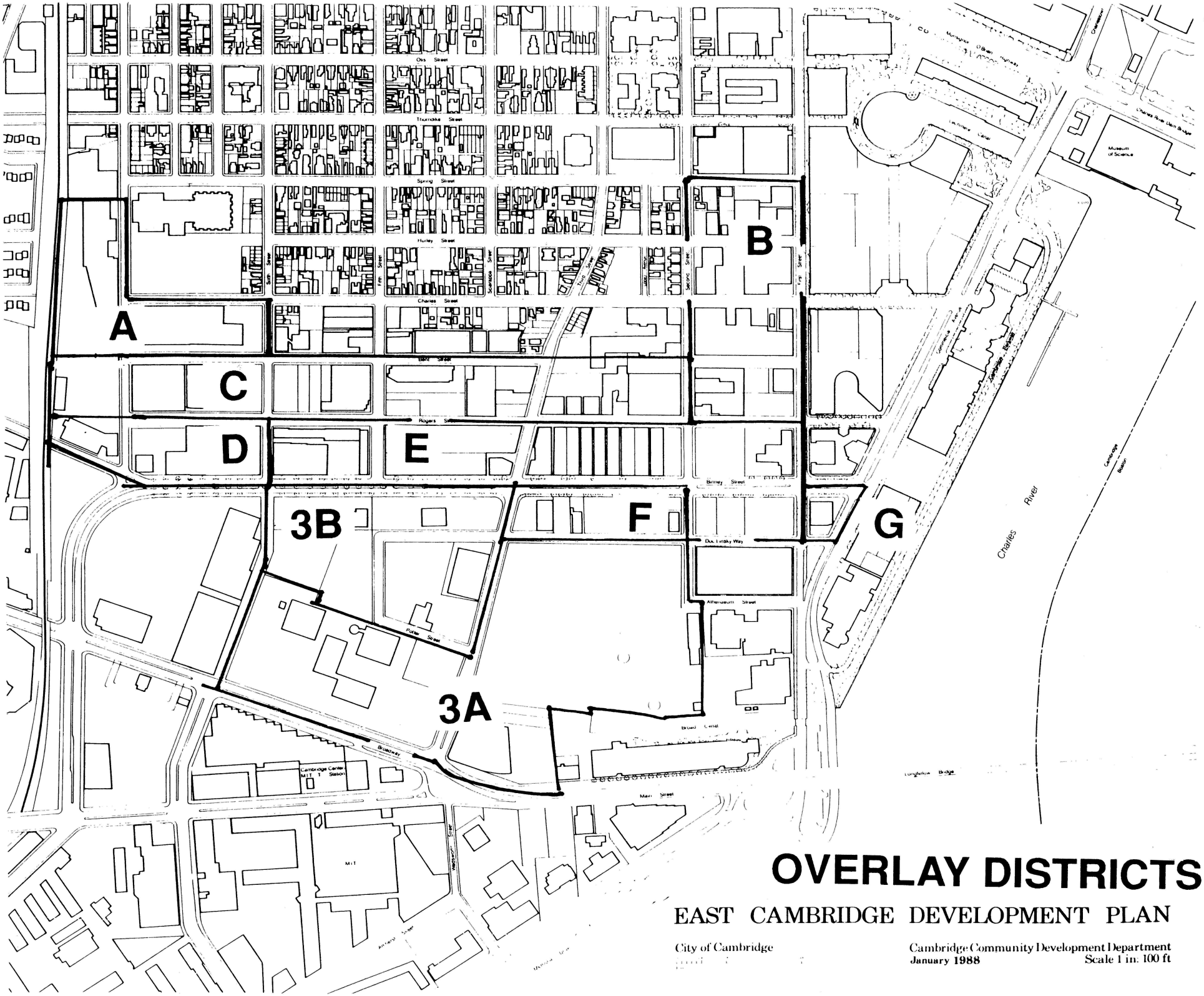


BASE DISTRICTS

EAST CAMBRIDGE DEVELOPMENT PLAN

City of Cambridge

Cambridge Community Development Department
January 1988
Scale 1 in: 100 ft



OVERLAY DISTRICTS

EAST CAMBRIDGE DEVELOPMENT PLAN

City of Cambridge

Cambridge Community Development Department
January 1988
Scale 1 in. 100 ft

B. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Section 11.400 East Cambridge Overlay Districts as follows:

11.400 East Cambridge Overlay Districts A - G

11.401 ESTABLISHMENT AND SCOPE There are hereby established the East Cambridge Overlay Districts A-G which shall be governed by the regulations and procedures specified in this Section 11.400. It is the intent of this section that these regulations shall apply to a single area described generally as the area abutting the East Cambridge residential neighborhood, the East Cambridge Riverfront and the Kendall Square Development Area.

11.402 GENERAL PURPOSE It is the purpose of this Section 11.400 to augment existing zoning regulations to respond to the unique problems and pressures affecting the area as pointed out in the East Cambridge Neighborhood Study, Fall 1988. The Overlay Districts are intended to promote development that is consistent with the goals and objectives of the East Cambridge Neighborhood Study and the work of the East Cambridge Rezoning Advisory Committee.

11.403 APPLICABILITY The East Cambridge Overlay Districts shall be Overlay Districts on the Zoning Map established by Section 3.20 (Zoning Map).

11.403.1 The use of land within said districts shall be controlled by the pertinent regulations in the base zoning districts except as modified by the requirements of this Section 11.400 which shall apply in addition to the regulations imposed by the base zoning map designation.

11.404 GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS

11.404.1 The East Cambridge Overlay Districts shall be considered areas of special planning concern. Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.404.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority shall be guided by the objectives and criteria contained in the publication East Cambridge Overlay Districts

Development Guidelines, Community Development Department, 1990, in addition to the requirements of Sections 10.30 (variances) and 10.40 (Special Permits) and this Section 11.400. These guidelines are also intended to assist in shaping any contemplated physical change within the East Cambridge Overlay Districts.

11.404.3 National Register and Contributing Buildings
For the purpose of this Section 11.400 the following definitions shall apply:

a. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.

b. A contributing building shall be

(1) Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or

(2) A building located outside a National Register District but identified as a contributing building in the East Cambridge Overlay Districts Design Guidelines. However, a building shall no longer be considered a contributing building as defined in this Subsection 11.403 (b) for the purpose of this Section 11.400 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

11.404.4 East Cambridge Advisory Committee. There shall be established an East Cambridge Advisory Committee, with members appointed by the City Manager, which shall have the following duties, responsibilities, and membership.

a. Purpose. It is the intent of this Subsection 11.404.4 that the Committee in its official actions fulfill the following purposes.

(1) To establish a formal, ongoing body that will review all major development actions in the East Cambridge Overlay Districts.

(2) To provide a forum within which a wide range

of perspectives on development actions can be heard.

(3) To establish a citizen/professional body which can advise both public agencies and private interests as to the development urban design issues raised by a development or planning proposal and suggest avenues of research which might be pursued to resolve identified conflicts or make the project better fulfill both public and private objectives for the East Cambridge \overlay Districts.

b. Responsibilities. The Committee shall undertake all Large Project Reviews and shall receive all applications for variances and special permits for activities within East Cambridge Overlay Districts for review and comment. In addition, the Committee may comment on any preliminary proposal, for which any public agency or private interests may wish to receive advice and recommendations.

c. Procedures.

(1) Within the six (6) months preceding any application for (1) a building permit for any project subject to a Large Project Development Consultation Review or (2) a special permit or variance for any project within the East Cambridge Overlay Districts, the graphic and other material required in Section 11.45 - Large Project Submittal Requirements shall be submitted to the East Cambridge Advisory Committee for their review and comment.

(2) Within thirty (30) days for that submittal, (or within 60 days with the written consent of the applicant) the Committee shall prepare a written report of findings and recommendaitons with respect tot he applicant's proposed project.

(3) The Committee's written report shall outline the urban design and development issues raised by the proposal. It shall suggest those areas within which additional exploration of alternatives might be sought or factual information gathered which might help to resolve potential conflicts between public and private objectives or which might

help to shape et he project to better serve these objectives.

(4) The report shall be forwarded to the applicant and shall be included in any application for a building permit, special permit or variance.

(5) It is expected that, in making decisions regarding special permits and variances within the Overlay Districts, the Planning Board and/or Board of Zoning Appeal will give due consideration to the report and recommendations of the advisory committee.

(6) The Community Development staff shall serve as staff to the Committee.

d. (1) Membership. Members in all categories shall be Cambridge residents or business persons or landowners within the Overlay Districts.

a. One member having recognized qualifications as architect or landscaped architect who shall also serve as chair of the Committee.

b. Three (3) members representing the business community in East Cambridge Overlay Districts.

c. Three (3) members representing residents of the East Cambridge neighborhood.

(2) Terms. Committee members shall be appointed for terms of three (3) years each.

11.405 DETAILED PROVISIONS APPLICABLE TO ALL DISTRICTS

11.405.1 Uses The buildings and land uses within the East Cambridge Overlay Districts shall be controlled by the pertinent regulations within the applicable base zoning district except that a parking lot or parking garage for private passenger cars, Section 4.32 b (automobile parking lot or parking garage for private passenger cars) is prohibited.

11.405.2 Off street parking and loading requirements shall be the same as specified in Article 6.000 for the applicable base zoning district except as provided below.

11.405.21 Minimum Parking Requirement The minimum parking requirements shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h (Residential Uses), one parking space shall be required for each dwelling unit.

11.405.22 Maximum Parking The maximum parking permitted for uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h (Residential Uses), there shall be no maximum accessory parking. No parking shall be provided which exceed the maximum parking permitted, not withstanding the provision of Section 6.31.3; however the Board may permit the number of parking spaces to exceed the maximum allowed under this Section 11.405.2 provided the authorized number of parking spaces does not exceed that number which would be permitted on the lot if the maximum parking ratio were applied to the maximum gross floor area permitted on the lot, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

11.405.23 No special permit shall be issued in any East Cambridge Overlay District which permits the total number of parking spaces on a lot to exceed that permitted in this Section 11.405.22 for development authorized by the special permit plus any additional parking present on the site before the date of application, which parking is provided as legally established required accessory parking, not exceeding the minimum required in Article 6.000, at the time of the granting of the special permit in the applicable zoning district in Article 6.000 for uses not located on the lot,

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance with this subsection 11.405.22.

11.405.3 Yard Requirements A minimum five (5) foot front yard setback shall be required for all development in the Overlay Districts. Where a greater setback is required in the base district for the front yard, the greater setback shall be the required unless the Planning Board specifically waives the greater requirement by Special Permit. All other yard requirements shall be as required in the base district unless the Planning Board specifically waives the requirement by Special Permit.

11.405.31 Restrictions in Required or Provided Front Yard Setbacks That area between the principal front wall plane of a building and a public street, whether required or provided, shall be devoted to Green Area as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of that portion of a lot abutting the street. Areas devoted to vehicular use are prohibited from this area with the exception of access drives located to provide the most direct access to parking facilities located elsewhere on the site. Said access drives shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage. Where a lot is bounded by more than one street, the provisions of this subsection 11.405.31 shall apply fully only to a single street, which street shall be the principal, major or most important street abutting the lot. For all other streets the provisions of this subsection 11.405.31 shall apply only to those portions of the front yard lying directly between the building and the street line; where a lot is bounded by four (4) street the provision of this subsection shall not apply to that street directly opposite the principal street.

11.405.4 Transfer of Development Rights Notwithstanding the limitations imposed by the definition of lot in Article 2.000 the Planning Board may allow by special permit the transfer of part or all of the permitted gross floor area on one lot (donating lot) to one or more other lots (receiving lots), all held in common ownership, anywhere within the East Cambridge Overlay Districts, without regard to the FAR limitations normally applicable to the receiving lot(s); all other dimensional limitations applicable to the receiving lot(s) shall continue to apply. An additional transfer of development potential may be permitted by Special Permit from the Planning Board between lots not held in common ownership, only for the purpose of construction of the residential development required to be built in order to secure a special permit for additional FAR as provided in Section 11.406.21; and further provided that the transfer may be permitted only if the total number of units or gross floor area on the receiving site is increased by no more than ten (10) percent above that which would otherwise be permitted by the zoning applicable to the lot(s).

11.405.41 In granting a special permit under this Section 11.405.4 the Planning Board shall consider the following.

1. The transfer results in a superior site development, and

2. the density of development is reduced at locations close to the existing residential neighborhood, existing residential uses, public parks or architecturally or historically significant buildings,

3. A significant amount of publicly accessible open space is created.

4. Housing development is made more feasible through development of a critical mass of residential use.

5. Parking facilities are more logically located to reduce traffic impacts on residential streets, better designed, and/or generally less visually intrusive over a larger area than might otherwise be the case.

6. The transfer facilitates preservation of an architecturally or historically significant building or facilitates the creation of a lot suitable for residential use.

7. The transfer facilitates the creation or retention of light manufacturing space, particularly space suitable for start up or incubator enterprises.

8. The transfer assists in improving the visual appearance and/or operation of an existing industrial facility through renovations and site improvements.

9. Affordable housing units are created beyond that which would otherwise be required.

11.406 DETAILED PROVISIONS APPLICABLE TO INDIVIDUAL DISTRICTS

11.406.1 Additional Height By Special Permit from the Planning Board the permitted height may be increased as detailed below; however, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) on all abutting streets, except as otherwise noted.

(1) In District A the maximum height shall be sixty (60) feet except as further limited by heights illustrated in Figure I.

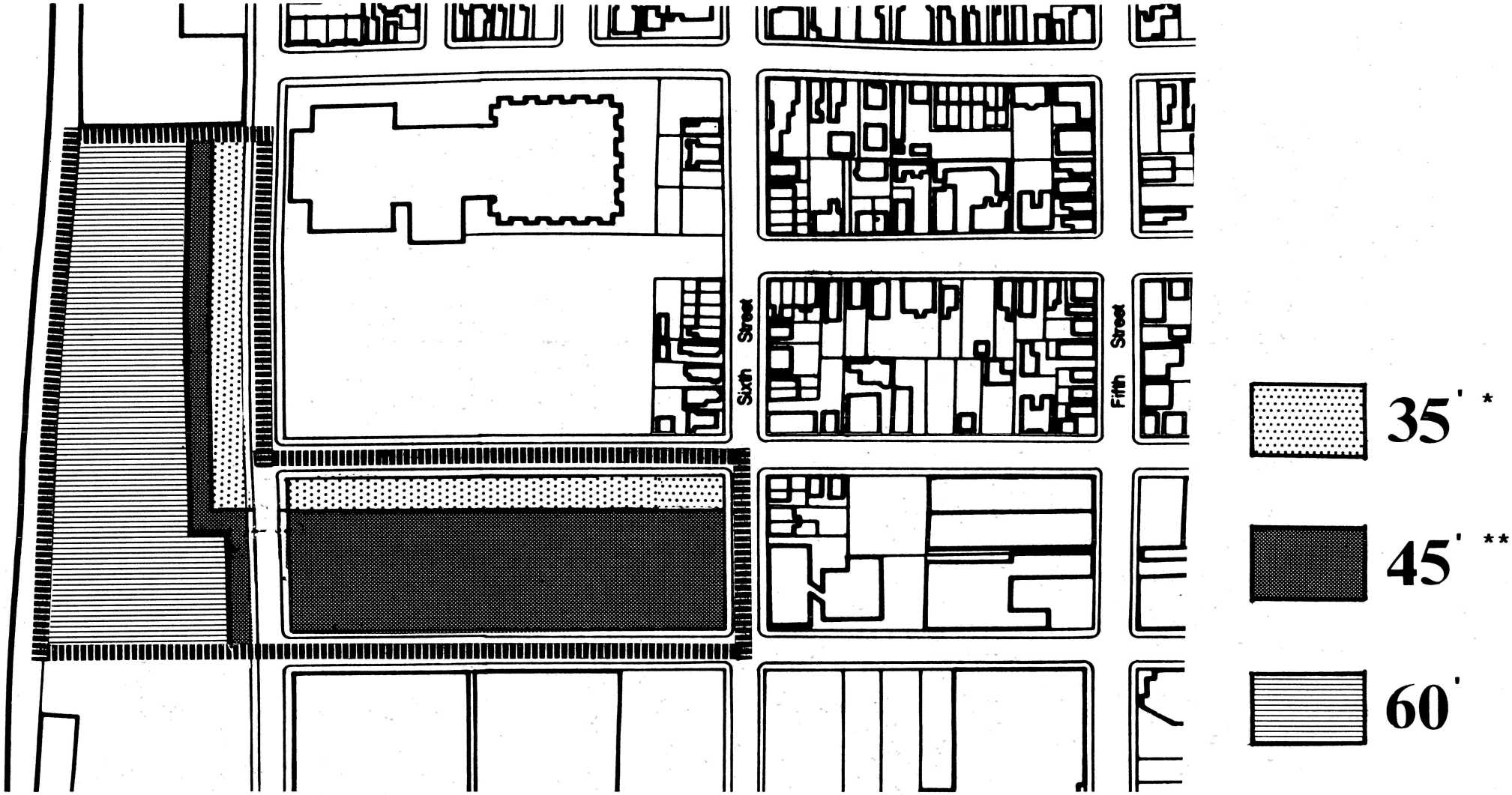


FIGURE I

MAXIMUM PERMITTED HEIGHTS - EAST CAMBRIDGE OVERLAY DISTRICT A

* 35 feet within 50 feet of abutting street line, as shown.

** West of Fulkerson Street, 45 feet within 20 feet of the street line and the 35 foot height limit line, as shown

(2) In District B the maximum height shall be sixty (60) feet except that where the District abuts a Residence C-1 zoning district on Second Street, no building may exceed thirty-five (35) feet within fifty (50) feet of the street line, or forty-five (45) feet thereafter within seventy (70) feet of the street line.

(3) In District C the maximum height shall be sixty (60) feet.

(4) In District D the maximum height shall be seventy (70) feet.

(5) In District E the maximum height shall be seventy (70) feet except that for those blocks lying between First Street and Second Street the maximum height shall be sixty (60) feet.

(6) In District F the maximum height shall be seventy (70) feet.

(7) In District G the maximum height shall be sixty (60) feet.

11.406.11 In granting a Special Permit for additional height the Planning Board shall consider the following.

1. A superior site development will result as indicated by

   (a) more generous setbacks used to widen sidewalks or add street tree or other landscaping along public streets

   (b) more varied forms of urban open space, including courtyards and plazas

   (c) more sensitive relationship of building forms to the height and other characteristics of development on adjacent lots

   (d) more rational arrangement of parking so as to reduce its negative impacts on adjacent properties and public streets

   (e) greater solar access to building, and open space elements within the development and/or reduced shadow impacts on adjacent development

2. The site can accommodate transferred development potential achieving some of the benefits identified in Section 11.405.41.

3. Independent of any transfer of development potential some of the benefits identified in Section 11.405.41 are achieved.

11.406.2 Additional Gross Floor Area

11.406.21 By Special Permit from the Planning Board the permitted gross floor area may be increased as provided below.

(1) In District A the maximum FAR shall be 1.25. All residential development authorized above the base .75 FAR shall be devoted exclusively to residential uses, excluding hotels and motels, meeting the requirements detailed in Section 11.406.22.

(2) In District B the maximum FAR shall be 1.75. However, for each two (2) square feet of commercial development authorized above the base 1.0 FAR up to a maximum FAR limit of 1.5, one square foot of residential development excluding hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(3) In District C the maximum FAR shall be 1.75. However, for each two (2) square feet of commercial development authorized above the base 1.25 FAR up to a maximum FAR limit of 1.57, one square foot of residential development excluding hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(4) In District D the maximum FAR shall be 2.25. However, for each two (2) square feet of commercial development authorized above the base 1.5 FAR up to a maximum FAR limit of 2.0, one square foot of residential development excluding hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(5) In District E the maximum FAR shall be 2.0. However, for each two (2) square feet of commercial development authorized above the base 1.25 FAR up to a maximum FAR limit of 1.75, one square foot of residential development excluding

hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(6) In District F the maximum FAR shall be 2.25. However, for each two (2) square feet of development authorized above the base 1.5 FAR up to a maximum FAR limit of 2.0, one square foot of residential development excluding hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(7) In District G the maximum FAR shall be 2.25. However, all development authorized above the base 1.5 FAR shall be devoted exclusively to residential uses, excluding hotels and motels, meeting the requirements detailed in Section 11.406.22.

11.406.22 (1) The housing shall be constructed within any one of the East Cambridge Overlay Districts subject to the limitations of Section 11.405.4. above.

(2) Construction of all required housing development shall be completed before issuance of any occupancy permit for nonresidential development exceeding the FAR limit permitted in the base district.

(3) A minimum of seven and one half (7½) percent of the dwelling units required by such special permit shall be affordable housing units made available to Eligible Households as defined in Section 11.200 and shall conform to the Standards detailed in Section 11.200.

(4) An additional seven and one half (7½) percent of the dwelling units authorized by such special permit shall be offered to the City of Cambridge at prevailing market rates for inclusion in any program available to and selected by the City for provisions of affordable housing. The offer shall be formally made to the City by the permittee only at such time as the specific size, location, finished details, and cost of each unit are known. Should the City fail to exercise its option within three (3) months the permittee is free to make the units available on the open market without further obligations to the City of Cambridge.

11.406.3 Residential Density The maximum residential density shall be increased to six hundred (600) square feet per

dwelling unit for Districts A-F. The density shall be increased to three hundred (300) square feet per dwelling unit in District G.

11.406.4 Special Site Development Restrictions for lots in Districts B and E. No above grade structured parking or loading facility or parking and loading facility located at grade beneath a building shall be permitted within thirty (30) feet of the First street streetline; or within thirty (30) feet of the Second Street streetline where a residential zoning district abuts the Districts.

11.407 INCENTIVE ZONING PROVISIONS All nonresidential development authorized by Special Permit for additional FAR or for transfer of development rights shall be subject to the incentive zoning requirements of Section 11.200. All or part of the obligation incurred under Section 11.203 may be used to meet the affordable housing requirements of Section 11.406.22.

11.408.1 TRAFFIC MITIGATION REQUIREMENTS A traffic mitigation plan shall be required as a condition of approval of any Special Permit for additional FAR as detailed in Article 18.000.

11.408.2 CONSTRUCTION MANAGEMENT PROGRAM The applicant shall submit a construction management program, detailing the construction period impacts and a program for their mitigation as detailed in Article 18.000.

11.409 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

a. The proposed development is consistent with the following goals and objectives:

- encourage mixed use development compatible with the residential neighborhood

- promote housing

- encourage development along First Street to relate to the East Cambridge Riverfront and with ground floor retail

- promote street and sidewalk improvements to create a unified image and improve the physical and visual environment

- promote strong visual and pedestrian connections between the residential neighborhood and Kendall Square and the Charles River

- establish strict traffic mitigation measures to minimize traffic impacts in the neighborhood

- encourage structured parking with access located to mitigate traffic impacts.

b. The development is consistent with the provisions of the East Cambridge Overlay Districts Guidelines

c. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

d. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

C. Amend the text of the Zoning Ordinance of the City of Cambridge by creating new sections 13.80 and 13.90, PUD 3A and PUD 3B as follows:

13.80 PUD-3A DISTRICT: DEVELOPMENT CONTROLS

13.81 PURPOSE A PUD-3A District is intended to provide for the creation of a quality mix of general and technical office uses and housing with supporting commercial activities. The district regulations are intended to encourage strong linkages between the district and the existing residential East Cambridge neighborhood, the new development at Kendall Square, and the East Cambridge riverfront. The development is encouraged to be so designed as to break down the scale of large parcels through the use of new public or private roads and ways to better reflect the scale of existing city blocks. The PUD-3A District is intended to promote development that is consistent with the goals and objectives of the East Cambridge Neighborhood Study, Fall 1988, and the work of the East Cambridge Rezoning Advisory Committee .

13.82 USES ALLOWED IN A PUD-3A DISTRICT The uses listed in Section 13.82, alone or in combination with each other, shall be allowed upon permission of the Planning Board.

13.82.1 Residential Uses

(1) Townhouse Development. Any special permit for townhouse development required by Section 11.10 shall be granted by the Planning Board within the scope of the planned unit development Special Permit.

(2) Multifamily dwellings.

(3) Hotels or Motels.

13.82.2 Transportation, Communication, Utility and Institutional Uses All uses listed in Sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district.

13.82.3 Office and Laboratory Uses All uses listed in Section 4.34.

13.82.4 Retail Business and Consumer Service Establishments

(1) Stationery and office supply store.

(2) Printing and reproduction service establishment,

photography studio.

(3) Other store for retail sale of merchandise located in a structure primarily containing non-retail uses.

(4) Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.

(5) Restaurants or other eating and drinking establishments listed in subsection 4.35 e, f, g, o and r.

(6) Theater or hall for public gatherings.

(7) Bowling alley, skating rink, tennis center or other commercial recreation establishments.

(8) Manufacturing, processing, assembly and/or packaging of articles and products listed as Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

13.82.5 Other Uses Any use not listed in subsections 13.82.1 - 13.82.4 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-3A District and is necessary to support the predominant uses in the district.

13.83 DISTRICT DIMENSIONAL REGULATIONS

13.83.1 FAR The maximum ratio of floor area to the total area of the development parcel shall be 2.0 except as permitted below.

1. The maximum FAR may be increased to 2.75 provided the following conditions are met:

a. For each two square feet of commercial development authorized above the base 2.00 FAR, up to a maximum FAR limit of 2.5, one square foot of residential development, excluding hotels and motels, shall be required to be built which meets the following requirements

1. The housing shall be constructed within the PUD 3A or PUD 3B Districts except as permitted in paragraph 5 below.

2. Construction of all required residential development shall have been completed before issuance of any final certificate of occupancy permit for nonresidential development exceeding a 2.00 FAR limit.

3. A minimum of seven and one half (7½) percent of the dwelling units required by such special permit shall be affordable housing units made available to Eligible Households as defined in Section 11.200 and shall conform to the Standards detailed in Section 11.200.

4. An additional seven and one half (7½) percent of the dwelling units authorized by such special permit shall be offered to the City of Cambridge at prevailing market rates for inclusion in any program available to and selected by the City for provision of affordable housing. The offer shall be formally made to the City by the permittee only at such time as the specific size, location, finished details and cost of each unit are known. Should the City fail to exercise its option within three (3) months the permittee is free to make the units available on the open market without any further obligations to the City of Cambridge.

5. The residential development requirement of this Section 13.83.1 may be met at any location within the East Cambridge Overlay Districts provided the residential development consists of new construction, is equal in total gross floor area to that required to be constructed, and is permitted within the limits of the zoning applicable to the residential development site. The additional residential gross floor area permitted in the PUD 3A District may not be transferred to any lot in the East Cambridge Overlay Districts.

6. All lots and construction thereon, necessary to fulfill the requirements of this Section 13.83.1, shall be subject to approval by the Planning Board as part of the PUD Special Permit.

13.83.2 Development Parcel, Lot size The minimum size of the development parcel for a PUD shall be four (4) acres.

A development parcel within the PUD-3A may contain noncontiguous lots elsewhere in this PUD District or within a contiguous PUD District. There shall be no specified minimum lot size for lots located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.83.3 Residential Density For the purpose of computing residential density, the minimum land area for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire development parcel.

13.83.4 Lot width, Setback There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. In general there shall be no minimum required front, rear and side yard requirements for lots located within a development parcel or side and rear yards for the development parcel itself. However, setbacks from the streets abutting the development parcel, including the Sixth Street Pedestrian Way, are expected to follow the recommendations of the East Cambridge Overlay Districts Design Guidelines; at such locations a five (5) foot minimum front yard setback shall be required; at Third Street additional setbacks may be imposed to permit widening of the street to accommodate possible widening to facilitate the extension of the median or to continue the Parkway character of the street as already established. Additional setbacks may be appropriate along the Sixth Street Pedestrian Way to enhance its open space character. In all cases the Planning Board shall approve all such building setbacks. Any buildings on a parcel abutting the Broad Canal shall be setback or so designed as to provide a pedestrian pathway along the canal's edge. For the purposes of this PUD 3A District the Sixth Street Pedestrian Way, lot numbered 93 on Assessor's Plat numbered 44, the southern extension of Sixth Street from Binney Street to Broadway, shall be considered a street.

13.83.5 Height The maximum height of any building shall be two hundred and thirty (230) feet, except as limited in paragraph 1 below.

1. The Planning Board shall not approve any Final Development Plan in which twenty-five (25) percent or more of the land area of the development parcel is covered with such buildings or parts of buildings, not exempted by Section 5.23, in excess of eighty-five (85) feet in height, or in which ten (10) percent or more of the land area of the development parcel is covered with

such buildings or parts thereof in excess of one hundred and twenty (120) feet in height but no more than two hundred and thirty (230) feet. Notwithstanding the foregoing any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets and the Sixth Street Pedestrian Way.

2. In evaluating a Development Proposal providing building heights in excess of eighty-five (85) feet, the Planning Board shall give consideration to evidence presented on the following:

   (a) that increased height will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity or major public open space to a significantly greater extent than if the building height did not exceed eighty-five (85) feet;

   (b) that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space and monotonous development provided, however, that the additional height would not so concentrate development as to prevent the allocation of building mass at lower levels necessary to create a well defined, pedestrian oriented, urban district;

   (c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristics of the particular location through more harmonious relationships to the terrain and to proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building as well as the urban design objectives as outlined in the East Cambridge Overlay Districts Design Guidelines;

   (d) that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and

   (e) that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the development parcel.

13.84 OPEN SPACE The minimum ratio of open space to the total area of the development parcel as defined in Article 2.000 and Section 5.22 shall be twenty-five (25) percent. At a minimum there shall be a contiguous parcel of open space at grade consisting of at least twenty-five thousand (25,000) square feet to be used as a publicly accessible park or seven (7) percent of the development parcel, whichever is less.

13.84.2 Open space shall include parks, plazas, landscaped areas open to the sky; playgrounds; balconies; and pedestrian ways such as bridges, decks, arcades, loggias, and galleries as permitted by the Planning Board. It is intended that the open space provided should serve a variety of purposes and clientele including the general public and visitors to the development as well as residents and employees exclusively.

In addition the Board may permit the following, not generally considered open space, to be included in that area required to meet the minimum open space requirement provided they advance the objectives of the District and the East Cambridge Overlay Districts Design Guidelines: land area reserved for and proposed to be transferred to the City for the widening of public streets; building setbacks from public streets greater than five (5) feet which enhance the parkway like character of those streets; newly created internal private streets and their adjacent curbside parking and sidewalks.

In accepting as open space, facilities which would not otherwise be considered useable open space as defined in this Ordinance, the Board shall specifically find that such facilities provide benefits comparable to those provided by traditional open space: the provision of light and air; the opportunity to provide pleasant and accessible places for people to meet and congregate; opportunities for increased landscaping; enhancement of the pedestrian environment throughout the development; enhancement of the visual, pedestrian, and vehicular connections to the larger East Cambridge Street grid; increased diversity of public spaces: open and enclosed, all weather and seasonal; and particularly with streets and ways, the creation of a system of paths which define an urban pedestrian environment well connected visually and functionally to the older surrounding neighborhood, which integrates new building logically to the traditional pattern of development in the City, and which provides a site development which is welcoming and accessible to the

general public. In considering the acceptance of such nontraditional open space the Planning Board may consider the extent to which the proposed facilities will be available to and desired by the general public.

13.85 PERIMETER AND TRANSITION Any part of the perimeter of a PUD which fronts on an existing street or public open space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Development in the PUD-3A District, should provide an integrated pedestrian circulation system with particularly strong linkages between the residential neighborhood, riverfront, and Kendall Square. Further connections to abutting districts should be achieved through the incorporation of private streets which connect to and extend the network of adjacent public and private streets.

13.86 PARKING AND LOADING REQUIREMENTS Development in the PUD-3A District shall conform to the Parking and Loading Requirements set forth in Article 6.000 for uses in Residence C-3, Business B, Office 3 and Industry B Districts, except as modified by this Section 13.86.

13.86.1 Minimum Parking Requirement The minimum parking requirement shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

13.86.2 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3; however, the Board may permit the number of parking spaces to exceed the maximum allowed under this Section 13.86 provided the authorized number of parking spaces does not exceed that number which would be permitted within the development parcel if the maximum parking ratio were applied to the maximum gross floor area permitted on the development parcel, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

13.86.3 No special permit shall be issued in a PUD 3A District which permits the total number of parking spaces on the

development parcel to exceed that permitted in this Section 13.86 for development authorized by the special permit plus any additional parking present on the site before the date of application, which parking is provided as legally established required accessory parking, not exceeding the minimum required in Article 6.000 at the time of the granting of the special permit in the applicable zoning district for uses not located within the development parcel.

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved PUD Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance with this subsection 13.86.3.

13.87 INCENTIVE ZONING REQUIREMENT All nonresidential development authorized shall be subject to the incentive zoning requirements of Section 11.200. All or part of the obligation incurred under Section 11.203 may be used to meet the affordable housing requirements of Section 13.83.1.1.a(3).

13.88.1 TRAFFIC MITIGATION REQUIREMENTS A traffic mitigation plan shall be required as a condition of approval of any Final Development Plan in the PUD 3A District as outlined in Article 18.000.

13.88.2 CONSTRUCTION MANAGEMENT PROGRAM The applicant shall submit a construction management program, detailing the construction period impacts and a program for their mitigation as outlined in Article 18.000.

13.89 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

a. The proposed development is consistent with the following goals and objectives:

- encourage responsible and orderly development;

- promote housing;

- improve the transition from the existing residential neighborhood to the East Cambridge Riverfront and the Kendall Square development;

- create a unified image through setbacks and

cornice lines, improve the physical and visual environment;

- develop additional open space;

- promote strong visual and pedestrian connections between the residential neighborhood and Kendall Square and the Charles River which include street and sidewalk improvements;

- encourage development along Third Street to relate to the East Cambridge Riverfront and strongly encourage ground floor retail;

- establish strict traffic mitigation measures to minimize traffic impacts in the neighborhood;

- encourage structured parking with access located to mitigate traffic impacts.

b. The development is consistent with the provisions of the East Cambridge Overlay Districts Guidelines

c. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

d. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

13.90 PUD-3B DISTRICT: DEVELOPMENT CONTROLS

PURPOSE A PUD-3B District is intended to encourage residential development with a strong affordable component throughout much of its area. Other uses are desirable in certain areas but should be transitional in nature and clearly subsidiary to the principal residential uses that are encouraged where a residential base district exists. Any development should provide strong pedestrian connections between the East Cambridge residential neighborhood and Kendall Square. The development should provide a transition in scale between the existing East Cambridge residential and industrial neighborhood on one side and the new development in Kendall Square and the adjacent development in the PUD 3A District on the other. The PUD 3B District is intended to promote development that is consistent with the goals and objectives of the East Cambridge Neighborhood Study, Fall 1988, and the

work of the East Cambridge Rezoning Advisory Committee.

13.92 USES ALLOWED IN A PUD-3B DISTRICT The uses listed in Section 13.92, alone or in combination with each other, shall be allowed upon permission of the Planning Board as described and limited below.

13.92.1 Residential Uses

The following residential uses shall be permitted throughout the PUD 3B District:

(1) Townhouse Development Any special permits for parking arrangements for townhouse development required by Section 11.10 shall be granted by the Planning Board in a planned unit development in a PUD-3B District.

(2) Multifamily dwellings.

13.92.2 Other Residential and Non-Residential Uses
The following residential and nonresidential uses shall be permitted in that portion of the PUD 3B District having a Special District IV base district.

(1) Hotels and motels.

(2) Transportation, Communication, Utility and Institutional Uses All uses listed in Sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district.

(3) Office and Laboratory Uses All uses listed in Section 4.34.

(4) Retail Business and Consumer Service Establishments

(a) Stationery and office supply store.

(b) Printing and reproduction service establishment, photography studio.

(c) Other store for retail sale of merchandise located in a structure primarily containing non-retail uses.

(d) Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.

(e) Restaurants or other eating and drinking establishments listed in subsection 4.35 e, f, g, o, and r.

(f) Theater or hall for public gatherings.

(g) Bowling alley, skating rink, tennis center or other commercial recreation establishments.

(h) Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

13.92.3 Other Uses Any use not listed in subsections 13.92.1 - 13.92.2 or which is limited as to location within the PUD 3B District shall be allowed or allowed elsewhere within the District only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-3B District and is necessary to support the predominant uses in the district or portions of the District.

13.93 DISTRICT DIMENSIONAL REGULATIONS

13.93.1 FAR The maximum ratio of floor area to the total area of the development parcel shall be 2.25 subject to the limitations detailed below.

1. For each two square feet of commercial development authorized above the base 1.5 FAR, up to a maximum FAR limit of 2.0, one square foot of residential development, excluding hotels and motels, shall be required to be built meeting the following requirements:

(a) The housing shall be constructed within the PUD 3B District area or the adjacent PUD 3A district.

(b) Construction of all required housing development shall have been completed before issuance of any certificate of occupancy permit for nonresidential development exceeding the 1.5 FAR limit.

(c) A minimum of seven and one half (7½) percent of the dwelling units required by such special permit shall be affordable housing units made available to Eligible Households

as defined in Section 11.200 and shall conform to the Standards detailed in Section 11.200.

(d) An additional seven and one half (7½) percent of the dwelling units authorized by such special permit shall be offered to the City of Cambridge at prevailing market rates for inclusion in any program available to and selected by the City for provisions of affordable housing. The offer shall be formally made to City the by the permittee only at such time as specific size, location, finished details, and cost of each unit are known. Should the City fail to exercise its option within three (3) months the permittee is free to make the units available on the open market without any further obligations to the City of Cambridge.

(e) The residential development requirement of this Section 13.93.1 may be met at any location within the East Cambridge Overlay Districts provided the residential development consists of new construction or conversion of a nonresidential structure to residential use, is equal in total gross floor area to that required to be constructed, and is permitted within the limits of the zoning applicable to the residential development site. The additional residential gross floor area permitted in the PUD 3B District may not be transferred to any lot in the East Cambridge Overlay Districts.

(f) All lots and construction thereon, necessary to fulfill the requirements of this Section 13.93.1, shall be subject to approval by the Planning Board as part of the PUD Special Permit.

2. Nothing in this Section 13.93.1, however, shall prohibit any or all FAR authorized for nonresidential uses to be devoted to residential uses.

3. Limitations on Use and Distribution of Allowable FAR. For that portion of a PUD Development Parcel lying within the Special District III base District, the following use and FAR limitations shall apply.

(a) The density of development shall at no time exceed an FAR of 1.5.

(b) All development shall consist exclusively of residential uses as permitted in Section 13.92.1 above and such Institutional Uses, Section 4.33 as would customarily be associated with or subsidiary to elderly oriented or elderly oriented congregate housing in a continuing care or similar facility.

(c) Only that portion of development allowed which exceeds an FAR of 1.4 may be used for nonresidential uses permitted in Sections 13.92.2 and 13.92.3 above and/or transferred to development parcels or portions of development parcels not located within the Special District III area.

(d) The transfer of development potential permitted in subparagraph (c) above shall be permitted provided the approved Final Development Plan provides for:

1. the construction of housing within the Special District III portion of the Development Parcel in an amount equal to at least eighty (80) percent of the maximum density permitted (i.e. a minimum 1.2 FAR).

2. the issuance of a certificate of occupancy for the housing on or before issuance of any permanent certificate of occupancy for any authorized nonresidential development exceeding the 1.5 FAR base district limitation.

3. all housing shall be subject to the affordability requirements of Section 13.93.1(1)(e).

13.93.2 Development Parcel, Lot Size The minimum size of the development parcel for the PUD shall be two (2) acres. A development parcel within the PUD-3B District may contain noncontiguous lots elsewhere in this PUD District or within the contiguous PUD 3A District. There shall be no specified minimum lot size for lots located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.93.3 Residential Density For the purpose of computing residential density, the minimum land area for each dwelling unit shall be 600 square feet. Residential density shall be computed based on the entire development parcel.

13.93.4 Lot Width, Setback There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. In general there shall be no minimum required front, rear and side yard requirements for lots located within a development parcel or side and rear yards for the development parcel itself. However, setbacks from the streets abutting the development parcel, including the Sixth Street Pedestrian Way, are expected to follow the recommendations of the East Cambridge Overlay Districts Design Guidelines; at such locations a five (5) foot minimum front yard setback shall be required; additional setbacks may be imposed as along the Sixth Street Pedestrian Way or Third Street to enhance the desired open space or parkway character. In all cases the Planning Board shall approve all such building setbacks. For the purpose of the PUD 3B District the Sixth Street Pedestrian Way, lot numbered 93 on Assessor's Plat numbered 44, the southern extension of Sixth Street from Binney Street to Broadway, shall be considered a street.

13.93.5 Height The maximum height of any building shall be one hundred and twenty (120) feet, except that for that area lying between Binney Street and the center line of Doc Linsky Way and its westerly extension, the maximum height shall be seventy (70) feet. The height provisions of the base districts for portions of buildings exceeding forty-five (45) feet in height shall, however, continue to apply. Heights in excess of seventy (70) feet shall be evaluated as required in Section 13.83.5,2.

13.94 OPEN SPACE The minimum ratio of open space to the total area of the development parcel as defined in Article 2.000 and Section 5.22 shall be twenty-five (25) percent. The provisions of Section 13.84.2 shall apply in this PUD 3B District.

13.95 PERIMETER AND TRANSITION Any part of the perimeter of a PUD which fronts on an existing street or public open space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Development in the PUD-3B District, should provide integrated pedestrian circulation systems,

providing particularly strong linkages between the residential neighborhood, riverfront, and Kendall Square.

13.96 PARKING AND LOADING REQUIREMENTS Development in the PUD-3B District shall conform to the Off Street Parking and Loading Requirements set forth in Article 6.000 for uses in Residence C-3, Business B, Office 3 and Industry B Districts, except as modified by this Section 13.96.1.

13.96.1 Minimum Parking Requirement The minimum parking requirement shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

13.96.2 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3; however the Board may permit the number of parking spaces to exceed the maximum allowed under this Section 13.96 provided the authorized number of parking spaces does not exceed that number which would be permitted within the development parcel if the maximum parking ratio were applied to the maximum gross floor area permitted on the development parcel, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

13.96.3 No special permit shall be issued in a PUD 3B District which permits the total number of parking spaces on the development parcel to exceed that permitted in this Section 13.96 for development authorized by the special permit plus any additional parking present on the site before the date of application, which parking is provided as legally established required accessory parking not exceeding the minimum required in Article 6.000 at the time of the granting of the special permit in the applicable zoning district for uses not located within the development parcel.

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved PUD Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance

with this subsection 13.96.3.

13.97 INCENTIVE ZONING REQUIREMENT All nonresidential development authorized shall be subject to the incentive zoning requirements of Section 11.200. All or part of the obligation incurred under Section 11.203 may be used to meet the affordable housing requirements of Section 11.93.1.1.c.

13.98.1 TRAFFIC MITIGATION REQUIREMENT A traffic mitigation plan shall be required as a condition of approval of any Final Development Plan in the PUD 3B District as outlined in Article 18.000.

13.98.2 CONSTRUCTION MANAGEMENT PROGRAM The applicant shall submit a construction management program, detailing the construction period impacts and a program for their mitigation as outlined in Article 18.000.

13.99 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

a. The proposed development is consistent with the following goals and objectives:

- encourage mixed use development compatible with the residential neighborhood

- promote housing

- encourage development along First Street to relate to the East Cambridge Riverfront and with ground floor retail

- promote street and sidewalk improvements to create a unified image and improve the physical and visual environment

- promote strong visual and pedestrian connections between the residential neighborhood and Kendall Square and the Charles River

- establish strict traffic mitigation measures to minimize traffic impacts in the neighborhood

- encourage structured parking with access located to mitigate traffic impacts.

b. The development is consistent with the provisions of the East Cambridge Overlay Districts Guidelines

c. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

d. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

D. Amend the Text of the Zoning Ordinance of the City of Cambridge by creating new Sections 17.20, 17.30, and 17.40 - Special Districts as follows:

17.20 Special District II

17.30 Special District III

17.40 Special District IV

17.20 Special District II

17.21 SCOPE This Section 17.20 regulates development within the Special District II as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.20, all requirements of and regulations applicable to the Office 2 District shall apply equally to the Special District II.

17.22 PERMITTED USES Uses permitted in the Office 2 District shall be equally allowed in the Special District II with the exception of the following:

a. The following additional uses shall be permitted: Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a (Assembly or packaging or articles), and Section 4.37 b 4,5,9 (Electrical, electronic and communication instruments; Engineering, laboratory and scientific instruments, temperature controls; and Medical and dental instruments and supplies, optical instruments and lenses) provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

b. The following uses shall be prohibited: Parking lot or parking garage for private passenger cars, Section 4.32 b (Automobile parking lot or parking garage for private passenger cars).

17.23 DIMENSIONAL REGULATIONS The following Dimensional Regulations will apply to all development proposals within the District.

17.23.1 Maximum FAR The FAR for any lot shall not exceed 1.75.

17.23.2 Building Height Limitations The maximum height permitted in the district for all uses shall be eighty-five (85) feet. However, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent

front property line(s) along all streets and the Sixth Street Pedestrian Way also known as lot numbered 93 on Assessor's Plat numbered 44.

17.24 OFF STREET PARKING AND LOADING REQUIREMENT

17.24.1 Off street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.24.2 Minimum Parking Requirement The minimum parking requirement shall be one parking space for each two thousand (2,000) square feet of gross floor area except that for residential uses, Section 4.31 a-h (Residential Uses), one parking space shall be required for each dwelling unit.

17.24.3 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3.

17.30 Special District III

17.31 SCOPE This Section 17.30 regulates development within the Special District III as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.30, all requirements of and regulations applicable to the Residence C-2 District shall apply equally to the Special District III.

17.32 PERMITTED USES Uses permitted in the Residence C-2 District shall be equally allowed in the Special District III with the exception of the following:

a. The following uses shall be prohibited:

(1) Parking lot or parking garage for private passenger cars, Section 4.32 b.

(2) Hotel and Motel uses, Section 4.31 i (2).

17.33 <u>DIMENSIONAL REGULATIONS</u>

17.33.1 Maximum FAR The FAR for any lot in the district shall not exceed 1.5.

17.33.2 Building Height Limitations The maximum height permitted in the district for all uses shall be seventy (70) feet. However, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets and the Sixth Street Pedestrian Way also known as lot numbered 93 on Assessor's Plat numbered 44.

17.40 Special District IV

17.41 SCOPE This Section 17.40 regulates development within the Special District IV as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.40, all requirements of and regulations applicable to the Office 2 District shall apply equally to the Special District IV.

17.42 PERMITTED USES Uses permitted in the Office 2 District shall be equally allowed in the Special District IV with the exception of the following:

a. The following additional uses shall be permitted: Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

b. The following uses shall be prohibited: Parking lot or parking garage for private passenger cars, Section 4.32 b.

17.43 DIMENSIONAL REGULATIONS The following Dimensional Regulations shall apply to all development proposals within the district.

17.43.1 Maximum FAR The FAR for any lot in the district shall not exceed 1.5.

17.43.2 Building Height Limitations The maximum height permitted in the district for all uses shall be seventy (70) feet. However, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets.

17.44 OFF STREET PARKING AND LOADING REQUIREMENTS

17.44.1 Off street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.44.2 Minimum Parking Requirement The minimum parking requirement shall be one space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

17.44.3 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

E. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Article 18.000 as follows:

18.10 Traffic Mitigation Requirements
18.20 Construction Management Program

18.10 Traffic Mitigation Requirements Where a Traffic Mitigation Plan is required as a condition of approval of any special permit the plan shall be submitted to the special permit granting authority for review and approval, at a time and in a manner set forth by the special permit granting authority in its Decision. Upon approval of the plan the permittee shall be obligated to thereafter implement the provisions of the plan for as long as the special permit is in force and effect. In developing the plan the permittee shall consider and adopt as appropriate but shall not be limited to the following traffic mitigation techniques:

(1) Join and participate in a Landowners' Transportation Management Association if in operation, and ensure that the following traffic mitigation measures are implemented, maintained and monitored. If such an operation is not in effect, then reasonable efforts shall be undertaken to form such an organization.

(2) Promote the use of public transportation by providing up to date maps, schedules and transit information, establishing an MBTA Pass sales office, educating and strongly encouraging or requiring all tenants to subsidize employee "T" Passes, and making reference to transit facilities and proximity in marketing and advertising materials.

(3) Operate the computer based ride sharing program RideSource from CARAVAN for Commuters, Inc., collect and disseminate ride sharing information, and share information with other tenants, organizations and companies where applicable.

(4) Encourage staggered or flexible work hours for employees of all tenants through the provisions of utilities and open parking facilities during off peak hours and other appropriate means.

(5) Establish parking management techniques such as providing preferential parking spaces and reduced rates for van pools and car pools, and encouraging short term parking when possible.

(6) Consider joint use of parking facilities to maximize effectiveness of parking management programs.

(7) Operate a shuttle system or join with and expanding an existing system, e.g. CambridgeSide Galleria, to serve tenants and make public transit more accessible.

(8) Provide sufficient covered and secure bicycle racks.

(9) Consider cooperating to provide innovative tenant services, such as day care, courier and copy services, shower and locker room facilities, and shuttles to airports.

(10) Work with the Commuter Mobility Manager of the City of Cambridge to facilitate implementation of this traffic mitigation program.

(11) Require that all conditions of an approved plan be made a condition of tenant leases as applicable or appropriate.

18.20 Construction Management Program Where a construction management program is required as a condition of approval of any special permit the applicant shall submit such a program, detailing the construction period impacts anticipated and a program for mitigation of those impacts. The permittee shall be obligated to thereafter implement the provisions of the Plan until a certificate of occupancy has been issued for all development authorized by the Permit. This program will include but not be limited to the following:

- Restricting contractor and supplier site access to designated roadways;

- Identify construction worker parking areas at sufficient capacity to prevent on street parking. Include a shuttle bus system if needed;

- Designating locations for storing construction equipment and materials;

- Developing a construction plan which will ensure minimum disruption to street and pedestrian flow and safety; and

- Posting of a bond or other surety to ensure the repair of all damage to public property resulting from construction of the project.

F. In Section 10.48 and 11.202 add the following after the last line in the list.

Section 11.405.4	Transfer of Development Rights, East Cambridge Overlay Districts
Section 11.406.21	Additional Gross Floor Area, East Cambridge Overlay Districts

EAST CAMBRIDGE REZONING (2/91)

Area A

	EXISTING	PROPOSED
Base	Industry A-1	Residence C-1
FAR	1.25	.75
Height	45 feet	35 feet
Uses	Industry, Retail, Office, Housing	Housing
Overlay	None	ECOD A
FAR		1.25
Height		45 - 60 feet at the RR tracks
Uses		Housing

Area B

	EXISTING	PROPOSED
Base	Business A/Industry A-1	Business A-1
FAR	1.0, 1.75 res/1.25	1.0
Height	35', 85' res/45 feet	35 feet
Uses	Retail, Office, Housing, Industry	Retail, Office, Housing
Overlay	PUD -4	ECOD B
FAR	2.0	1.75
Height	85 feet	35 - 60 feet at First St
Uses	Retail, Office, Housing	Retail, Office, Housing

Area C

	EXISTING	PROPOSED
Base	Industry B-1/ A-1	Industry A-1
FAR	3.0/1.25	1.25
Height	70'/45 feet	45 feet
Uses	Retail, Office, Housing, Industry	Retail, Office, Housing, Industry
Overlay	None	ECOD C
FAR		1.75
Height		60 feet
Uses		Industry, Retail, Office, Housing

Area D

	EXISTING	PROPOSED
Base	Industry B-1	Industry A-1
FAR	3.0	1.25
Height	70 feet	45 feet
Uses	Industry, Retail, Office	Industry, Retail, Office, Housing
Overlay	None	ECOD D
FAR		1.5 - 2.25
Height		70 feet
Uses		Industry, Retail, Office, Housing

Area E

	EXISTING	PROPOSED
Base	Industry B-1/Industry A-1	Industry A-1
FAR	3.0/1.25	1.25
Height	70'/45 feet	45 feet
Uses	Industry, Retail, Office, Housing	Industry, Retail, Office, Housing
Overlay	none	ECOD E
FAR		2.0
Height		70 feet (60' 1st & 2nd)
Uses		Industry, Retail, Office, Housing

Area F

	EXISTING	PROPOSED
Base	Industry B-1	Special District IV
FAR	3.0	1.5
Height	70 feet	70 feet
Uses	Industry, Retail, Office	Retail, Office, Housing
Overlay	None	ECOD F
FAR		2.25
Height		70 feet
Uses		Retail, Office, Housing

Area G

	EXISTING	PROPOSED
Base	Residence C-3A	Industry A-1
FAR	3.0	1.25
Height	120 feet	45 feet
Uses	Housing	Industry, Office, Retail, Housing
Overlay	PUD 2	ECOD G
FAR	3.0	2.25
Height	120 feet	60 feet
Uses	Office, Housing	Housing

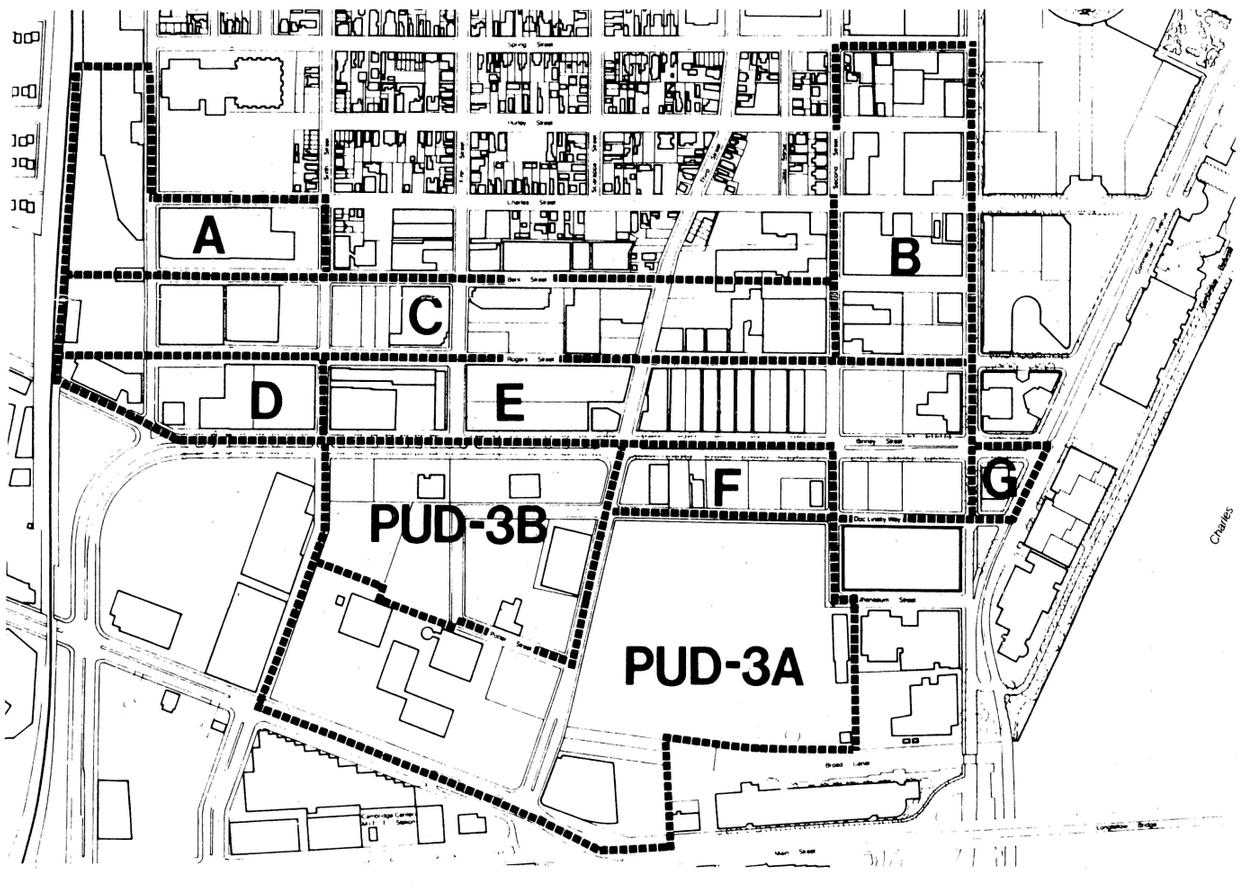
Planned Unit Development 3A

	EXISTING	PROPOSED
Base	Office 3A	Special District II
FAR	3.0	1.75
Height	120 feet	85 feet
Uses	Office, Housing	Office, Housing
Overlay	PUD 3	PUD 3A
FAR	3.0	2.0-2.75
Height	230 feet	120' - 180' - 230 feet
Uses	Office, Housing	Office, Housing

Planned Unit Development 3B

	EXISTING	PROPOSED
Base	Office 3A	Special District III/IV
FAR	3.0	1.5
Height	120 feet	70 feet
Uses	Office, Housing	Office, Housing
Overlay	None	PUD 3B
FAR		2.25
Height		70 - 120 feet
Uses		Office, Housing

Maximum FAR in Overlay Districts B-G and PUD A and B includes required housing.



EAST CAMBRIDGE REZONING (2/91)

Area A

	EXISTING	PROPOSED
Base	Industry A-1	Residence C-1
FAR	1.25	.75
Height	45 feet	35 feet
Uses	Industry, Retail, Office, Housing	Housing
Overlay	None	ECOD A
FAR		1.25
Height		45 - 60 feet at the RR tracks
Uses		Housing

Area B

	EXISTING	PROPOSED
Base	Business A/Industry A-1	Business A-1
FAR	1.0, 1.75 res/1.25	1.0
Height	35', 85' res/45 feet	35 feet
Uses	Retail, Office, Housing, Industry	Retail, Office, Housing
Overlay	PUD -4	ECOD B
FAR	2.0	1.75
Height	85 feet	35 - 60 feet at First St
Uses	Retail, Office, Housing	Retail, Office, Housing

Area C

	EXISTING	PROPOSED
Base	Industry B-1/ A-1	Industry A-1
FAR	3.0/1.25	1.25
Height	70'/45 feet	45 feet
Uses	Retail, Office, Housing, Industry	Retail, Office, Housing, Industry
Overlay	None	ECOD C
FAR		1.75
Height		60 feet
Uses		Industry, Retail, Office, Housing

Area D

	EXISTING	PROPOSED
Base	Industry B-1	Industry A-1
FAR	3.0	1.25
Height	70 feet	45 feet
Uses	Industry, Retail, Office	Industry, Retail, Office, Housing
Overlay	None	ECOD D
FAR		1.5 - 2.25
Height		70 feet
Uses		Industry, Retail, Office, Housing

Area E

	EXISTING	PROPOSED
Base	Industry B-1/Industry A-1	Industry A-1
FAR	3.0/1.25	1.25
Height	70'/45 feet	45 feet
Uses	Industry, Retail, Office, Housing	Industry, Retail, Office, Housing
Overlay	none	ECOD E
FAR		2.0
Height		70 feet (60' 1st & 2nd)
Uses		Industry, Retail, Office, Housing

Area F

	EXISTING	PROPOSED
Base	Industry B-1	Special District IV
FAR	3.0	1.5
Height	70 feet	70 feet
Uses	Industry, Retail, Office	Retail, Office, Housing
Overlay	None	ECOD F
FAR		2.25
Height		70 feet
Uses		Retail, Office, Housing

Area G

	EXISTING	PROPOSED
Base	Residence C-3A	Industry A-1
FAR	3.0	1.25
Height	120 feet	45 feet
Uses	Housing	Industry, Office, Retail, Housing
Overlay	PUD 2	ECOD G
FAR	3.0	2.25
Height	120 feet	60 feet
Uses	Office, Housing	Housing

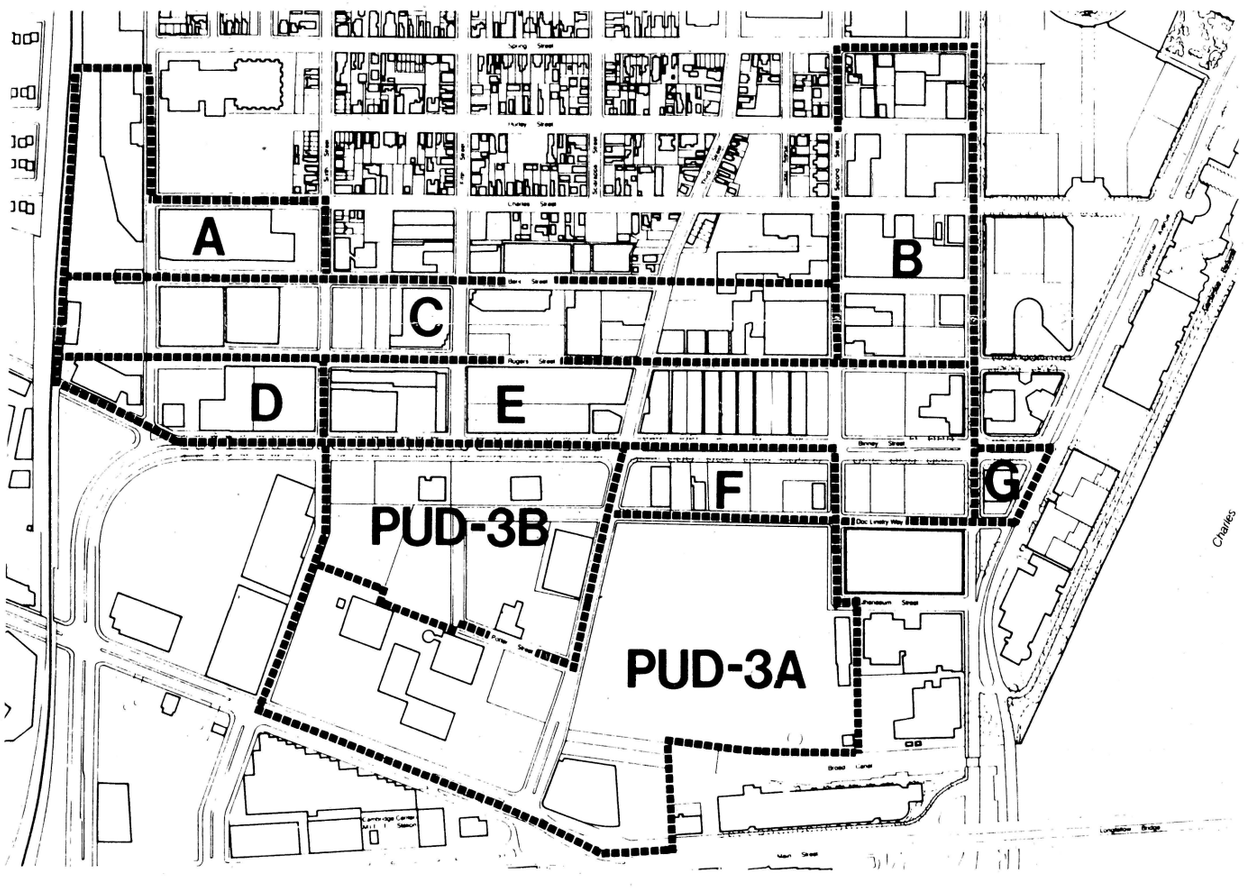
Planned Unit Development 3A

	EXISTING	PROPOSED
Base	Office 3A	Special District II
FAR	3.0	1.75
Height	120 feet	85 feet
Uses	Office, Housing	Office, Housing
Overlay	PUD 3	PUD 3A
FAR	3.0	2.0-2.75
Height	230 feet	120' - 180' - 230 feet
Uses	Office, Housing	Office, Housing

Planned Unit Development 3B

	EXISTING	PROPOSED
Base	Office 3A	Special District III/IV
FAR	3.0	1.5
Height	120 feet	70 feet
Uses	Office, Housing	Office, Housing
Overlay	None	PUD 3B
FAR		2.25
Height		70 - 120 feet
Uses		Office, Housing

Maximum FAR in Overlay Districts B-G and PUD A and B includes required housing.



SCHOOL NEWS

School Menu

Monday, Feb. 4 — Fruit juice, tomato and cheese pizza, fresh fruit, milk.

Tuesday, Feb. 5 — Fruit juice, frankfurter on a roll, baked beans, fruit cup, milk.

Wednesday, Feb. 6 — Spaghetti with meat sauce, garden salad with dressing, french bread, fruit cup, milk.

Thursday, Feb. 7 — Fruit juice, hamburger on a bun, french fries, catsup, cookies, milk.

Friday, Feb. 8 — Fruit juice, tuna salad on a bun, celery sticks, chocolate cake with icing, milk.

CRLS gospel choir to sing on Beacon Hill

The Cambridge Rindge and Latin School Gospel Choir has been invited to the State House on Feb. 6 to initiate state activities for Black History Month. The Gospel Choir will present a musical series in the State House Great Hall at noon.

Students begin jobs at Polaroid

This week, Cambridge Rindge and Latin students Debra Clark, John Ferreira, David Jean, Marco Martinez, Brian O'Connor, Karen Rice, Fritz Rodene and Lisa Rodriguez began a new joint educational training program introduced by Polaroid Corporation and the Cambridge Public Schools. The program offers the eight CRLS students a chance to work at Polaroid for 20 paid hours.

Aggassiz students are chess champs

Agassiz school students Brian Duran, Bondu Bingay, Sam Burling, Danny Clark, Adam Fogel and James Shi trounced opponents at last week's Pan American Chess Games, winning the Junior High School level chess championship and two elementary school trophies. The team even defeated a number of high school level teams in the tournament, said Agassiz School principal Kay Cox.

A half century goes on display

Paul Kurt Ackermann has worked with pen and ink, oil paint, watercolor and camera for 50 years. Some of the work this Cambridge artist has produced will be displayed at the George Sherman Union Gallery at Boston University through Feb. 28.

The exhibit will feature more than 40 works, ranging from powerful abstractions to European landscapes and witty, intricate drawings. Ackermann, a German-born artist, has been teaching German at BU since 1948. He is the husband of former Cambridge mayor Barbara Ackermann.

An authority on Franz Kafka and Thomas Mann, Ackermann has published five textbooks on contemporary German writers.

The gallery is open from 10 am to 5 pm Monday through Friday, and Wednesday until 8 pm.

Video Link Line debuts

The Cambridge Schools Video Link Line, on Cable Channel 36, debuted this week with two videos, "A Cambridge Commitment," produced by the Cambridge Sister Cities Organization, and "A Matter of Choice," produced by the Cambridge Partnership for Public Education.

The Video Link Line, a service of the Cambridge Schools Public Information Office, will telecast Cambridge School programs twice each school day at 10 am and 3 pm to supplement its regular school bulletin board information.

The Video Link Line supplements the Telephone Link Line (349-6513), which lists school activities and events and is the primary source of emergency school closing announcements.

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Fourth-graders suddenly must learn about war

By CINDY POWELL
Special to the Chronicle

Erin Mazola, a fourth grader at the Peabody School, said she gets bored sometimes hearing about the war every time she turns on the television.

While war's novelty wears off as time passes, children such as Erin continue to experience a whole range of emotions, from boredom to fear. Erin's teacher, David Walsh, encourages his 9- and 10-year-old students to discuss their feelings and questions about war.

One of Erin's classmates, William Robinson, said he sees so much on tevlesion about war he has trouble believing it's happening.

"It's like a movie, but it's real," he said during a class discussion last Friday in the school's library.

Classmate Chanel Turner, on the other hand, sees the war as very real, and worries about the safety of people in the United States.

"My grandmother told me some of the armies in Iraq are going to put germs in airplanes and fly them around America so people will die," Turner said softly.

Since childhood fears often grow out of confusion about the facts, parents and teachers must give factual information at a level the child can understand, said Rachel Poliner, director for the Boston area chapter of Educators for Social Responsibility. "The most important thing is for children to be reassured," Poliner sid.

At Peabody, children are encouraged to watch the news and stay informed rather than make snap judgments or rely on other people's ideas to form their own opinions. On a bulletin board outside the library, newspaper articles are posted under big red words: "fact" and "opinion."

"I feel like it's my job to take any opportunity I get to fill in with information and to clarify untruths or far-

My grandmother told me some of the armies in Iraq are going to put germs in airplanes.

—4th grader Peabody School

fetched ideas," said school librarian Holly Samuels.

Ben Siemen, another fourth-grader, gets frustrated when the television has information that varies from station to station.

"People are making things up about how many planes have been shot down," he said. "You can't tell which one is true."

Matt Goins agreed. "When they do that, when every channel tells you something different, it kind of makes you more worried because it's so unclear."

Even if some of the questions are unanswerable, what children need most is the chance to express worries and concerns in a safe environment, said Susan Ayers, executive director of Cambridge Youth Guidance Center.

"What you really need to do," Ayers said, "is let kids talk about things and find out what their worries are. Because they do have a lot of worries."

Like an adult, a child's feelings about the war may evolve, said Ann Bookman, a research associate in child and family policy at Lesley College. She suggests adults remain attentive to children's mood swings and questions.

"We shouldn't assume that if we have one good discussion at home or at school that the issue is taken care of," said Bookman, who coodinates a Parent-Teacher Gulf Crisis Hotline that operates 2 to 8 pm weekdays (349-8200). The hotline is sponsored by Lesley and Wheelock colleges, Educators for Social Responsibility, Cambridge Youth Guidance Center and the Center for Psychological Studies in the Nuclear Age in Cambridge.

During the first week of war, the school department gave teachers a 25-page lesson kit with instructions and ideas on how to help children understand the news, both emotionally and intellectually.

Ayer recommends allowing children to express their feelings about war either through art or poetry, or even through political action, like sending a letter to the president.

"Taking some action, either individual or collective, can make it feel less out of their control," Ayers said.

Students in Walsh's classroom have written essays and rap songs about peace, and have sent letters to soldiers in the gulf. During Friday's discussion, Waish pointed out that one student was in Washington that weekend to demonstrate against the war with his father.

"Id like to be in one of the marches," said Helen Dimos, "because then instead of sitting in school or sitting at home and saying the war is bad, you could be part of actually protesting."

While most students said they would be willing to protest the war, some also felt it was important to support US soldiers in the desert.

"You don't want there to be a war," said Josh Denault, "but if Saddam Hussein is going to fight us, we can't just let him kill our men."

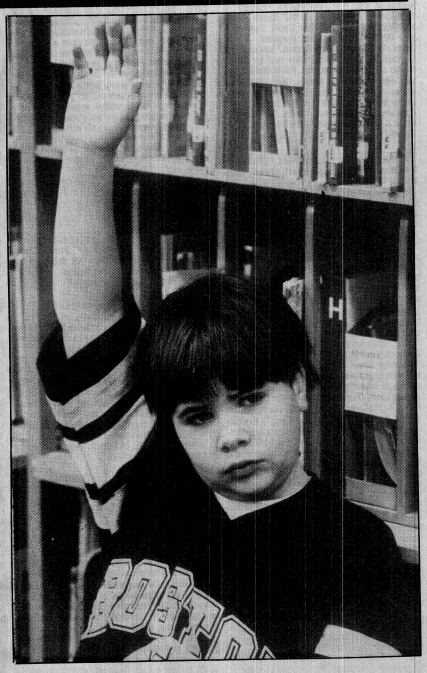
Defining the enemy was not straight-forward for Peabody's fourth graders. When asked about children their age in Iraq, students seem confused.

"They're sort of a half enemy," said Charlotte Nakhoul after some hesitation. On futher thought, she added "It's not the kids' fault. They didn't start the war."

Hotline on kids dealing with war

Parents and teachers of school-aged children trying to cope with feelings and questions about the Persian Gulf war can call a Parent-Teacher Gulf Crisis Hotline being sponsored by a group of local organizations.

The hotline, at 349-8200, is open weekdays from 2 to 8 pm, starting Jan. 29. Leslie College, Wheelock College, Educators for Social Responsibility and the Cambridge Guidance Center are sponsoring the hotline.



QUESTIONS OF WAR — Fourth grader Joshua Denault wears a face that begs for answers during a discussion on the Persian Gulf at the Peabody School. (Staff photo by Cheryl Miller)

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• PLENTY OF FREE PARKING
After 5 p.m. All Day Sat. & Sun.
(Bishop Allen Drive between Prospect & Essex Streets)
Tom's OF MAINE
Tom's of Maine, the leading brand of natural toothpaste
ALL 4 oz. TOOTHPASTE $2.29 ea.
ALL 6 oz. TOOTHPASTE $3.19 ea.
ALSO ALL DEODORANTS $3.79 ea.
PLEDGED TO THE HUMANE SOCIETY OF THE U.S. NOT ANIMAL TESTED

50% OFF
All Winter Merchandise
Starting Jan. 31st - Feb. 21st
BIG SIZES
Are Our Specialty
Regular Sizes Also
Some of the Items on Sale
• JAYMAR DRESS SLACKS
• NIKE RUNNING SUITS
• ENRO DRESS SHIRTS
Also
TIES, SUITS, WINTER COATS
CONGRESS MEN'S SHOP
2400 Mass Ave., North Cambridge
547-3775
Ample Free Parking
Major Credit Cards Accepted
All Sales Final
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HOURS:
Mon.-Thurs. 9-6
Friday 9-7
Saturday 9-5

Function Hall Available For Rent
Weddings, Banquets, Etc.
Crystal Room
Inside The VFW
59 First St., Cambridge
492-1049

Window Fashions by The Window World of MOHAWK SHADE
Complete source for window coverings. Custom draperies, verticals, shades, blinds et al.
MOHAWK SHADE & BLIND CO.
2096 Mass Ave., Camb.
868-6000

LEGAL NOTICE
U-HAUL COMPANY
SELF-STORAGE FACILITY SALE

Self-Storage Facility Operator's sale for non-payment of storage charges pursuant to the power of sale contained in M.G.L., Chapter 105-4, Section 4. The following property will be sold at Public Auction at 1:00 P.M., Wednesday, February 13, 1991 on the premises of Central Square Moving and Storage Center, 844 Main Street, Cambridge, Ma. 02139. All Household Furniture, Trunks, Books, Tools, Appliances, Clothes, Antiques, Collectables, Bric-A-Brac miscellany held for the accounts of: **Brian Thomson, Rm. #164; Eleanor Hutton, Rm. #184; Ethel Carney, Rm. #283; June Stover, Rm. #294; Marino Hector, Rm. #499; Daniel Willen, Rm. #R5.** Sale Per Order of U-Haul Company of Boston, Inc. Terms: Cash. Wm. F. Moon & Co., Auctioneers, Mass State Lic. #151.
(C)Jan.24,31

MORTGAGEE'S SALE OF REAL ESTATE
Premises: 58 Trowbridge Street, Unit 2, Cambridge,

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **George Gajecky** to **Dime Real Estate Services - Massachusetts, Inc.** said mortgage dated October 7, 1988, and recorded with Middlesex County Registry of Deeds in Book 19406, Page 577, of which mortgage the undersigned is the present holder, for breach of the conditions in said mortgage contained and for the purpose of foreclosing the same will be sold at a Public Auction at 10:00 a.m., on February 21, 1991, upon the mortgaged premises at 58 Trowbridge Street, Unit 2, Cambridge, Massachusetts, all and singular the premises described in said mortgage to wit:

The Unit known as Unit No. 2 (the "Unit") located at **Trowbridge Court Condominium,** 54, 56, 58 Trowbridge Street, Cambridge, Middlesex County, Massachusetts (the "Condominium"), a condominium established pursuant to Massachusetts General Laws, Chapter 183A by Master Deed dated March 4, 1986, recorded with said Deeds in Book 16839, Page 399, (the "Master Deed") together with an undivided 10.00 percent interest appertaining to said Unit in common areas and facilities (the "Common Elements") of the Condominium, and together with all the rights and easements appurtenant to said Unit as set forth in the Master Deed, and the benefit of all applicable provisions of the Master Deed and provisions of Massachusetts General Laws, Chapter 183A as of the date hereof and as it may in the future be amended, and together also with an exclusive right to use parking space No. 8, as shown on the plans hereinafter referred to. The Unit contains 1,758 square feet, more or less, as is shown on the floor plans of the Building filed simultaneously with the Master Deed in said Deeds.

Said Unit is conveyed subject to the limitations on use and restrictions as set forth in Sections 8 and 9 of the Master Deed, to wit:

Use of Building and Unit:

The purpose for which the Building and the Unit are intended to be used are as follows:

(a) The Building and the Unit are intended only for residential purposes. No use may be made of the Unit except as a residence for the Owner thereof or his permitted lessees and the members of their immediate families, or for no more than two persons unrelated by blood or marriage.

Restrictions on Use of Unit:

The restrictions on the use of the Unit are as follows:

(a) The Unit shall not be used or maintained in a manner contrary to or inconsistent with the comfort and convenience of the occupants of other units in the Condominium, the provisions of the Trowbridge Court Condominium Trust, the By-Laws set forth therein and the rules and regulations promulgated pursuant thereto;

(b) The owners of the Unit may at any time and from time to time change to use and designation of any room or space within the Unit, subject to the provisions of Sections 8 and 9 of the Master Deed, and may modify, remove and install non-bearing walls lying wholly within the Unit, provided, however, that any and all work with respect to the removal and installation of interior non-bearing walls or other improvements shall be done in a good workmanlike manner, pursuant to a building permit duly issued therefore (if required by law) and pursuant to plans and specifications which have been submitted to and approved by the Trustees of the Trowbridge Court Condominium Trust, which approval shall not be reasonably withheld or delayed;

(c) In order to preserve the architectural integrity of the Building and the Units without modification, and without limiting the generality thereof, no balcony, awning, screen, door or window mumin, antenna, sign, banner, or other device and no exterior change, addition, structure, projection, decoration or other feature shall be erected, placed upon, attached to or deleted from any Unit or any part thereof, no addition to or change or replacement (except so far as practicable, with identical kind) of any exterior Unit door, or door frames, shall be made, and no painting, roof replacement, or attachment of dish-antenna or other decoration shall be done on any exterior part or surface of any Unit, nor on the interior surface of any window, except insofar as is done with substantially similar materials and original identical colors; and

(d) The limitations on use and restrictions set forth in Sections 8 and 9 of the Master Deed shall be for the benefit of the owners of the units in the Condominium, and shall be enforceable solely by the Trustees of the Trowbridge Court Condominium, as the persons in charge of the Common Elements, and shall, insofar as permitted by law, be perpetual; and, to that end, such limitations on use and restrictions may be extended by said Trustee at such time or times and in such manner as permitted or required by law for the continued enforceability thereof.

(e) All leases or rental agreements for unit estates shall be in writing and specifically subject to the requirements of the Master Deed and Trust and By-Laws of the Condominium; No unit estate may be leased or rented for a period of less than thirty (30) days.

Said restrictions may be waived in specific cases by such Trustees.

Said Unit is conveyed subject to:

(a) Easements in favor of adjoining units and in favor or the Common Elements for the continuance of all encroachments of such adjoining Units or Common Elements, and an easement in favor of the owners of said Units to use the pipes, wires, ducts, flues, cables, conduits, public utility lines and other Common Elements located in the Unit or elsewhere on the property, all as set forth in the Master Deed.

(b) The provisions of Massachusetts General Laws, Chapter 183A, the Master Deed, Trowbridge Court Condominium Trust, the By-Laws set forth therein, and Rules and Regulations of the Condominium recorded simultaneously with and as part of the instrument duly recorded which provisions, together with any amendments thereto, shall constitute covenants running with the land and bind any person having at any time any interest or estate in the Unit, his family, servants and visitors, as though such provisions were recited and stipulated at length herein.

Terms of Sale: Said premises will be sold and conveyed subject to all unpaid taxes, tax titles, municipal liens and assessments if any, which take precedence over the said mortgage above described.

Ten Thousand ($10.000.00) Dollars of the purchase price must be paid in cash, certified check, bank treasurer's or cashier's check at the time and place of the sale by the purchaser and the balance of the purchase price shall be paid in cash, certified check, bank treasurer's or cashier's check within thirty (30) days after the date of sale and shall be deposited in escrow with Thomas C. Bailey, Friedman & Atherton, 28 State Street, 19th Floor, Boston, Massachusetts, 02109 - Attorney for Mortgagee, pending approval of the sale by the Land Court.

The deed shall be delivered within ten (10) days from the date of approval of the sale by the Land Court.

Other terms to be announced at the sale.

Garden Management Co., Inc.
Present Holder of Said Mortgage
by its Attorney in Fact:
Thomas C. Bailey, Esq.
Friedman & Atherton
28 State Street
Boston, MA 02109
(617) 227-5540
(C)Jan.24,31;Feb.7

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss Probate Court
Docket No. 90C5767

To all persons interested in the estate of **Mieczyslaw Mirowski** late of Owings Mills in the County of Baltimore and State of Maryland, deceased:

A petition has been presented to said Court, with certain papers purporting to be copies of the last will of said deceased, and of the probate thereof in said State of Maryland duly authenticated, by **Anna Mirowski** of Owings Mills, in the State of Maryland, praying that the copy of said will may be filed and recorded in the Registry of Probate in said County of Middlesex, and that she be appointed executrix thereunder, without surety on her bond.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the twenty-fifth day of February 1991, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this fourth day of December 1990.

Thomas J. Larkin
Register.
(C)Jan.24,31;Feb.7

COMMONWEALTH OF MASSACHUSETTS
Middlesex ss. Probate Court
No. 89D-1600-D1
Summons by Publication
Patricia Renna Plaintiff
vs.
Frederick Renna Defendant

To the above-named Defendant:

A complaint has been presented to this Court by your spouse, Patricia Renna, seeking to dissolve the marriage for cruel and abusive treatment.

You are required to serve upon Lawrence W. Frisoli, plaintiff's attorney, whose address is 801 Cambridge Street, Cambridge, Massachusetts 02141 your answer on or before April 22, 1991. If you fail to do so, the Court will proceed to the hearing and adjudication of this action. You are also required to file a copy of your answer in the office of the Register of this Court at Cambridge.

Witness, Sheila E. McGovern, Esq., First Judge of said Court at Cambridge.
January 24, 1991

Donna M. Lambert
Register of Probate
(C)Jan.31;Feb.7,14

NOTICE OF MORTGAGEE'S
SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Melvin I. Gadd** and **Laurie Tennant-Gadd** to **BayBank Harvard Trust Company,** a duly established Massachusetts corporation having its usual place of business in Newton, Middlesex County, Massachusetts, dated June 28, 1982, and recorded with the Middlesex County (Southern District) Registry of Deeds, at Book 14657, Page 553, of which mortgage BayBank Harvard Trust Company is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction, all and singular the premises described in said mortgage, To wit:

PARCEL I

A parcel of land with buildings thereon being at present number 43 Cottage Street, Cambridge, bounded:

Southwesterly by Cottage Street, forty-five (45) feet six inches;

Northwesterly by land now or late of Pope, this line passing in part through the center of a partition wall, ninety (90) feet;

Northeasterly by land now or late of Morse, forty-five (45) feet, five and one-half (5-1/2) inches;

Southeasterly by land now or late of the heirs of Hovey, ninety (90) feet.

Be all said measurements more or less or however otherwise bounded or described.

Subject to restrictions of record so far as in force.

Being the same premises conveyed to the mortgagors by deed of Melvin Ira Gadd and Laurie Tennant-Gadd recorded herewith.

PARCEL II

A certain parcel of land the buildings thereon being at present number 45 Cottage Street, Cambridge, bounded:

Beginning at a point in the Northeasterly line of Cottage Street, opposite the center of a partition wall which separates the dwelling house standing on the land hereby conveyed from the dwelling house on adjoining land now or formerly owned by **George B. Ilea,** formerly owned by **Amasa S. Kelley,** thence running in a straight line through the center of said partition wall and continuing

Northeasterly ninety (90) feet to land formerly of **William B. Hovey,** thence

Northwesterly in a line parallel with Cottage Street forty-five (45) feet, six (6) inches more or less to the Northwesterly line of a lot of land conveyed by Jacob Nudd to John Pope by deed of October 23, 1866, recorded with Middlesex South District Deeds in Book 976, Page 260, thence

Southwesterly on a line parallel with said mentioned line, ninety (90) feet to said Cottage Street, thence

Southeasterly on said Cottage Street, forty-five (45) feet six (6) inches, more or less to the point of beginning.

Be all of said measurements more or less or however otherwise bounded or described.

Being the same premises conveyed to us by deed of **Eva F. Tully,** Executrix under the will of **Vergie V. Hunt** (Middlesex Probate 537442) recorded herewith.

Bids will be taken on the two individual parcels separately (43 Cottage Street and 45 Cottage Street) and also both of the parcels together. If the highest bid for both parcels together exceeds the sum of the separate bids for the individual parcels, then the parcels will be sold together; otherwise each parcel will be sold to the highest bidder.

The premises will be offered for sale as separate parcels on each of the said parcels and together in the following order and on the dates and at the times stated.

1. Parcel I, located at 43 Cottage Street, Cambridge, in Middlesex County, Massachusetts, above described, shall be sold at Public Auction on the premises at 1:00 p.m. on February 25, 1991.

2. Parcel II, located at 45 Cottage Street, Cambridge, in Middlesex County, Massachusetts, above described, shall be sold at Public Auction on the premises at 1:00 p.m. on February 25, 1991.

3. Both Parcels together, located at 43-45 Cottage Street, Cambridge, in Middlesex County, Massachusetts, above described shall be sold at Public Auction on the premises at 1:00 p.m. on February 25, 1991.

These premises will be sold and conveyed subject to and with the benefit of all rights, rights of way, restrictions, easements, covenants, liens or claims in the nature of liens; improvements, public assessments, any and all unpaid taxes, tax titles, tax liens, water and sewer liens and any other municipal assessments or liens, or existing encumbrances of record, which are in force and are applicable, created prior to the said mortgage which is being foreclosed whether or not reference to such restrictions, easements, improvements, liens or encumbrances is made in the deed.

Terms of Sale:

A deposit of Twelve Thousand ($12,000.00) Dollars by certified or bank check will be required to be paid by a purchaser of the entirety of the mortgaged premises, or Six Thousand ($6,000.00) Dollars by certified or bank check will be required to be paid by a purchaser of each parcel if sold separately at the time and place of sale. The balance is to be paid by certified or bank check at the Law Offices of Mark P. Harmon, 53 Langley Road, Suite 230, P.O. Box 378, Newton Centre, Massachusetts 02159, within twenty (20) days from the date of sale. Deed will be taken within ten (10) days from the approval of said sale by the Land Court.

Other terms, if any, to be announced at the sale.

BayBank Harvard Trust Company
Present holder of said mortgage
By its Attorneys,
Law Offices of Mark P. Harmon
By:
Rickel Shumaker, Esquire
53 Langley Road, Suite 230
P.O. Box 378
Newton Centre, MA 02159
(617) 244-7505
(C)Jan.31;Feb.7,14

COMMONWEALTH OF MASSACHUSETTS
PROBATE COURT
Middlesex, ss. Docket No. 89A0768-C1

To all persons interested in a petition for adoption of **Justin Andrew Wooldridge** of Cambridge in said County:

A petition has been presented to said Court by **James Ornsteen** and **Donna M. Ornsteen** his wife, of Cambridge in said County, praying for leave to adopt said Justin Andrew Wooldridge, a child of Donna M. Ornsteen of Cambridge in the County of Middlesex and the alleged father of parts unknown and that the name of said child be changed to **Justin Andrew Ornsteen.**

If you desire to object thereto you or your attorney should file a written appearance in said Court at Cambridge before ten o'clock in the forenoon on the twelfth day of February 1991, the return day of this citation.

Witness, Sheila E. McGovern, Esquire, First Judge of said Court, this twenty-ninth day of November 1990.

Thomas J. Larkin
Register.
(C)Jan.17,24,31

CAMBRIDGE HISTORICAL COMMISSION

Notice is hereby given that a public hearing will be held on Thursday, February 7, at 4:00 PM in the third floor conference room at the City Hall Annex, 57 Inman Street, to consider the following matters under M.G.L. Ch. 40C and the Ordinances governing the Cambridge Historical Commission.

For Certificate of Appropriateness in the Old Cambridge Historic District:

Case 366: 8 Berkeley Street. Construction of addition, by J. Zinsmeyer and S. Fry.

William B. King
Chairman
(C)Jan.24,31

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **John Gomes,** of 1-11 Marney Street, Cambridge, Middlesex County, Massachusetts, to **Cambridge Portuguese Credit Union,** of 251 Hampshire Street, Cambridge, Middlesex County, Massachusetts, dated October 22, 1986 and recorded with the Middlesex County, Southern District, Registry of Deeds, in Book 17584, Page 25, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 1:00 o'clock P.M., on the 21st day of February, 1991 at said premises, located at 1-11 Marney Street, Cambridge, Middlesex County, Massachusetts, the premises described in said mortgage, to wit:

The land in Cambridge, with the buildings theron, being Lot No. 3 on plan drawn by W. Whitney, dated February 13, 1895, recorded with Middlesex South District Deeds Book of Plans 89 Plan 10, bounded and described as follows:

Southeasterly on Portland Street, 46.42 feet;

Southwesterly on Marney Street, shown on first mentioned plan, 80 feet;

Northwesterly on Lot 21 on said plan 46.42 feet; and

Northeasterly on Lot 2 on said plan, 80 feet to the point of beginning.

Containing 3,713.6 square feet.

For my title see deed recorded with Middlesex South Registry of Deeds Book 16025, Page 508.

Terms of Sale

Said premises shall be sold subject to any and all unpaid taxes, tax titles, assessments and municipal liens. **Five Thousand ($5,000.00)** dollars in cash or by certified check will be required to be paid at the time and place of sale, and the balance within thirty (30) days thereafter. Other terms to be announced at the sale.

Cambridge Portuguese Credit Union
present holder of the mortgage,
Dated: January 14, 1991
Margaret A. LaRothe, Esq.
McElhiney and Matson
607 Main Street
Woburn, MA. 01801
(C)Jan.24,31,Feb.7

ORDINANCE NO. 1115.
Final publication number 2519.
First publication in the Chronicle on January 17, 1991.
CITY OF CAMBRIDGE
In the Year One Thousand, Nine Hundred Ninety-One
AN ORDINANCE

In amendment to an ordinance entitled "The Municipal Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 5.20 of the Code entitled "Public Transportation" is hereby amended by striking out and inserting the following new sections: 5.20.210 entitled "Rates - Designated Meter Required When;" 5.20.240 entitled "Rate Reduction Plan;" 5.20.250 entitled "Waiting Time" and 5.20.270 entitled "Hiring by hour or by trip" as follows:

5.20.210. Rates - Designated - Meter required when.

The price of rates of fares which drivers of Motor Taxicabs shall charge and demand for services rendered in conveying passengers are as follows:

(A) The initial drop shall be one dollar ($1.00) and shall cover the cost of the first one-eighth of a mile or fraction thereof: or the first two minutes of waiting time or a combination of both. Each one-eighth of a mile thereafter or fraction thereof shall be at the rate of thirty-five cents ($.25)

(B) Each hackney carriage shall be equipped with a meter which shall be of a size and design approved by the License Commission.

(C) All owners of hackney carriages shall be allowed sixty (60) days from the time a change in rates is mandated to change the taximeter to reflect the new rates.

5.20.240. Rate reduction plan.

The License Commission shall implement a program effecting a cab meter rate discount for **any person 65 years of age or over, and for handicapped persons,** as follows:

A $1.25 discount coupon shall be allowed for any such fare $5.00 or under:

Two $1.25 discount coupons shall be allowed for any such fare over $5.00.

The License Commission shall regulate the specific mechanism by which this program is implemented.

5.20.250. Waiting time.

Waiting time shall include all time during which the vehicle is not in motion beginning five (5) minutes after its arrival at the place to which it has been called. No charge shall be made for time between a premises arrival in response to a call and the time for which the vehicle was ordered nor for time attributable to a breakdown of the vehicle. Waiting time charges shall be made for time lost through congestion of traffic, with the exception of such time lost through the operation of the opening and closing of drawbridges and the passage of railroad trains. Waiting time shall be at the rate of Nineteen Dollars ($19.00) per hour.

5.20.270. Hiring by hour or by trip.

(A) When a motor taxicab is hired by the hour, the hourly rate shall be Nineteen Dollars ($19.00) per hour. When a motor taxicab is hired for a trip wholly or in part outside the limits of the City, and when the destination is not listed in the flat rate book issued by the Commission, the person in charge may suspend, with the consent of the passenger, the use of the taximeter as a means of determining the price to be paid. In such cases the price shall be agreed upon between the persons in charge of the automobile and the passenger.

(B) A written contract between the Chapter for the transportation of those who are ill, or who are invalids or who are elderly may be engaged by an arrangement between the person in charge of said vehicle and the passenger establishing a flat rate price per hour, per mile or per trip for the use of the vehicle, and in such instance the use of the meter in said vehicle may be suspended.

In City Council January 28, 1991.

Passed to be ordained by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0.

Robert W. Healy, City Manager
ATTEST:- Joseph E. Connarton, City Clerk
(C)Jan.31

CITY OF CAMBRIDGE
BOARD OF LICENSE COMMISSIONERS

Pursuant to General Laws, Chapter 140, section 177a notice is hereby given that the License Commission has received an application from **Valentine's Inc.** The **Kendall Cafe, James J. DeMasi, manager** holder of an all alcoholic beverages as a restaurant license at 233 Cardinal Medeiros Avenue for its entertainment license be extended to include 2 automatic amusement machines, 1 juke box and music by radio.

The hearing on this application will be held on Tuesday evening, February 12, 1991, at six o'clock, in the Michael J. Lombardi Municipal Building, 2nd floor, 831 Massachusetts Avenue, Cambridge.

James Thaddeus McDavitt
Anthony G. Pasillo
Thomas V. Scarfo
License Commission
(C)Jan.31

CITY OF CAMBRIDGE
DEPARTMENT OF
TRAFFIC & PARKING

By force of the power vested in me by Special Act of the Legislature of 1961 (Chapter 455), I hereby amend the Traffic Regulations of the City of Cambridge by adding the following regulation.

Regulation No. 91-03

Regulation No. 66-1 Schedule 7B "Parking Prohibited During Certain Hours On Certain Sides Of Certain Streets" Cambridge Parking is hereby amended by adding the following:

Concord Avenue, south side, from Fayerweather Street to Fern Street, at all hours, except Sunday.

Broadway, north side, from Norfolk Street to Tremont Street, at all hours, except Sunday.

Broadway, south side, from 250' east of Scouting Way to Norfolk Street at all hours, except Sunday.

This regulation shall take effect 8 February, 1991.

Promulgated
Date
Jan. 8, 1991

George Teso
Traffic Director
(C)Jan.17,24,31

42726 Reg.
COMMONWEALTH OF MASSACHUSETTS
LAND COURT

To the **City of Cambridge,** a municipal corporation, located in the County of Middlesex, and said Commonwealth; **Sergio Bombino, Louise Bombino, Mary G. Perry, Kathleen P. Kenny** and **Joseph Harvey,** all of said Cambridge; **Louise Bombino, Cornelius McDonough, Giacoma Albano** and **Samuel Slocomb,** all deceased, all formerly of said Cambridge; or their heirs, devisees or legal representatives; and to all persons having any concern:

Whereas, a petition has been presented to said Court by **Maria G. Cherubino,** of said Cambridge, to register and confirm her title in the following described land:

A certain parcel of land with the buildings thereon, situate in said Cambridge, bounded and described as follows:

Westerly by Hunting Street, 37.50 feet;

Northerly by land now or formerly of Kathleen P. Kenney, 106.98 feet;

Easterly by Harding Street, 37.50 feet; and

Southerly by land now or formerly of Sergio Bombino and Louise Bombino and by land now or formerly of Mary G. Perry, 107.25 feet.

The above described land is shown on a plan filed with said petition and all boundry lines are claimed to be located on the ground as shown on said plan.

If you desire to make any objection or defense to said petition you or your attorney must file a written appearance and an answer under oath, setting forth clearly and specifically your objections or defense to each part of said petition, in the office of the Recorder of said Court in Boston (at the Court House), on or before the twenty-fifth day of February next.

Unless an appearance is so filed by or for you, your default will be recorded, the said petition will be taken as confessed and you will be forever barred from contesting said petition or any decree entered thereon.

Witness, John E. Fenton, Jr., Chief Justice of said Court, this seventeenth day of January in the year nineteen hundred and ninety-one.

Attest with Seal of said Court.
(Seal)
A TRUE COPY
ATTEST:

Charles W. Trombly, Jr.
Recorder
Donald F. Smith, Esq.
415 Concord Ave., Belmont, MA 02178
(C)Jan.24,31;Feb.7

NOTICE OF SALE
MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by **Nathaniel A. Rowland** and **Barbara P. Rowland** to **Barbara McNeil** to **The Resource Financial Group, Inc.,** dated February 24, 1989, and registered with Middlesex County (Southern District) Registry District of the Land Court as Document No. 794207 on Certificate of Title No. 163005, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction at 10:00 o'clock A.M. on the 6th day of March, 1991, on the mortgaged premises in Cambridge, Middlesex County, Massachusetts, known as and numbered 374 Concord Avenue, all and singular the premises described in said mortgage.

To wit:

The land in Cambridge, Middlesex County, Massachusetts, more particularly described as follows:

Northeasterly: by Concord Avenue, forty-five feet;

Southeasterly: by Lot 26 as shown on plan hereinafter mentioned, one hundred feet;

Southwesterly: by land now or formerly of **Mary E. Nolan,** forty-five feet; and

Northwesterly: by land now or formerly of the city of Cambridge one hundred feet.

Said parcel is shown as Lot 27 on said plan.

All of said boundaries are determined by the Court to be located as shown on a plan, as modified, and approved by the Court filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 184, Page 517, with Certificate 28903.

The above described land is subject to an Order for constructing sidewalk &c. on Concord Avenue, Document 128158.

Subject to a first mortgage to **Workingman's Cooperative Bank** in the original principal amount of $125,000.00 dated May 6, 1987 and registered with Middlesex County (Southern District) Registry District of the Land Court as Document No. 744347 on Certificate of Title No. 163006.

Terms of sale: $10,000.00 shall be paid in cash or by certified or bank cashier's check by the purchaser at the time and place of sale. The balance of the purchase price shall be paid in or within thirty (30) days thereafter, to be deposited in escrow with Stanley S. Freedman, Esq., 175 Derby Street, Suite #42, Hingham, MA 02043, the attorney for said mortgagee, pending approval of said sale by the Land Court. The deed shall be transferred within ten (10) days from the date of approval of said sale by the Land Court, said approval being the only condition of the escrow. The successful bidder shall be required to sign a Memorandum of Sale containing the above terms at the auction sale.

Said sale shall be subject to and with the benefit of all rights, covenants, easements, conditions, restrictions, unpaid taxes, tax titles, water bills, municipal liens, assessments, rights of tenants and parties in possession and existing encumbrances of record created prior to the mortgage, if any.

Other terms to be announced at sale.

Resource Lending, Inc., present holder of said mortgage.

By: Stanley S. Freedman, Esq.
175 Derby Street, Suite #42
Hingham, MA 02043
(617) 740-1906
Attorney to the Mortgagee
(C)Jan.31;Feb.1,14

COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURTS OF MASSACHUSETTS
Third District Court of
Eastern Middlesex
Middlesex, ss Civil No. 2227-90
Order of Notice by Publication
Thomas Graves' Landing Plaintiff
Fadi S. Chehayeb Defendant

To the above-named defendant:

Whereas it appears from the officer's return on process issued therein that due diligent search he can find no one upon who he can lawfully make service, and after hearing it is ordered by the Court that the following summons issue for service upon you: - to be published once each week, for three successive weeks, in some newspaper published in Cambridge and having a general circulation therein.

You are hereby summoned and required to serve upon Earl L. Miller, Esq., Plaintiff's attorney, whose address is 1 Boston Place No. 950, Boston MA 02108 a copy of your answer to the complaint which is herewith served upon you, within 20 days after the last publication of this summons, exclusive of the day of service. You are also required to file your answer to the complaint in the Office of the Clerk of this Court either before service upon plaintiff's attorney, or within 5 days thereafter. If you fail to meet the above requirements, judgment by default may be rendered against you for the relief demanded in the complaint.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will be barred from making such claim in any other action.

Witness, Lawrence F. Feloney, Esquire, at Cambridge the fourth day of January, in the year of our Lord one thousand nine hundred and ninety-one.

Robert Gorman
Clerk
(C)Jan.17,24,31

COMMONWEALTH OF MASSACHUSETTS
DISTRICT COURTS OF MASSACHUSETTS
Third District Court of
Eastern Middlesex
Middlesex, ss Civil No. 2565-90
Order of Notice by Publication
Steven Haines, Plaintiff
Robert Horowitz and **Shirley Ortiz,** Defendants

To the above-named defendants:

Whereas it appears from the officer's return on process issued therein that due diligent search he can find no one upon who he can lawfully make service, and after hearing it is ordered by the Court that the following summons issue for service upon you: - to be published once each week, for three successive weeks, in some newspaper published in Cambridge (Cambridge Chronicle) and having a general circulation therein.

You are hereby summoned and required to serve upon James G. Nelligan, Plaintiff's attorney, whose address is Puglia & Nelligan, 6 Liberty Ave., Somerville, Mass. 02144 a copy of your answer to the complaint which is herewith served upon you, within 20 days after the last publication of this summons, exclusive of the day of service. You are also required to file your answer to the complaint in the Office of the Clerk of this Court either before service upon plaintiff's attorney, or within 5 days thereafter. If you fail to meet the above requirements, judgment by default may be rendered against you for the relief demanded in the complaint.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will be barred from making such claim in any other action.

Witness, Lawrence F. Feloney, Esquire, at Cambridge the 8th day of January, in the year of our Lord one thousand nine hundred and ninety-one.

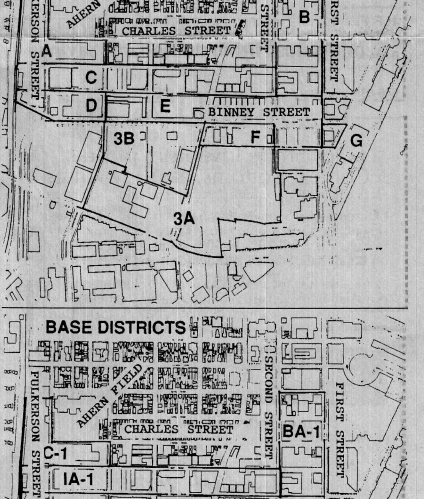
Robert Gorman
Clerk
(C)Jan.17,24,31

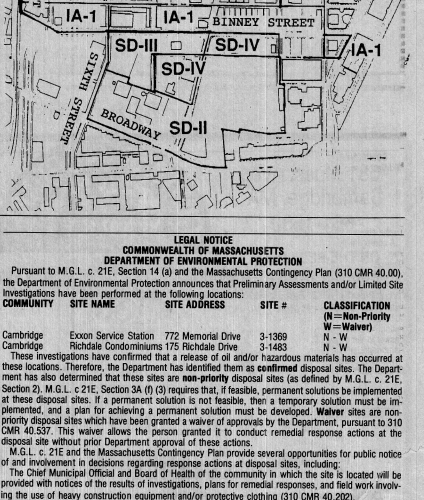
PUBLIC NOTICE
RELATIVE TO ZONING
MASSACHUSETTS
Office of the City Clerk

Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Wednesday, February 20, 1991 at 6:00 p.m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by the Planning Board, **to amend the text of the Zoning Ordinance of the City of Cambridge by adding new section 11.400** - East Cambridge Overlay Districts, 13.80 - PUD-3A, 13.90 - PUD-3B, 17.20 - Special District II, 17.30 - Special District III, 17.40 - Special District IV, 18.10 - Traffic Mitigation Measures, and 18.20 - Construction Management Program; amend the Zoning Map of the City of Cambridge by deleting the existing zoning districts in the East Cambridge Interim Planning Overlay District and replacing them with Residence C-1, Industry A-1, Business A-1, and the new Special Districts II, III and IV, the Zoning Map is also amended to include the East Cambridge Overlay Districts in the area of Charles Street to Binney Street and a new PUD 3A and PUD 3B in the area currently zoned Office 3 and PUD-3 as shown on the accompanying map. The petition would replace the East Cambridge Interim Planning Overlay District in its entirety.

Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts. All persons interested in this matter may appear at this time and be heard.

For the Committee,
Councillor Francis H. Duehay,
Chairman
(C)Jan.31;Feb.7





LEGAL NOTICE
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to M.G.L. c. 21E, Section 14 (a) and the Massachusetts Contingency Plan (310 CMR 40.00), the Department of Environmental Protection announces that Preliminary Assessments and/or Limited Site Investigations have been performed at the following locations:

COMMUNITY	SITE NAME	SITE ADDRESS	SITE #	CLASSIFICATION (N=Non-Priority W=Waiver)
Cambridge	Exxon Service Station	772 Memorial Drive	3-1369	N - W
Cambridge	Richdale Condominiums	175 Richdale Drive	3-1483	N - W

These investigations have confirmed that a release of oil and/or hazardous materials has occurred at these locations. Therefore, the Department has identified them as **confirmed** disposal sites. The Department has also determined that these sites are **non-priority** disposal sites (as defined by M.G.L. c. 21E, Section 2). M.G.L. c 21E, Section 3A (f) (3) requires that, if feasible, permanent solutions be implemented at these disposal sites. If a permanent solution is not feasible, then a temporary solution must be implemented, and a plan for achieving a permanent solution must be developed. **Waiver** sites are non-priority disposal sites which have been granted a waiver of approvals by the Department, pursuant to 310 CMR 40.537. This waiver allows the person granted it to conduct remedial response actions at the disposal site without prior Department approval of these actions.

M.G.L. c. 21E and the Massachusetts Contingency Plan provide several opportunities for public notice of and involvement in decisions regarding response actions at disposal sites, including:

The Chief Municipal Official and Board of Health of the community in which the site is located will be provided with notices of the results of investigations, plans for remedial responses, and field work involving the use of heavy construction equipment and/or protective clothing (310 CMR 40.202).

Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and presented at a public meeting. This plan will be revised based on comments received, and will be implemented over the course of the response action (310 CMR 40.200).

For information on how to review the files and obtain more information on the confirmed disposal sites referenced above, and the opportunities for public involvement during their remediation, please contact Karen Stromberg, DEP Northeast Regional Office, Site Assessment and Cleanup Section, 5 Commonwealth Avenue, Woburn, MA 01801 (Telephone 617/935-2160).
(C)Jan.31

CITY CLERK
'91 JAN 25 AM 11:48
CAMBRIDGE MA.

CITY OF CAMBRIDGE

ASSESSING DEPARTMENT

INTEROFFICE CORRESPONDENCE

TO: Joseph E. Connarton, City Clerk

FROM: Sally Powers, Director

SUBJECT: East Cambridge Rezoning Petition

DATE: January 25, 1991

In reply to your memo dated January 23, 1991, please be advised that we have, this day, forwarded to the Engineering Department the written protest to the above-referenced petition.

PUBLIC NOTICE
RELATIVE TO ZONING

MASSACHUSETTS

Office of the City Clerk

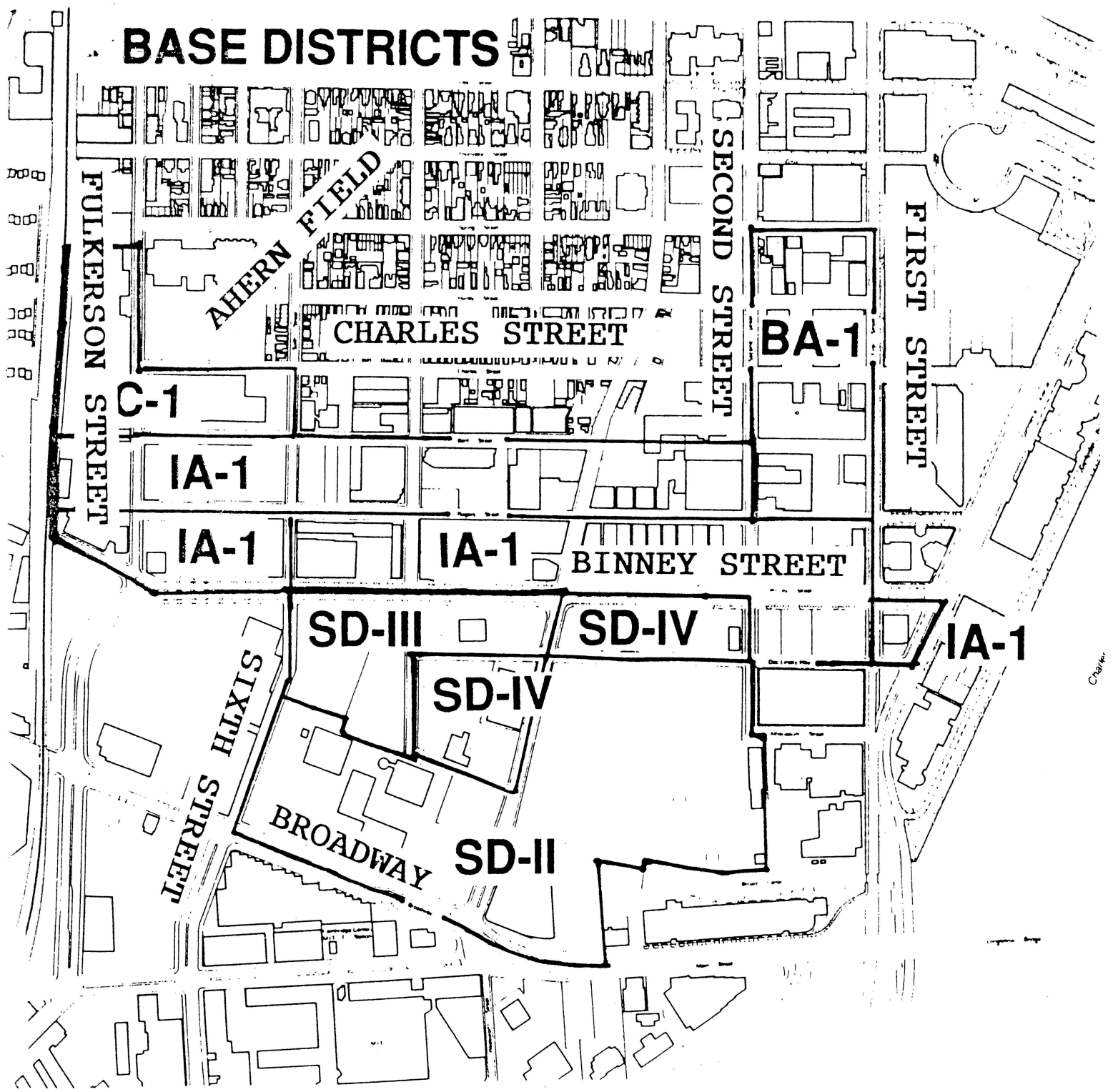
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council, will hold a public hearing on Wednesday, February 20, 1991 at 6:00 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by the Planning Board, to amend the text of the Zoning Ordinance of the City of Cambridge by creating new section 11.400 - East Cambridge Overlay Districts, 13.80 - PUD-3A, 13.90 - PUD-3B, 17.20 - Special District II, 17.30 - Special District III, 17.40 - Special District IV, 18.10 - Traffic Mitigation Measures, and 18.20 - Construction Management Program; amend the Zoning Map of the City of Cambridge by deleting the existing zoning districts in the East Cambridge Interim Planning Overlay District and replacing them with Residence C-1, Industry A-1, Business A-1, and the new Special Districts II, III and IV, the Zoning Map is also amended to include the East Cambridge Overlay Districts in the area of Charles Street to Binney Street and a new PUD 3A and PUD 3B in the area currently zoned Office 3 and PUD-3 as shown on the accompanying map. The petition would replace the East Cambridge Interim Planning Overlay District in its entirety.

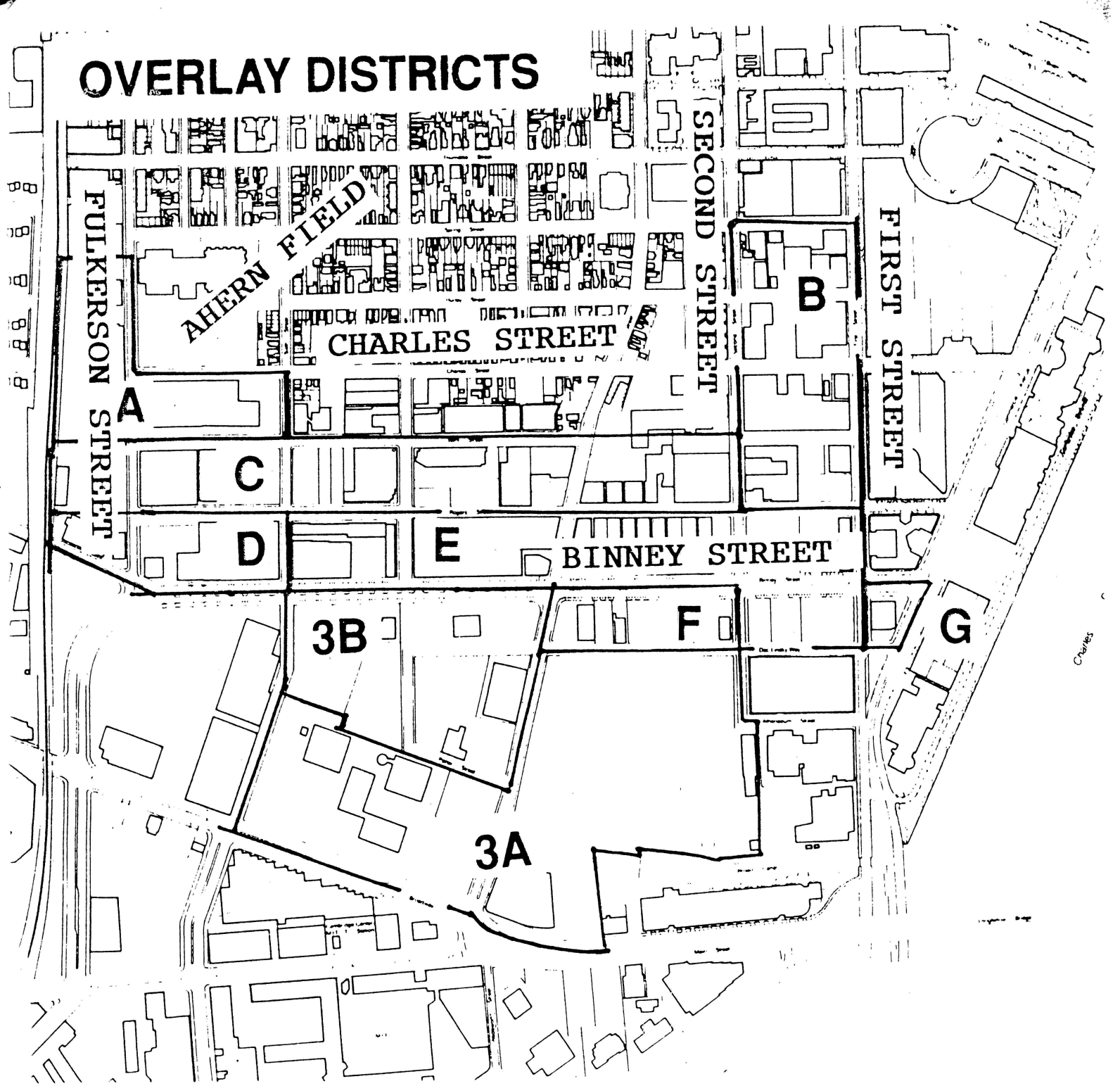
Copies of this petition are on file in the office of the City Clerk, City Hall, Cambridge, Massachusetts.

All persons interested in this matter may appear at this time and be heard.

For the Committee,

Councillor Francis H. Duehay,
Chairman


BASE DISTRICTS
FULKERSON STREET
AHERN FIELD
CHARLES STREET
SECOND STREET
FIRST STREET
BA-1
C-1
IA-1
IA-1
IA-1
BINNEY STREET
SD-III
SD-IV
IA-1
SD-IV
SIXTH STREET
BROADWAY
SD-II


OVERLAY DISTRICTS
FULKERSON STREET
AHERN FIELD
CHARLES STREET
SECOND STREET
FIRST STREET
BINNEY STREET
A
B
C
D
E
F
G
3B
3A

RECEIVED BY
OFFICE OF CITY CLERK
1931 JAN 24 PM 3:25
CAMBRIDGE MA.

POSTERNAK, BLANKSTEIN & LUND
ATTORNEYS AT LAW

100 CHARLES RIVER PLAZA
BOSTON, MASSACHUSETTS 02114
617-367-9595

FAX 617-367-2315

ERIK LUND, P.C.
NOEL G. POSTERNAK, P.C.
RICHARD K. BLANKSTEIN, P.C.
DONALD H. SIEGEL, P.C.
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ANDREW B. WHITE
MICHAEL J. WOLFSON

OF COUNSEL
DANIEL F. FEATHERSTON, JR.
STANLEY N. WALLERSTEIN
(ALSO ADMITTED IN N.H.)

FEB 11 AM 8:01
CAMBRIDGE MA.

February 6, 1991

Joseph E. Connarton, Clerk
City of Cambridge
City Hall
Cambridge, MA 02139

Dear Mr. Connarton:

The undersigned, being the owner of the property shown on Assessor's plat numbered 32 and being even numbered 252-320 Charles Street, odd numbered 101-117 Sixth Street, odd numbered 271-321 Bent Street and even numbered 126-144 Fulkerson Street, which property constitutes the entire block bounded by such four streets, owning more than twenty percent (20%) of the land area proposed to be rezoned from Industry A-1 to Residence C-1 under Section A 1.0-1.02 of the petition of the Cambridge Planning Board dated December 13, 1990 submitted to the City Council for the rezoning of a portion of East Cambridge, does hereby file written notice with the Clerk of the City of Cambridge pursuant to M.G.L.c. 40A §5 in objection to such rezoning and does ascribe the following reasons therefor:

1. The undersigned's land has been fully developed and used for approximately forty (40) years as a commercial industrial property. The possibility of the land ever being devoted to residential use is totally unrealistic given the nature of the construction, its replacement cost, its suitability as a distribution and wholesaling center, and the enormity of market rents which would be required and which appear not possible to achieve.

2. The petition singles out a small parcel of land for this rezoning while recognizing that substantial portions of abutting land should be rezoned as Industry A-1 (the current zoning of the locus) from Industry B-1. Such a rezoning effort violates the prohibition against "spot zoning" and analogous prohibitions, all

violative of the requirements for uniform districts as mandated by M.G.L.c. 40A §4 and described and set forth in such cases as Shapiro v. Cambridge, 340 Mass. 652, Schertzer v. Somerville, 345 Mass. 747, and Canteen Corporation v. Pittsfield, 4 Mass. App. Ct. 289.

3. In addition, certain provisions of the proposed amendment (Section 11.406.1 and its accompanying Figure 1) are arbitrary and capricious by permitting the Planning Board to grant special permits for height deviations which are inconsistent within District A and discriminate against the locus by not allowing its height to be increased while allowing height increases in other portions of the district. Such discrimination also violates the above-referenced requirement for uniformity.

4. In addition, proposed amendment Section 11.406.21 arbitrarily and capriciously allows the Planning Board to increase the floor area ratio in District C (which abuts District A) to a greater degree than applicable to District A when, in fact, the two districts are similar in composition and use, such that such proposal is arbitrary and capricious and violates the aforesaid principal of uniformity.

Very truly yours,

JOSEPH J. O'DONNELL

By _____
Kenneth A. Korb, his attorney
duly authorized

KAK/map

ABC03C49

Duplicate

POSTERNAK, BLANKSTEIN & LUND
ATTORNEYS AT LAW

100 CHARLES RIVER PLAZA
BOSTON, MASSACHUSETTS 02114
617-367-9595

FAX 617-367-2315

CITY CLERK'S OFFICE
CAMBRIDGE MA.
1991 FEB 20 PM 1:25

ERIK LUND, P.C.
NOEL G. POSTERNAK, P.C.
RICHARD K. BLANKSTEIN, P.C.
DONALD H. SIEGEL, P.C.
GEORGE E. CHRISTODOULO
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OF COUNSEL
DANIEL F. FEATHERSTON, JR.
STANLEY N. WALLERSTEIN
(ALSO ADMITTED IN N.H.)

February 15, 1991

Committee On Ordinances
of the City Council of
Cambridge, Massachusetts
City Hall
Cambridge, MA 02140

Gentlemen:

You have scheduled a public hearing on proposed revisions of the zoning ordinances of the City of Cambridge applicable to East Cambridge for February 20, 1991. Regrettably, this date falls during the school vacation period for which a long-standing trip with my son prevents me from attending the meeting.

The undersigned represents Joseph J. O'Donnell, owner of the entire block immediately south of Hurley Field, which property is being proposed to be rezoned from Industry A-1 to Residence C-3, despite the fact that the property has been developed and used industrially for over thirty-five (35) years, first as the Budweiser plant, and most recently as a warehouse/distribution center for my client's business, distribution of candy/ confectionery products to recreational facilities.

Enclosed with this letter is an extensive letter to the Planning Board opposing such change and setting forth both practical and legal objections to the rezoning of the parcel, which objections I request the Ordinance Committee seriously to evaluate.

At the Planning Board public hearing there appeared to be no more than six or seven neighborhood residents present, of which only three (who happened to be members of the Advisory Committee) spoke in favor of the overall plan, but with expressed reservations as to certain parts. Only one spoke of the need of housing. There were more lawyers and staff personnel present than residents and the half dozen lawyers, representing business interests, all expressed opposition to one or more facets of the overall plan.

Based upon information my client has received, it would appear that the rezoning plan may engender more fervor from the City planners than from the citizenry. Public neighborhood meetings were ill attended (approximately fifteen people) and the Advisory Committee itself was deadlocked until the planners submitted a new plan which did not offend any of the Advisory Committee members.

To summarize the position taken in my attached letter to the Planning Board:

1. The parcel has been and always will be utilized commercially, the acquisition and improvement cost making a residential conversion prohibitively expensive. There is no present intention of using the property for any residential use since my client's business is successful and appears recession proof.

2. Both the IA-1 and C-3 zones allow multi-family use for more than twelve units only with a special permit from the Planning Board. If, as and when market forces were ever to dictate a change to residential use, under either zoning the Planning Board would have to approve.

3. The original study group in its printed report recommended that my client's parcel be included as "mixed use", not in the residence district which it proposed for the west side of Hurley Field. The Advisory Committee does not appear to be the proposer of the inclusion of that parcel in the residence district; that proposal seems to have originated with the planners in contradiction to the original Study Committee. What one group of professional advisors giveth (the Study Committee), another group taketh away (the Advisory Committee).

4. There has been no change in the industrial/commercial character (other than building improvements) of all the blocks south of Hurley Field to Binney Street, for decades. There has been no change in the residential/industrial boundary running along the Charles Street/Bent Street division extending to Third Street, for decades.

5. Massachusetts law prohibits the rezoning of a parcel of land separate from all similarly situated land. The proposed downzoning of the area south of Charles Street from IB-1 to IA-12 clearly establishes that that area is no different from the land of my client, and the cases I cited clearly show that the guidelines for rezoning (as opposed to original zoning) require both a change

in the area and the same treatment for all similarly situated parcels.

It is very difficult to explain a position by letter and there could well be questions in your minds which I have not been alert enough to cover, but which the Committee may deem important. I welcome the opportunity of appearing before you at a later date should further testimony or explanation be needed by you, but short of that I respectfully request the Committee to forward to the City Council its recommendation leaving my client's property in its current zone which is what both the geography of the area and Massachusetts law dictate.

Very truly yours,

Ken Korb

Kenneth A. Korb

KAK:bp
Enc.
ABC03E95

POSTERNAK, BLANKSTEIN & LUND
ATTORNEYS AT LAW

100 CHARLES RIVER PLAZA
BOSTON, MASSACHUSETTS 02114
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MICHAEL J. WOLFSON

OF COUNSEL
DANIEL F. FEATHERSTON JR.
STANLEY N. WALLERSTEIN
(ALSO ADMITTED IN N.H.)

FEB 20 11 1: 25
CAMBRIDGE MA.

February 11, 1991

Planning Board of the
City of Cambridge
57 Inman Street
Cambridge, MA 02139

Ladies and Gentlemen:

This firm is counsel to Joseph J. O'Donnell, owner of the premises numbered 111 Sixth Street which includes the entire block bounded by Sixth, Bent, Farnsworth and Charles Streets, a property proposed to be rezoned as part of the East Cambridge Zoning initiative.

Mr. O'Donnell's objection lies with the proposal to downzone his property from Industrial A-1 ("IA-1") to Residence C-3 ("C-3"). Fundamentally, the C-3 zoning will limit future uses of the property to residential, although the property is fully developed and is even a nonconformity in the IA-1 zone.

It is believed that the site was originally developed approximately 35-40 years ago as the Budweiser plant and was acquired by Mr. O'Donnell in the mid-80's for operation by his company as a warehousing distribution center for confectionery and other snack type foods for sale at entertainment centers. Not only was a very substantial price paid for the property but also substantial renovations were made, and given the construction type and high cost of acquisition and renovation, there is no way the property could ever realistically be used for residential purposes, even if Mr. O'Donnell were willing, which he is not. There simply is no likelihood or even remote possibility of a residential use in the foreseeable future.

It is pointed out that Mr. O'Donnell's business is thriving. It employs substantial numbers of neighborhood residents and it is expected that the work force will increase, not decrease. The

availability of relative low skill required positions is a positive force for employment.

By rezoning the site as C-3, a real hardship to Mr. O'Donnell's business is created by seriously impeding both his ability to expand upon his own site or eventually to sell the property. At least in its current IA-1 zoning, there is some leeway, as of right, to make some expansion and/or to change uses within a broad category of non-industrial permitted uses. The downzoning will make such changes or expansion either impossible, or will require variances (normally impossible judicially to sustain) or special permits (the cost of which may make the expansion economically unwarranted).

Basically Mr. O'Donnell believes that, given the unlikely possibility of the property being developed residentially, the downzoning hurts him while not helping the City achieve its goals.

At the public hearing on February 5, 1991, the staff indicated that it foresaw residential development on the site in the form of clustered housing. This is economically impossible even if the owner desired it. The cost of the existing structure and its acquisition mean that the land cost would be excessive. Even as a large multi-family project the combination of limiting FARs and heights suggest the impossibility of multi-family use even if market forces otherwise permitted the type of rentals (or condominium sales) one would hope to achieve with an otherwise reasonable land cost.

How the downzoning crept into the proposal remains a bit of a mystery. Inquiry suggests that the Planning staff probably made the proposal, but it does not appear to have been initiated by the East Cambridge Neighborhood Study Committee or by the Cambridge Community Development Department. Their study, at pages 48-49, clearly indicates promotion of affordable housing along Fulkerson Street, but the O'Donnell parcel was to be studied in concert with the two street blocks south of it ". . . to promote mixed use development . . ."

Your attention is also directed to page 68 of that study which discusses affordable housing by (a) identifying publicly owned vacant and under utilized buildings, (b) obtaining public subsidies, and (c) trying to include affordable units in all <u>new</u> housing developments. Those goals are in no way directed at the O'Donnell parcel, nor is even market rate housing feasible in an area which the rezoning targets as bordering on industrial uses.

Originally, the O'Donnell parcel was zoned Industrial B-1 ("IB-1"), the same as the six or seven city blocks lying to the

south, and sometime in the late 70s the property was rezoned to IA-1. Whether such rezoning could have then been successfully attacked is moot since legally it cannot now be attacked, but that does not mean that the underlying principles of law cannot now be utilized.

An historical review of the general area reveals a salient point. The area south of Charles Street has been industrial and industrially zoned for a long period of time. The area north of Charles Street has been residential and residentially zoned for long periods. There has been no change in the character of the two areas nor is there any realistic future possibility, except to the extent a change in zoning forces the introduction of a housing component as the price of a construction bonus. That change is an artificial inducement forced by government action. Such a change is the effect of the zoning, not the cause, and that point is legally relevant.

In the seminal case of Leahy v. Inspector of Buildings of New Bedford, 308 Mass. 128, at page 132, the Supreme Judicial Court discussed the power of a city to change its zoning.

"A city council is empowered to amend a zoning ordinance when the character and use of a district or the surrounding territory have become so changed since the original ordinance was enacted that the public . . . [good] would be promoted if a change were made . . . ."

The fundamental principle of law which governs the proposed rezoning of the O'Donnell parcel derives from G.L.c. 40A §4 and its predecessors which require uniformity of districts. "Spot Zoning" or its analogous principles of law have been used by the Massachusetts appellate courts to invalidate proposed zoning changes under the "uniformity of districts" requirement.

In Shapiro v. Cambridge, 340 Mass. 652, 658, the Supreme Judicial Court made the following points which, although factually not identical to this situation, are close in concept:

1. Criteria applicable to a change in zoning boundaries may impose limits the City did not need to consider when zoning was first adopted.

2. It is a dominant circumstance that "nearby land" remains industrially zoned while only some parcels are rezoned.

3. Changing the zoning from Industry B to Industry A makes little difference to the nearby residential area since all nearby land was still heavy industry. (Similarly, with the O'Donnell

parcel, all the land south of it for blocks remains industrial, albeit rezoned to IA-1.)

The Shapiro court in invalidating the proposed zoning change stated:

"But where, as here, almost all of the nearby industrially zoned land is in use, a change of zone will, except for the single vacant parcel, have an effect only gradually, and the appropriate area for rezoning is all . . . [the land having similar characteristics considering] not only the conditions within the zone, but also important changes in relationship to adjacent zones of other classification . . . ."

Simply put, for a rezoning to withstand judicial scrutiny, one parcel whose physical characteristics and use are similar to surrounding land, whether or not in the same zone, must not be singled out for separate treatment, and to permit rezoning at all, there must have been a change in the area justifying legislative action, something which does not appear to have occurred along the Charles Street, Bent Street axis.

The principles of law have perhaps reached their clearest exposition in Canteen Corp. v. Pittsfield, 4 Mass. App. Ct. 289, a remarkably similar factual case. One side of a street was zoned residential and was in fact residential. The opposite side of the street was business zoned, and in back of the street lots was a different business zone. In turning down an attempt to rezone twelve lots on the business side of the street to residential use, the court pointed out that the rezoned lots were mostly business with one two-family and one four-family house. In the abutting business/commercial zone were located a supermarket parking lot, a department store, bowling alley, service station and other business/commercial uses. The Court stated at page 293:

"Here twelve contiguous and apparently homogenous parcels of land were singled out for special treatment vis-a-vis substantially similar parcels in an adjacent district."

Factually, current zoning creates an IA-1 zone which encompasses the entire O'Donnell parcel, a small 125-foot x 125-foot group of two-family houses at the corner of Charles and Sixth Streets and a strip beginning west of Fulkerson Street and running to Third Street which consists of the area fronting on Bent Street and a line (except for the larger O'Donnell parcel) which parallels Bent Street about halfway to Charles Street. At Third Street the IA-1 zone broadens and expands dramatically. Southerly from the O'Donnell parcel is a multi-block IB-1 parcel bounded by Binney and Bent Streets and running beyond Fulkerson Street.

It is Mr. O'Donnell's position that his parcel, although now in an IA-1 zone, is no different from the land south, east and west of his parcel, whether in the IA-1 zone or in the IB-1 zone. The uses are similar type uses, and even the proposed rezoning recognizes the continuation of the Industry characterization for the multiple parcels, with the sole exceptions of the O'Donnell parcel, the small strip bordering Fulkerson Street to the west, and the 125-foot parcel just to the east.

Given that the area has not changed for many years, that a small area is attempted to be rezoned as C-3, that the rezoned area is fully developed, and that there is little likelihood that any of the land will ever be used residentially (except for the 125-foot x 125-foot parcel which already is residential in use), this attempt to rezone is both futile in purpose and probably violative of the applicable legal principles.

It is further pointed out that if at any time market forces dictate the advisability of residential usage, present zoning permits residential use and, as with the proposed C-3 zone, multi-family use for over twelve units requires Planning Board approval. [See the Cambridge Zoning Ordinance, Section 4.26.1]. The proposed rezoning thus has only negative implications to the current owner.

It is further worth pointing out other areas of concern which affect the O'Donnell parcel and which it is believed equally violate the principles of uniformity mandated by law.

1. In establishing the overlay district it appears that the IA-A property abutting the northerly side of Bent Street from Sixth Street to Third Street has been omitted. Again, this constitutes a singling out of similarly zoned land for special treatment. The IA-1 land should be included in the Overlay District. In fact, common sense says that, because half of the blocks measured parallel to Charles and Bent Streets are in IA-1 zones, the entire blocks should be within the Overlay District, especially since the area between First and Second Streets all the way up to Spring Street is included. It is more realistic to expect a future development in the Charles Street-Bent Street area east of Sixth Street, because it consists of a large number of smaller mixed use parcels. How can one justify the exclusion of the clearly commercial/industrial use in that area from the Overlay District?

2. Section 11.406.1 of the proposed zoning authorizes the Planning Board to permit increases in height in each of the Overlay Districts. In addition to the general objection relating to the disparity in treatment between the O'Donnell parcel (relegated to District A) and the other districts which are also industrially zoned, e.g., the abutting District C, Section 11.406.1(1) draws a

further distinction within District A by virtue of the limitation that the O'Donnell parcel cannot exceed forty-five feet while the Fulkerson Street side is allowed to rise sixty feet in areas equally set back from the street line. Such a differentiation is both arbitrary and violative of the requirement of uniformity.

3. In Section 11.406.21 of the proposal, the Planning Board is authorized to grant special permits which increase the FAR in differing degrees between District A and the adjoining District C. Because the O'Donnell parcel is similar in use to District C, the attribution of different FARs is inappropriate. This is part of the general problem of differentiating the O'Donnell parcel from its adjoining neighbors.

The foregoing are illustrative of the various problems. It is believed that the thrust of this letter and the arguments made lead to the conclusion that the O'Donnell parcel has improperly been singled out for a change to C-3 zoning and the concomitant inclusion in District A, notwithstanding its existing and future realistic uses and the original determinations of the East Cambridge Study Group. It would further appear that placement of the O'Donnell parcel in District C with no change in the IA-1 base zoning would be both factually and legally appropriate and would defuse the objections raised both herein and by the undersigned at the February 5, 1991 public hearing.

Very truly yours,

Kenneth A. Korb

KAK/map

ABC03CD7

duplicate

COM/Energy

COM/Energy Research Park Realty
One Main Street
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February 6, 1991

City Councillor Francis H. Duehay
26 Lowell Street
Cambridge, MA 02138

RE: Planning Board Petition for Permanent Rezoning in the East Cambridge Interim Planning Overlay District Area

Dear Frank:

The purpose of this letter is to express COM/Energy Research Park Realty's (CERP) opposition to the City of Cambridge Planning Board's proposed permanent zoning petition for the East Cambridge Interim Planning Overlay District (EC-IPOD) area. The zoning scheme, advocated by the Planning Board to be accepted, places a disproportionate and unfair burden upon CERP, which translates into a significant financial injury. While CERP will suffer a significant reduction in value, other landowners within the EC-IPOD will benefit with an upzoning of their property. In effect, the downzoning of CERP's site serves to subsidize the upzoning of other landowners within the EC-IPOD. In relation to CERP's land, it becomes inconceivable that this proposed zoning scheme ever be adopted when one considers among other things:

- the proximity of the CERP land to the hundreds of millions of dollars spent on the public transportation infrastructure at Kendall Square, i.e., MBTA's Red Line;
- the CERP land, being located in the Kendall Square orbit, is more removed from the neighborhood than any other parcel of land located within the EC-IPOD;
- the land area of the CERP site is large enough that the bulk of the height for the development can be massed closest to Kendall Square, thus away from the neighborhood;
- the CERP land is the least apt to be a potential source of increase in automobile traffic.

As CERP has previously stated, we are sensitive to and committed to a process of development that fosters community involvement. While we have reservations to any rezoning of our property, based on our belief that the current zoning in place for our site is more than adequate to address the concerns raised by the community, in the spirit of cooperation we recommend the following changes to the Planning Board's proposed zoning petition as a means of striking a balance between the diverging interests.

Recommendations

1) Section 11.404.4 creates another layer of bureaucracy in an already cumbersome zoning process. This Advisory Committee should be unofficial in keeping with its designation as an advisory committee. Also note that Section 11.404 applies to all districts, which includes PUDs. As such, 11.404.4(c) Procedures are in potential conflict with PUD Guidelines, outlined in Section 12 of the Zoning Ordinance.

2) Section 13.81 Purpose. The reference to both the East Cambridge Neighborhood Study and the work of the East Cambridge Rezoning Advisory Committee should be omitted. The Neighborhood Study was an "attitudinal study," and the work of the Rezoning Committee didn't lead to any consensus on the zoning. Since neither lends any substantive planning analysis to the process, it should be omitted.

3) Section 13.82.4(8). The disallowance, as a permitted use, of manufacturing, processing, assembling and/or packaging of articles and products in excess of 200 lbs. should be omitted. Such an onerous clause might preclude a computer hardware producer, or possibly a biotech firm, from locating in this area of Cambridge, which results in lost tenant prospects, jobs, and taxes, etc.

4) Section 13.83.1(a). The requirement calling for the one (1) square foot of residential development be constructed for every two (2) square foot of commercial development over a 2.0 Floor Area Ratio (FAR), prior to issuance of a final certificate of occupancy, should be eliminated. As noted by one member of the Planning Board and acknowledged by others present, this requirement "may be too cumbersome" for a property owner to meet, especially with regard to obtaining project financing. A compromise solution to this requirement, that is acceptable to CERP, is to make the residential aspect of the increased FAR market-driven rather than mandatory. In effect, an owner of property would be required to either set aside land for housing until such time as the market allows for the production of residential development or transfer the housing to another lot in the East Cambridge Overlay Districts.

   If the Planning Board's proposed mandatory residential provision is included it will stymie development for the unforeseeable future. With the proposed restrictive zoning, no project could go forward with any expectation of receiving financing. When consideration is given to the glut of housing available in East Cambridge currently, plus the fact additional housing is in the pipeline for development at North Point, the mandatory residential requirement is not necessary.

It should be noted that strategically located commercial development is likely to be a catalyst to the revival of the economy and the continued financial well-being of Cambridge, not residential development.

As such, we recommend that Section 13.83.1.1 read as follows:

1) The maximum FAR may be increased to 2.75 with

   a) 2.5 allowable for commercial development; and

   b) .25 allowable for residential development, which meets the following requirements:

      1) Same as Planning Board's proposed zoning;

      2) deleted in its entirety;

      3) now becomes 2;

      4) now becomes 3;

      5) a. now becomes 4;

         b. the last sentence should be deleted in its entirety or the word "not" should be deleted. As written, the last sentence is inconsistent with the first sentence and Section 11.405.4, which allows the transfer of development rights.

      6) now becomes 5.

5) Section 13.83.4 concerns relating to the East Cambridge Overlay District Design Guidelines will be addressed later in this letter.

6) Section 13.83.5.1 Heights. The proposed height limitations will severely limit our ability to market the site. We had expressed this need on numerous occasions, also stating that we would step down the heights of the development as one moves away from Kendall Square toward the neighborhood. As such, we recommend that the language outlined in the November 30, 1990 draft zoning amendment proposal be adopted. Therefore, Section 13.83.5.1 would read as follows:

   1. The Planning Board shall not approve any Final Development Plan in which twenty-five (25) percent or more of the land area of the development parcel is covered with such buildings or parts of buildings, not exempted by Section 5.23, in excess of one hundred twenty (120) feet in height, or in which fifteen (15) percent or more of the land area of the development parcel is covered with such buildings or parts thereof in excess of one hundred and eighty (180) feet in height, but no more than two hundred and thirty (230) feet. Notwithstanding the foregoing, the Planning Board, in its discretion, may accept for review an application for a Special

Permit based on a Development Proposal which deviates from the aforesaid provisions of this Section 13.83.5, provided that the Final Development Plan is in conformity with such provisions.

Any portion of a building exceeding a height of forty-five (45) feet should be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets and the Sixth Street Pedestrian Way.

7) Section 13.83.5.2(c), as written, is arbitrary. Limiting objective language is necessary to avoid subjective misgivings.

8) Section 13.84 OPEN SPACE. The twenty-five (25) percent open-space requirement is too onerous a requirement. As compared to the pre-EC-IPOD zoning calling for a fifteen (15) percent open-space requirement, the twenty-five (25) percent open-space requirement represents a 67% increase in open space. Such a requirement will have a limiting impact on the proposed FAR and heights. We recommend that a more moderate figure of twenty (20) percent for open space be utilized, which allows plazas and sidewalks to be included in the calculation.

9) Section 13.84.2. The word "may" in the first line of the first sentence of the second paragraph should be replaced with the word "shall" to avoid arbitrariness once again.

The third paragraph of Section 13.84.2 makes reference to open space that promotes the "enhancement of the visual, pedestrian, and vehicular connections to the larger East Cambridge Street grid; increased diversity of public spaces." No street grid currently exists at the CERP site. Creating a street grid through the site invites a clash between pedestrian and automobiles users. As such, the reference to the grid should be omitted.

10) Section 13.89.a. It should be noted that, given the recent influx of retail development in Kendall Square and at the CambridgeSide Galleria Mall, ground floor retail activity at the CERP site need not be extensive. The CERP site will serve as a critical pedestrian link between Kendall Square and the Galleria Mall. As such, ground floor retail activity should be kept at the minimum amount necessary to support the critical mass created by the development and yet reinforce the flow of the pedestrian movement between Kendall Square and the Galleria Mall.

<u>Points Where Further Clarification or Elaboration Are Necessary:</u>

1) Section 11.404.2 refers to a publication entitled "East Cambridge Overlay Districts Development Guidelines." Should this actually be the East Cambridge Overlay District Design Guidelines? If not, this document has not been provided for our review and comment.

2) Section 11.405.1. Since we are currently using our site for parking purposes, this use, including accessory parking, would be a grandfathered use.

3) Section 13.86.2. In addition to obtaining assurances that our parking use, including accessory parking, is grandfathered, an explanation as to how the City expects to interface the parking requirements for zoning with the State Implementation Plan currently being formulated is necessary.

Design Guideline Comments

It is our firm belief that the Design Guidelines, as prepared by the Community Development Department's staff, are too restrictive. If the guidelines are imposed upon CERP, the City will have, in effect, master planned our land without having taken into consideration our development concept for the site or our property rights. Such heavy-handed guidelines are inconsistent with the intent of the Planned Unit Development concept, which is to foster creativity in design.

Some specific comments relating to the design guidelines are:

AREA-WIDE GUIDELINES

A. Urban Design Plan

It should be noted that new development can be made to link very well to the existing community without having to adhere to existing pattern of streets and squares, and yet be a very pleasant experience, especially for pedestrians. A recent example that is indicative of such urban design is the CambridgeSide Galleria's water plaza. The Galleria water plaza creates an environment where people want to be - it welcomes pedestrian users by creating a "sense of place" that leaves a lasting impression on its visitors.

An excerpt from the CERP's PUD Application (filed October 24, 1990 with the City) that describes our development concept for the CERP site is attached for your review.

B. Housing Design Strategy

The guidelines state that it "seek(s) the development of new residences in appropriate locations." Yet the guidelines note a preferred housing location on the CERP site between two (2) utility uses that will remain as utility uses indefinitely. One utility use is the COM/Gas take-station that serves as the main source of gas distribution for Cambridge, while the other utility use is Cambridge Electric Light Company's Kendall Power Plant and operations yard.

The Kendall Power Plant yard houses two (2) large oil storage tanks and two (2) gas turbine auxiliary power units, which provide additional power for Cambridge during peak electric hours. The design guidelines have located the preferred housing directly abutting this incompatible use. These facts were expressed to Community Development's staff on numerous occasions, yet the design guidelines presented fail to acknowledge the reality of the situation. As such, the identified location of the preferred housing is illogical and inconsistent with the strategy announced and comprehensive well-researched sound planning

practices. Given the reality of the situation, we once again raise the question as to whether the CERP site is an appropriate location for housing. We are of the opinion it is not.

C. Street and Sidewalk Design

Active Ground Floors

As noted previously, given the recent influx of retail development in Kendall Square and at the CambridgeSide Galleria Mall, extensive ground floor retail activity at the CERP site is not necessary. The CERP site will serve as a natural pedestrian corridor between Kendall Square and the Galleria. As such, ground floor activity will be kept to that which is necessary to support the critical mass created by the development and yet reinforce the flow of the pedestrian movement between Kendall Square and the Galleria Mall.

AREA 4 (CERP Site)

Character and Use

Our comments, listed under the Urban Design heading, apply to this section as well.

We strongly disagree with the concept of extending Athenaeum Street through our site to Third Street. This guideline is totally opposite to the development concept we envision for this site. By suggesting that Athenaeum Street be continued through the site, the guidelines are inviting a "clash" between pedestrians and automobiles. Whereas our concept establishes an inner court, designed predominantly for pedestrians' use and to coincide with the increased pedestrian circulation anticipated between Kendall Square and the Galleria Mall.

Dimensional Standards

The dimensional standards outlined in the guidelines do not set "the most basic constraints" as it claims it does. It goes far beyond establishing basic constraints to the extent they pose major impediments to our ability to develop and market the site.

The guidelines note that the largest building should be located as shown in the guidelines plan. The location noted happens to be the corner located closest to the neighborhood. The residents on the East Cambridge IPOD Rezoning Committee expressed a desire to have the bulk of the height for the development massed closest to Kendall Square, a desire also shared by CERP. Logic requires that the tallest building be located closest to Kendall Square so as to take advantage of the MBTA Red Line and to reduce shadows in the plaza area between the hours of 11:00 a.m. and 2:00 p.m. (hours when the plaza would be frequented the most). This would also keep shadows cast into the neighborhood at a minimum, a concern apparently ignored and discarded in the proposed zoning scheme.

Finally, it should be noted that the dimensional standards (heights and open-space requirements) and the design guidelines, when reviewed together, make it extremely difficult for one to achieve the FARs allowed under this downzoning - if they can be reached at all.

Open Space

As noted under the zoning recommendations section of this letter and just above, the open-space requirements are too onerous for the same reasons. Also, as previously noted, the inclusion of a street system through the site invites conflict between pedestrian and automobile uses. We prefer to emphasize "pedestrian-public" circulation (inviting people into the site) rather than vehicular movement.

The guidelines make reference to a building located at the terminus of the Broad Canal. It should also be noted that the approximate location of this building does not fall within the land area owned by CERP. The land is owned by the Cambridge Electric Light Company. In addition, the guidelines comment that the building is needed to "screen the unsightly utility functions north of the Canal." If such is the case, why would one locate the housing they recommend directly abutting this "unsightly" use?

Area 5

The Urban Design Plan (Page 13A) shows the Athenaeum Street extension continuing across Third Street and terminating as a cul de sac. This concept is inconsistent with prior area-wide guidelines calling for "integrat(ing) all new projects into the pattern of streets and squares, which make Cambridge a pleasant, walkable, livable City." In fact, this concept appears to be more in line with our development concept for the CERP site.

In summary, we would like to add that no substantive planning analysis has ever been presented to substantiate the zoning proposal proposed by the Planning Board, nor can the proposed zoning be considered a uniform approach to land-use planning, especially when one considers the zoning in relation to the surrounding zoning districts.

We have already suffered from the lost opportunities due to the imposition of the EC-IPOD, as has the City in terms of jobs and taxes lost. The CERP site, located in Kendall Square and being one of the last developable sites in Cambridge, plays a strategic role in the economic health of the City. There is a need for us to get back on schedule with our development plans so future opportunities, which also benefit the City, will not be lost. Cambridge must be prepared to meet the upcoming opportunities, otherwise it will be left behind in the next economic upsurge.

We consider ourselves to be a "good corporate citizen" and remain committed to a process for development that is a balanced approach to orderly growth

and development and which fosters community involvement. However, we oppose the permanent zoning plan for East Cambridge, advanced by the Planning Board.

I hope the recommendations and comments that I have made gives you some "food for thought" prior to your taking any action on the Planning Board's permanent zoning proposal for East Cambridge. Should you have any questions on this matter, I will be glad to answer them at the scheduled February 20th Ordinance Committee public hearing.

Sincerely,

Paul B. Casey
Director of Real Estate

CERP
35/91D/bmc
Attachment

Amended Sept.
see pg. 16

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

December 13, 1990

To the Honorable, the City Council:

SUBJECT: Planning Board Petition for Permanent Rezoning in the East Cambridge Interim Planning Overlay District Area.

The Planning Board is hereby submitting for City Council consideration a recommended permanent zoning petition for the portion of East Cambridge which has been the subject of extensive planning study by the Planning Board and the East Cambridge Rezoning Advisory committee for the past two years. The proposal as presented here is a faithful reflection of the majority recommendations made by the Advisory Committee to the Planning Board after many months of intensive effort on the part of neighborhood residents and property owner members of the Committee.

The rezoning proposal is comprehensive: it creates two new planned unit development districts, a new overlay district, and three new base zoning districts while also making changes to several other existing base zoning districts. These extensive proposals, however, achieve several straightforward objectives:

- The amount of permitted development in the affected area is reduced modestly.

- Housing is mandated to be built as part of the last increment of development allowed on commercial sites; if housing is not built the permitted commercial development is significantly reduced.

- Traffic mitigation requirements are imposed for new large scale developments when special permit approval is required; more directly, maximum parking limits for all developments are established which will assure that the amount of traffic entering the district as a result of the new development, is limited.

- Heights of new buildings are more carefully controlled; more opportunities are presented to review and regulate the design of new development. A set of design guidelines, now in draft form, is being developed to support that process.

This proposed zoning petition is the result of much study and analysis by the Advisory Committee and the Planning Board with substantial support from the Community Development Department. Given the magnitude of this proposal and its importance to East Cambridge and the City as a whole, the Board considers it vital that the policy context within which the petition was developed be more forthrightly presented so that the proposal can be better understood and evaluated. To that end, the Board will forward to the City Council in the near future a document which clearly states those underlying policy assumptions as the Board understands them and as they have operated to affect the details of the present zoning recommendation.

Respectfully submitted for the
Planning Board

Paul Dietrich

Paul Dietrich, Chairman

A. Amend the Zoning Map of the City of Cambridge as follows:

1.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry A-1 to Residence C-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Fulkerson Street and the westerly extension of the centerline of Charles Street as shown on Assessor's Plat numbered 32,

1.1 Thence turning and proceeding in a southeasterly direction along the centerline of Charles Street to the centerline of Sixth Street for a distance of approximately 560 feet,

1.2 Thence turning and proceeding in a southwesterly direction along the centerline of Sixth Street to the centerline of Bent Street for a distance of approximately 250 feet,

1.3 Thence turning and proceeding in a northwesterly direction along the centerline of Bent Street and the southwestern extension of the centerline of Bent Street to the Boston and Albany Railroad tracks for a distance of approximately 850 feet,

1.4 Thence turning and proceeding in a northeasterly direction along the Boston and Albany Railroad tracks to a point said point being 150 feet on the Railroad tracks on Assessor's Plat numbered 32,

1.5 Thence turning and proceeding in an southeasterly direction along a line perpendicular to the Boston and Albany Railroad tracks to the centerline of Fulkerson Street for a distance of approximately 280 feet,

1.6 Thence turning and proceeding in a northeasterly direction along the centerline of Fulkerson Street to the point of origin for a distance of approximately 100 feet.

1.01 <u>Premises as shown on Assessor's Plat numbered 32:</u>

All of lot numbered 53, even numbers 252-320 Charles Street, odd numbers 101-117 Sixth Street, odd numbers 271-321 Bent Street and even numbers 126-144 Fulkerson Street.

1.02 <u>Premises as shown on Assessor's Plat numbered 31:</u>

All or parts of lot numbered 21, odd number 145 Fulkerson Street.

2.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C-1 to Open Space an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Fulkerson Street and western extension of the northern lot line of lot numbered 87 on Assessor's Plat numbered 32,

2.1 Thence proceeding in an southeasterly direction along the southwestern extension of the northern lot line and the northern lot line of lot numbered 87 to intersection with the eastern side lot line 87 for a distance of approximately 473 feet,

2.2 Thence turning and proceeding in southwesterly direction along the eastern side lot line of lot numbered 87 and the southeastern extension of the eastern side lot line to a point of intersection the centerline of Charles Street for a distance of approximately 275 feet,

2.3 Thence turning and proceeding in a northwesterly direction along the centerline of Charles Street and its western extension to the centerline of Fulkerson Street for a distance of approximately 477 feet,

2.4 Thence turning and proceeding in a northeasterly direction along the centerline of Fulkerson Street to the point of origin for a distance of approximately 275 feet.

2.01 <u>Premises as shown on Assessor's Plat numbered 32:</u>

Lot numbered 87, 319 Charles Street, also known as John J. Ahearn Field.

3.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry A-1 to Residence C-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Sixth Street and the centerline of Charles Street as shown on Assessor's Plat numbered 27,

3.1 Thence proceeding in an southeasterly direction along the centerline of Charles Street to a point of intersection with the northern extension of the eastern side lot line of lot numbered 3 on Assessor's Plat numbered 27 for a distance of approximately 125 feet,

3.2 Thence turning and proceeding in a southwesterly direction along the northern extension of the eastern side lot line of lot numbered 3 and the eastern side lot lines of lot numbered 3 and 83 to the southern side lot line of lot numbered 83 on Assessor's Plat numbered 27 for a distance of approximately 105 feet,

3.3 Thence turning and proceeding in a northwesterly direction along the southern side lot lines of lots numbered 83 and 84 and western extension of the southern side lot line of lot numbered 84 on Assessor's Plat numbered 27 to the centerline of Sixth Street for a distance of approximately 125 feet,

3.4 Thence turning and proceeding in northeasterly direction along the centerline of Sixth Street to the point of origin for a distance of approximately 125 feet.

3.01 <u>Premises as shown on Assessor's Plat numbered 27:</u>

All or parts of lots numbered 1, 2, 3, 14, 83, and 84, even numbers 238-248 Charles Street, and even numbers 100-106 Sixth Street.

4.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry B-1 to Industry A-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of Boston and Albany Railroad tracks and western extension of the centerline of Bent Street,

4.1 Thence proceeding in an southeasterly direction along the western extension of the centerline of Bent Street, the centerline of Bent Street and the eastern extension of the centerline of Bent Street to the centerline of Third Street for a distance of approximately 1,975 feet,

4.2 Thence turning and proceeding in a southerly direction along the centerline of Third Street to the centerline of Binney Street for a distance of approximately 515 feet,

4.3 Thence turning and proceeding in a northwesterly direction along the centerline of Binney Street to the Boston and Albany Railroad tracks for a distance of approximately 1905 feet,

4.4 Thence turning and proceeding in a northeasterly direction along the Boston and Albany Railroad tracks tot he point of origin for a distance of approximately 325 feet.

4.01 Premises as shown on Assessor's Plat numbered 31:

All or parts of lots numbered 21, 20, 15, 14, 8, 13, 12, even numbers 272-322 Bent Street, odd and even numbers 175-192 Fulkerson Street, odd and even numbers 151-186 Rogers Street, odd numbers 263-349 Binney Street, and odd numbers 119-157 Sixth Street.

4.02 Premises as shown on Assessor's Plat numbered 27:

All or parts of lots numbered 93, 81, 78, 82, 76, 80, 79, 77, and 68, even numbers 160-264 Bent Street, even numbers 120-138 Sixth Street, odd and even numbers 194-217 Fifth Street, odd numbers 239-257 Third Street and odd numbers 119-149 Rogers Street.

4.03 Premises as shown on Assessor's Plat numbered 28:

All or parts of lots numbered 23, 22, 15, 33, 34, and 31, even numbers 126-150 Rogers Street, even numbers 140-158 Sixth Street, odd and even numbers 218-241 Fifth Street, odd numbers 259-279 Third Street, and odd numbers 153-251 Binney Street.

5.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry A-1 and Business A to Business A-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Second Street and the centerline of Spring Street,

5.1 Thence proceeding in a southeasterly direction along the centerline of Spring Street to the centerline of First Street for a distance of approximately 450 feet,

5.2 Thence turning and proceeding in a southwesterly direction along the centerline of First Street to the centerline of Rogers Street for a distance of approximately 1,000 feet,

5.3 Thence turning and proceeding in a northwesterly direction along the centerline of Rogers Street to the centerline of Second Street for a distance of approximately 450 feet,

5.4 Thence turning and proceeding in a northeasterly direction along the centerline of Second Street to the centerline of Spring Street, the point of origin.

5.01 Premises as shown on Assessor's Plat numbered 18:

All or parts of lots numbered 68, 67, 69, 70, 66, 45, 62, 2, 61, 65, and 64, even numbers 78-96 Second Street, odd numbers 1-49 Hurley Street, even numbers 2-26 Spring Street, and odd numbers 75-95 First Street.

5.02 Premises as shown on Assessor's Plat numbered 10:

All or parts of lots numbered 32, 33, 34, 35, 37, 36, 16, 30, 31, 38, and 39, even numbers 2-50 Hurley Street, odd and even numbers 1-50 Charles Street, odd numbers 55-91 Bent Street, even numbers 102-156 Second Street, and odd numbers 101-139 First Street.

5.03 Premises as shown on Assessor's Plat numbered 16:

All or parts of lots numbered 23, 10, 11, 24, and 6, even numbers 56-92 Bent Street, even number 182 Second Street, odd numbers 141-159 First Street and odd numbers 25-50 Rogers Street.

6.0 Amend the Zoning Map of the City of Cambridge by rezoning from Residence C-3/PUD-2 to Industry A-1 an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of First Street and the centerline of Binney Street as shown on A on Assessor's Plat numbered 11,

6.1 Thence proceeding in an southeasterly direction along the centerline of Binney Street to the centerline of Commercial Avenue for a distance of approximately 300 feet,

6.2 Thence turning and proceeding in a southwesterly direction along the centerline of Commercial Avenue to the centerline of Doc Linsky Way (Munroe Street) for a distance of approximately 275 feet,

6.3 Thence turning and proceeding in a northwesterly direction along the centerline of Munroe Street to the centerline of First Street for a distance of approximately 300 feet,

6.4 Thence turning and proceeding in a northeasterly direction along the centerline of First Street to the point of origin for a distance of approximately 250 feet.

6.01 <u>Premises as shown on Assessor's Plat numbered 11:</u>

All or parts of lots numbered 32, 29, 31, and 30, even numbers 184-192 First Street, even numbers 6-22 Binney Street, and odd numbers 79-81 Commercial Avenue.

7.0 Amend the Zoning Map of the City of Cambridge by rezoning from Office 3A to Special District III an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Binney Street and the centerline of Sixth Street as shown on Assessor's Plat numbered 28,

7.1 Proceeding in a southeasterly direction along the centerline of Binney Street to the centerline of Third Street for a distance of approximately 1,020 feet,

7.2 Thence turning and proceeding in a southwesterly direction along the centerline of Third Street to the centerline of Doc Linsky Way (Munroe Street) for a distance of approximately 240 feet,

7.3 Thence turning and proceeding in a northwesterly direction along the centerline of Doc Linsky Way and the western extension of Doc Linsky Way to the northern extension of the centerline of Fifth Street for a distance of approximately 500 feet,

7.4 Thence turning and proceeding in a southwesterly direction along the centerline of Fifth Street and the southern extension of the centerline of Fifth Street to the northern side lot line of lot numbered 39 on Assessor's Plat numbered 29 for a distance of approximately 360 feet,

7.5 Thence turning and proceeding in a northwesterly direction along the northern side lot line of lot numbered 39 to the southern side lot line of lot numbered 47 to the western side lot line of lot numbered 47 on Asseesor's Plat numbered 29 to the centerline of Sixth Street for a distance of approximately 270 feet,

7.6 Thence turning and proceeding in a northeastern direction along western side lot line of lot numbered 47 to the southern side lot line of lot numbered 31 on Assessor's Plat numbered 29 for a distance of approximately 50 feet,

7.7 Thence turning and proceeding in a northwesterly direction along the southwestern side lot line of lot numbered 31 and the northwestern extension of the centerline of Sixth Street for a distance of approximately 249 feet,

7.8 Thence turning and proceeding in a northeasterly direction along the centerline of Sixth Street to the centerline of Binney Street, the point of origin, for a distance of approximately 380 feet.

7.01 Premises as shown on Assessor's Plat numbered 28:

All or parts of lots numbered 46, 45, 44, 9, 39, and 43, even numbers 158-250 Binney Street, even number 178 Sixth Street, and odd numbers 287-299 Third Street.

7.02 Premises as shown on Assessor's Plat numbered 29:

All or parts of lots numbered 48, 31, and 47, even numbers 184-194 Sixth Street, odd numbers 271-299 Fifth Street.

8.0 Amend the Zoning Map of the City of Cambridge by rezoning from Office 3A to Special District II and PUD 3A an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Doc Linsky Way (Munroe Street) and the centerline of Third Street as shown on Assessor's Plat numbered 15,

8.1 Proceeding in a southeasterly direction along the centerline of Doc Linsky Way to the intersection with the centerline of Second Street for a distance of approximately 740 feet,

8.2 Thence turning and proceeding in a southwesterly direction along the centerline of Second Street and the southwestern extension of the centerline of Second Street to the southern side lot line of lot numbered 21 on Assessor's Plat numbered 13 for a distance of approximately 740 feet,

8.3 Thence turning and proceeding in a northwesterly direction along the southern side lot line of lots numbered 21 on Assessor's Plat numbered 13 and lot numbered 40 on Assessor's Plat numbered 14 to the end of the Broad Canal as shown on Assessor's Plat numbered 14 for a distance of approximately 356 feet,

8.4 Thence turning and proceeding in a southwesterly direction along the southeastern side of the Broad Canal, the southwester side lot line of lot numbered 38 on Assessor's Plat numbered 14 for a distance of approximately 20 feet,

8.5 Thence turning and proceeding in a northwesterly direction along the southwestern side lot line of lot numbered 38 on Assessor's Plat numbered 14 to a point of intersection with the northeastern extension of the southeastern side lot line of lot numbered 34 on Assessor's Plat numbered 14 for a distance of approximately 174 feet,

8.6 Thence turning and proceeding in southwesterly direction along the northeastern extension of the southeastern side lot line of lot numbered 34 and the southeastern side lot line of lot numbered 34 and lot numbered 29 and the southeastern extension of the southeastern side lot line to the centerline of Main Street, for a distance of approximately 360 feet,

8.7 Thence turning and proceeding in a generally westerly direction along the centerline of Main Street to the centerline of Broadway to the southwestern extension of

the Pedestrian Way shown as lot numbered 93 on Assessor's Plat numbered 44, for a distance of approximately 1365 feet,

8.8 Thence turning and proceeding in a northeasterly direction along the centerline of the pedestrian way, lot numbered 93 on Assessor's Plat number 44, to the intersection with the centerline of Sixth Street and the northwestern extension of the southwestern side lot line of lot numbered 31 on Assessor's Plat numbered 29 for a distance of approximately 450 feet,

8.9 Thence turning and proceeding in a southeasterly direction along the northwestern extension of the southwestern side lot line of lot numbered 31 and the southwestern side lot line of lot numbered 31 on Assessor's Plat numbered 29 to the northwestern side lot line of lot numbered 47 on Assessor's Plat numbered 29, for a distance of approximately 248 feet,

8.10 Thence turning and proceeding in a southwesterly direction along the southwestern side lot line of lot numbered 31 on Assessor's Plat numbered 29 for a distance of approximately 50 feet,

8.11 Thence turning and proceeding in a southeasterly direction along the northeastern side lot line of lots numbered 39, 40, 38, and 35 and the southeastern extension of the northeastern side lot line of lot numbered 35 to the centerline of Third Street, for a distance of approximately 596 feet,

8.12 Thence turning and proceeding in a northeasterly direction along the centerline of Third Street to the centerline of Doc Linsky Way, the point of origin, for a distance of approximately 510 feet.

8.01 <u>Premises as shown on Assessor's Plat numbered 29:</u>

All or parts of lots numbered 45, 39, 40, 38, and 35, even numbers 349-363 Third Street.

8.02 <u>Premises as shown on Assessor's Plat numbered 44:</u>

All or parts of lots numbered 93, 89, 87, 88, and 71, odd number 367 Third Street, and odd numbers 13-97 Broadway.

8.03 <u>Premises as shown on Assessor's Plat numbered 15:</u>

All or parts of lots not numbered, even numbers 42-110 Doc Linsky Way, even numbers 302-316 Third Street, and

odd numbers 225-249 Second Street.

8.04 Premises as shown on Assessor's Plat numbered 14:

All or parts of lots numbered 39, 38, 40, 34, 29, 30, 26, and 31, even numbers 330-378 Third Street, 3-11 Broadway, and odd numbers 131-173 Main Street.

8.05 Premises as shown on Assessor's Plat numbered 13:

All or part of lot numbered 21, odd numbers 249-273 First Street.

9.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industry B-1 to Special District IV an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Doc Linsky Way (Munroe Street) and the centerline of Third Street as shown on Assessor's Plat numbered 15,

9.1 Thence proceeding in a northeasterly direction along the centerline of Third Street to the centerline of Binney Street for a distance of approximately 270 feet,

9.2 Thence turning and proceeding in a southeasterly direction along the centerline of Binney Street to the centerline of Second Street for a distance of approximately 642 feet,

9.3 Thence turning and proceeding in a southwesterly direction along the centerline of Second Street to the centerline of Doc Linsky Way for a distance of approxaimately 200 feet,

9.4 Thence turning and proceeding in a northwestery direction along the centerline of Doc Linsky Way to the centerline of Third Street, the point of origin, for a distance of approximately 687 feet.

9.04 <u>Premises as shown on Assessor's Plat numbered 15:</u>

All or parts of lots numbered 9, 12, 19, 20, 15, 16, 17, and 11, even numbers 80-142 Binney Street, even numbers 286-300 Third Street, odd numbers 205-223 Second Street, and odd numbers 41-107 Doc Linsky Way.

10.0 Amend the Zoning Map of the City of Cambridge by rezoning from Office 3A to Special District IV and PUD 3B an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Doc Linsky Way (Munroe Street) and the centerline of Third Street as shown on Assessor's Plat numbered 29,

10.1 Thence proceeding in a southwesterly direction along the centerline of Third Street to the eastern extension of the northern side lot line of lot numbered 35 on Assessor's Plat numbered 29 for a distance of approximately 431 feet,

10.2 Thence turning and proceeding in a northwesterly direction along the eastern extension of the northern side lot line of lot numbered 35 and the northern side lot line of lots numbered 35, 38, 40, and 39 to the southern extension of the centerline of Fifth Street for a distance of approximately 348 feet,

10.3 Thence turning and proceeding in a northerly direction along the southern extension of the centerline of Fifth Street and the centerline of Fifth Street to the western extension of the centerline of Doc Linsky Way for a distance of approximately 350 feet,

10.4 Thence turning and proceeding in a southeasterly direction along the western extension of the cenerline of Doc Linsky Way and the cetnerline of Doc Linsky Way to the centerline of Third Street, the point of origin, for a distance of approximately 440 feet.

10.01 <u>Premises as shown on Assessor's Plat numbered 29:</u>

All or parts of lots numbered 44, 34, 42, 43, and 13, even numbers 112-154 Doc Linsky Way and odd numbers 303-343 Third Street,

11.0 Amend the Zoning Map of the City of Cambridge by creating the East Cambridge Overlay District in an area of land circumscribed by a line, said line beginning at a point, said point being the intersection of the centerline of Second Street and the centerline of Spring Street as shown on Assessor's Plat numbered 18,

11.1 Proceeding in a southwesterly direction along the centerline of Spring Street and the southeastern extension of the centerline of Spring Street to the centerline of First Street for a distance of approximately 450 feet,

11.2 Thence turning and proceeding in a southwesterly direction along the centerline of First Street to the centerline of Binney Street for a distance of approximately 1,250 feet,

11.3 Thence turning and proceeding in a southeasterly direction along the centerline of Binney Street and the southeastern extension of the centerline of Binney Street to the centerline of Commercial Avenue for a distance of approximately 300 feet,

11.4 Thence turning and proceeding in a southwesterly direction along Commercial Avenue to the southeastern extension of the centerline of Doc Linsky Way (Munroe Street) for a distance of approximately 200 feet,

11.5 Thence turning and proceeding in a northwesterly along the southeastern extension of the centerline of Doc Linsky Way and the centerline of Doc Linsky Way to the centerline of Third Street for a distance of approximately 1,410 feet,

11.6 Thence turning and proceeding in a northeasterly direction along the centerline of Third Street to the centerline of Binney Street for a distance of approximately 260 feet,

11.7 Thence turning and proceeding in northwesterly direction along the centerline of Binney Street to the intersection of the Boston and Albany Railroad Tracks for a distance of approximately 2,085 feet,

11.8 Thence turning and proceeding in a northeasterly direction along the Boston and Albany Railroad Tracks to the western extension of the northern side lot line of lot numbered 99 on Assessor's Plat numbered 33 for a distance of approximately 1,280 feet,

11.9 Thence turning and proceeding in a southeasterly direction along the western extension of the northern side lot line and the northern side lot lines of lot

numbered 99 and lot numbered 88 and the eastern extension of the northern side lot line of lot numbered 88 on Assessor's Plat numbered 33 to the centerline of Fulkerson Street for a distance of approximately 265 feet,

11.11 Thence turning and proceeding in a southwesterly direction along the centerline of Fulkerson Street to the western extension of the centerline of Charles Street for a distance of approximately 435 feet,

11.12 Thence turning and proceeding in a southeasterly direction along the western extension of the centerline of Charles Street and the centerline of Charles Street to the intersection with the centerline of Sixth Street for a distance of approximately 570 feet,

11.13 Thence turning and proceeding in a southwesterly direction along the centerline of Sixth Street to the intersection with the centerline of Bent Street for a distance of approximately 250 feet,

11.14 Thence turning and proceeding in southeasterly direction along the centerline of Bent Street and the eastern extension of the centerline of Bent Street to the intersection with the centerline of Second Street for a distance of approximately 1,690 feet,

11.15 Thence turning and proceeding in a northeasterly direction along the centerline of Second Street to the intersection with the centerline of Spring Street, point of origin, for a distance of approximately 750 feet.

11.01 Premises as shown on Assessor's Plat numbered 18:

All or parts of lots numbered 68, 67, 69, 70, 66, 45, 62, 2, 61, 65, and 64, even numbers 78-96 Second Street, even numbers 2-20 Spring Street, odd numbers 1-49 Hurley Street, odd numbers 75-95 First Street.

11.02 Premises as shown on Assessor's Plat numbered 11:

All or parts of lots numbered 32, 29, 31, and 30, even numbers 184-192 First Street, even numbers 6-22 Binney Street, odd numbers 79-81 Commercial Avenue.

11.03 Premises as shown on Assessor's Plat numbered 15:

All or parts of lot numbered 21,even numbers 32-70 Binney Street, even numbers 204-222 Second Street, odd numbers 181-199 First Street, and odd numbers 1-39 Doc Linsky Way.

11.04 Premises as shown on Assessor's Plat numbered 16:

All lots, even numbers 240-280 Third Street, odd and even numbers 25-88 Rogers Street, odd numbers 33-143 Binney Street, odd and even numbers 167-203 Second Street, and odd numbers 141-179 First Street.

11.05 Premises as shown on Assessor's Plat numbered 27:

All or parts of lots numbered 91, 6, 70, 86, 85, 32, 35, 34, 33, 93, 81, 78, 82, 76, 77, 68, 80, and 79, even numbers 108-138 Sixth Street, odd and even numbers 183-216 Fifth Street, odd numbers 221-257 Third Street, odd and even numbers 157-264 Bent Street, and odd numbers 119-149 Rogers Street.

11.06 Premises as shown on Assessor's Plat numbered 28:

All or parts of lots numbered 23, 22, 15, 33, 34, and 31, even numbers 126-150 Rogers Street, even numbers 140-158 Sixth Street, odd and even numbers 218-241 Fifth Street, odd numbers 259-279 Third Street, and odd numbers 153-251 Binney Street.

11.07 Premises as shown on Assessor's Plat numbered 31:

All lots, odd numbers 119-157 Sixth Street, odd and even numbers 175-192 Fulkerson Street, even numbers 272-522 Bent Street, odd and even Rogers Street, odd numbers 263-349 Binney Street.

11.08 Premises as shown on Assessor's Plat numbered 32:

All or parts of lots numbered 89, 51, 52, and 53, odd numbers 99-123 and odd and even numbers 123-145 Fulkerson Street, even numbers 252-320 Charles Street, odd numbers 271-321 Bent Street, odd numbers 101-117 Sixth Street.

11.09 Premises as shown on Assessor's Plat numbered 33:

All or parts of lots numbered 99, and 88, 81 Fulkerson Street.

11.001 Premises as shown on Assessor's Plat numbered 17:

All or parts of lots numbered 84, even numbers 234-238 Third Street, and odd numbers 155-165 Second Street.

Add technical amendment new page 16.

11.04 Premises as shown on Assessor's Plat numbered 16:

All lots, even numbers 240-280 Third Street, odd and even numbers 25-88 Rogers Street, odd numbers 33-143 Binney Street, odd and even numbers 167-203 Second Street, and odd numbers 141-179 First Street.

11.05 Premises as shown on Assessor's Plat numbered 27:

All or parts of lots numbered 93, 81, 78, 82, 76, 80, 79, 77, and 68, even numbers 160-264 Bent Street, even numbers 120-138 Sixth Street, odd and even numbers 194-217 Fifth Street, odd numbers 239-257 Third Street and odd numbers 119-149 Rogers Street.

11.06 Premises as shown on Assessor's Plat numbered 28:

All or parts of lots numbered 23, 22, 15, 33, 34, and 31, even numbers 126-150 Rogers Street, even numbers 140-158 Sixth Street, odd and even numbers 218-241 Fifth Street, odd numbers 259-279 Third Street, and odd numbers 153-251 Binney Street.

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All lots, odd numbers 119-157 Sixth Street, odd and even numbers 175-192 Fulkerson Street, even numbers 272-522 Bent Street, odd and even Rogers Street, odd numbers 263-349 Binney Street.

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All or parts of lots numbered 89, 51, 52, and 53, odd numbers 99-123 and odd and even numbers 123-145 Fulkerson Street, even numbers 252-320 Charles Street, odd numbers 271-321 Bent Street, odd numbers 101-117 Sixth Street.

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All or parts of lots numbered 99, and 88, 81 Fulkerson Street.

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All or parts of lots numbered 84, even numbers 234-238 Third Street, and odd numbers 155-165 Second Street.

OFFICE OF CITY CLERK
2001 FEB 28 PM 4:52
CAMBRIDGE MA.

11.

CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

March 4, 1991

To The Honorable, The City Council:

Attached for your information is a technical substitution to the East Cambridge Rezoning Petition which was previously submitted in 1990.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

CONSENT AGENDA

Communication relative to a technical substitution to the East Cambridge Rezoning Petition.

In City Council,

March 4, 1991.

3/4/91 Referred to the petition

CITY OF CAMBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall Annex - Inman & Broadway - Cambridge, Mass. 02139

498-9034

February 28, 1991

To: John Flynn

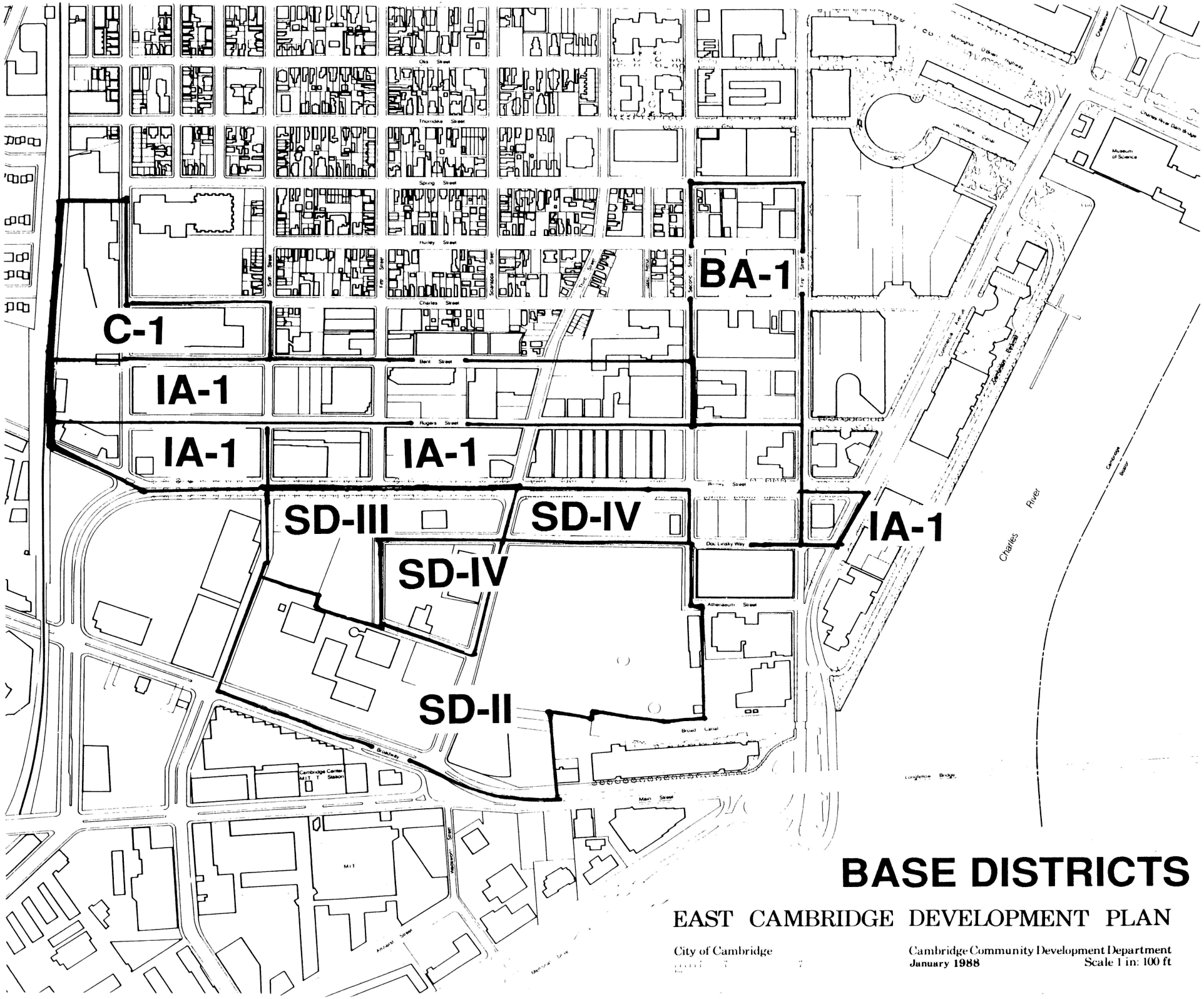
From: Liza Malenfant

RE: East Cambridge Rezoning Legal Description

Attached is a corrected copy of the legal description of the East Cambridge Overlay District which is part of the East Cambridge Rezoning Petition (1991). This page 16 should replace the existing page 16. The change involves the deletion of some lot numbers from the premises to be included in the rezoning. The description of the area is not changed. The listing of the addresses is not changed.

If you have any questions please contact me at 349-4600.

FEB 28 PM 4:52
CAMBRIDGE MA.

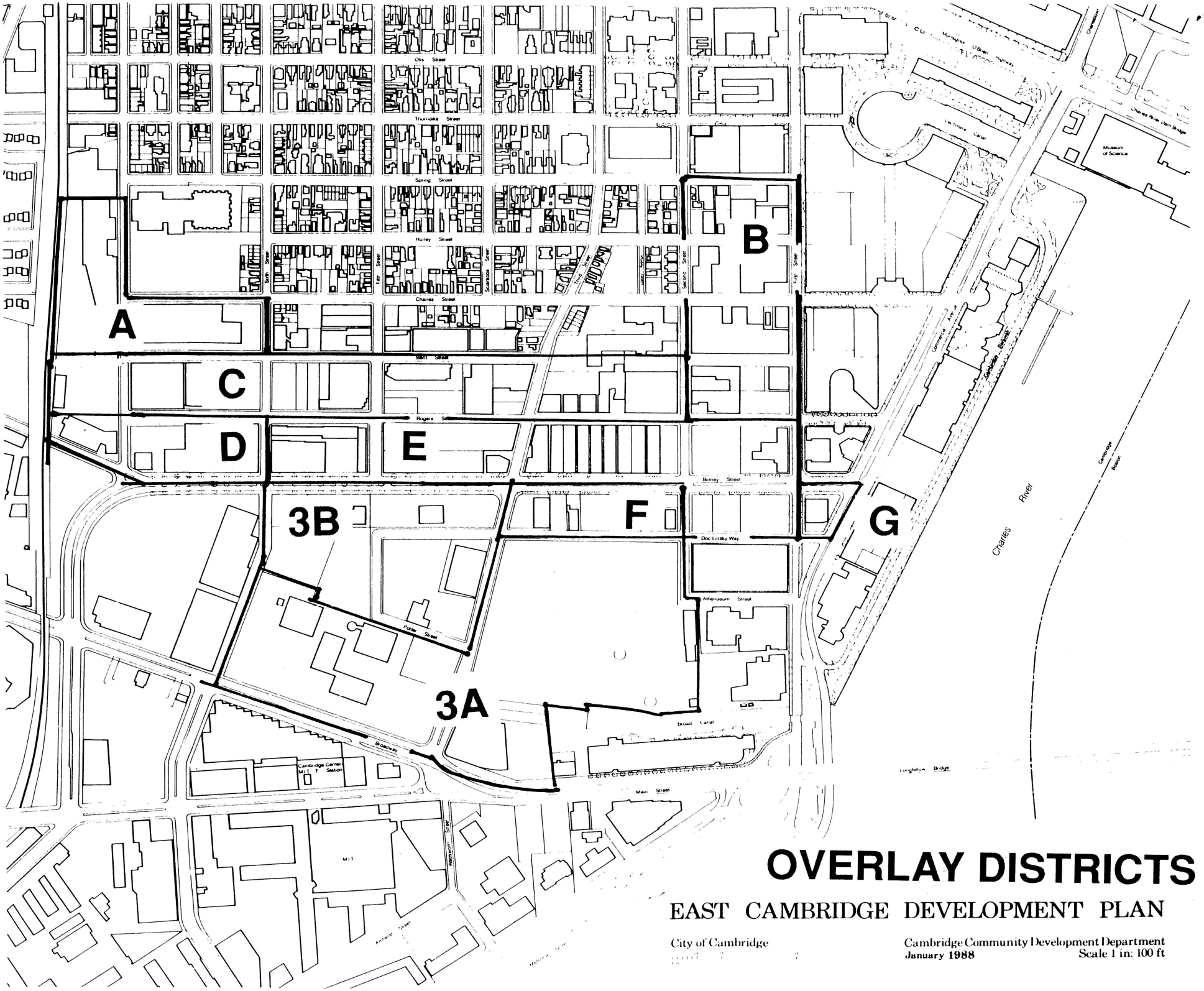


BASE DISTRICTS

EAST CAMBRIDGE DEVELOPMENT PLAN

City of Cambridge

Cambridge Community Development Department
January 1988
Scale 1 in: 100 ft



OVERLAY DISTRICTS

EAST CAMBRIDGE DEVELOPMENT PLAN

City of Cambridge

Cambridge Community Development Department
January 1988
Scale 1 in: 100 ft

B. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Section 11.400 East Cambridge Overlay Districts as follows:

11.400 East Cambridge Overlay Districts A - G

11.401 ESTABLISHMENT AND SCOPE There are hereby established the East Cambridge Overlay Districts A-G which shall be governed by the regulations and procedures specified in this Section 11.400. It is the intent of this section that these regulations shall apply to a single area described generally as the area abutting the East Cambridge residential neighborhood, the East Cambridge Riverfront and the Kendall Square Development Area.

11.402 GENERAL PURPOSE It is the purpose of this Section 11.400 to augment existing zoning regulations to respond to the unique problems and pressures affecting the area as pointed out in the East Cambridge Neighborhood Study, Fall 1988. The Overlay Districts are intended to promote development that is consistent with the goals and objectives of the East Cambridge Neighborhood Study and the work of the East Cambridge Rezoning Advisory Committee.

11.403 APPLICABILITY The East Cambridge Overlay Districts shall be Overlay Districts on the Zoning Map established by Section 3.20 (Zoning Map).

11.403.1 The use of land within said districts shall be controlled by the pertinent regulations in the base zoning districts except as modified by the requirements of this Section 11.400 which shall apply in addition to the regulations imposed by the base zoning map designation.

11.404 GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS

11.404.1 The East Cambridge Overlay Districts shall be considered areas of special planning concern. Development proposals listed in Subsection 11.42, Development Consultation Procedures, shall be subject to the Development Consultation Procedure specified in Section 11.40.

11.404.2 Criteria for Development Consultation Review and Review of Applications for Special Permits and Variances In reviewing applications for variances, special permits or development consultation reviews the permit or special permit granting authority shall be guided by the objectives and criteria contained in the publication East Cambridge Overlay Districts

Development Guidelines, Community Development Department, 1990, in addition to the requirements of Sections 10.30 (variances) and 10.40 (Special Permits) and this Section 11.400. These guidelines are also intended to assist in shaping any contemplated physical change within the East Cambridge Overlay Districts.

11.404.3 National Register and Contributing Buildings For the purpose of this Section 11.400 the following definitions shall apply:

a. National Register Building shall be a building individually listed or determined eligible for the National Register of Historic Places as determined by the Secretary of The Department of the Interior.

b. A contributing building shall be

(1) Identified as a contributing building in a listed or eligible National Register District as determined by the Secretary of the Department of the Interior; or

(2) A building located outside a National Register District but identified as a contributing building in the East Cambridge Overlay Districts Design Guidelines. However, a building shall no longer be considered a contributing building as defined in this Subsection 11.403 (b) for the purpose of this Section 11.400 if, upon application for a demolition permit, the Cambridge Historical Commission shall determine the building not to be a preferably preserved significant building as defined in the City of Cambridge Demolition Ordinance #965.

11.404.4 East Cambridge Advisory Committee. There shall be established an East Cambridge Advisory Committee, with members appointed by the City Manager, which shall have the following duties, responsibilities, and membership.

a. Purpose. It is the intent of this Subsection 11.404.4 that the Committee in its official actions fulfill the following purposes.

(1) To establish a formal, ongoing body that will review all major development actions in the East Cambridge Overlay Districts.

(2) To provide a forum within which a wide range

of perspectives on development actions can be heard.

(3) To establish a citizen/professional body which can advise both public agencies and private interests as to the development urban design issues raised by a development or planning proposal and suggest avenues of research which might be pursued to resolve identified conflicts or make the project better fulfill both public and private objectives for the East Cambridge \overlay Districts.

b. Responsibilities. The Committee shall undertake all Large Project Reviews and shall receive all applications for variances and special permits for activities within East Cambridge Overlay Districts for review and comment. In addition, the Committee may comment on any preliminary proposal, for which any public agency or private interests may wish to receive advice and recommendations.

c. Procedures.

(1) Within the six (6) months preceding any application for (1) a building permit for any project subject to a Large Project Development Consultation Review or (2) a special permit or variance for any project within the East Cambridge Overlay Districts, the graphic and other material required in Section 11.45 - Large Project Submittal Requirements shall be submitted to the East Cambridge Advisory Committee for their review and comment.

(2) Within thirty (30) days for that submittal, (or within 60 days with the written consent of the applicant) the Committee shall prepare a written report of findings and recommendaitons with respect tot he applicant's proposed project.

(3) The Committee's written report shall outline the urban design and development issues raised by the proposal. It shall suggest those areas within which additional exploration of alternatives might be sought or factual information gathered which might help to resolve potential conflicts between public and private objectives or which might

help to shape et he project to better serve these objectives.

(4) The report shall be forwarded to the applicant and shall be included in any application for a building permit, special permit or variance.

(5) It is expected that, in making decisions regarding special permits and variances within the Overlay Districts, the Planning Board and/or Board of Zoning Appeal will give due consideration to the report and recommendations of the advisory committee.

(6) The Community Development staff shall serve as staff to the Committee.

d. (1) Membership. Members in all categories shall be Cambridge residents or business persons or landowners within the Overlay Districts.

a. One member having recognized qualifications as architect or landscaped architect who shall also serve as chair of the Committee.

b. Three (3) members representing the business community in East Cambridge Overlay Districts.

c. Three (3) members representing residents of the East Cambridge neighborhood.

(2) Terms. Committee members shall be appointed for terms of three (3) years each.

11.405 DETAILED PROVISIONS APPLICABLE TO ALL DISTRICTS

11.405.1 Uses The buildings and land uses within the East Cambridge Overlay Districts shall be controlled by the pertinent regulations within the applicable base zoning district except that a parking lot or parking garage for private passenger cars, Section 4.32 b (automobile parking lot or parking garage for private passenger cars) is prohibited.

11.405.2 Off street parking and loading requirements shall be the same as specified in Article 6.000 for the applicable base zoning district except as provided below.

11.405.21 Minimum Parking Requirement The minimum parking requirements shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h (Residential Uses), one parking space shall be required for each dwelling unit.

11.405.22 Maximum Parking The maximum parking permitted for uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h (Residential Uses), there shall be no maximum accessory parking. No parking shall be provided which exceed the maximum parking permitted, not withstanding the provision of Section 6.31.3; however the Board may permit the number of parking spaces to exceed the maximum allowed under this Section 11.405.2 provided the authorized number of parking spaces does not exceed that number which would be permitted on the lot if the maximum parking ratio were applied to the maximum gross floor area permitted on the lot, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

11.405.23 No special permit shall be issued in any East Cambridge Overlay District which permits the total number of parking spaces on a lot to exceed that permitted in this Section 11.405.22 for development authorized by the special permit plus any additional parking present on the site before the date of application, which parking is provided as legally established required accessory parking, not exceeding the minimum required in Article 6.000, at the time of the granting of the special permit in the applicable zoning district in Article 6.000 for uses not located on the lot,

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance with this subsection 11.405.22.

11.405.3 Yard Requirements A minimum five (5) foot front yard setback shall be required for all development in the Overlay Districts. Where a greater setback is required in the base district for the front yard, the greater setback shall be the required unless the Planning Board specifically waives the greater requirement by Special Permit. All other yard requirements shall be as required in the base district unless the Planning Board specifically waives the requirement by Special Permit.

11.405.31 Restrictions in Required or Provided Front Yard Setbacks That area between the principal front wall plane of a building and a public street, whether required or provided, shall be devoted to Green Area as defined in Article 2.000 of this Ordinance, an expansion of the adjacent public sidewalk, or other landscaped or paved area devoted exclusively to pedestrian use and extending along the entire length of that portion of a lot abutting the street. Areas devoted to vehicular use are prohibited from this area with the exception of access drives located to provide the most direct access to parking facilities located elsewhere on the site. Said access drives shall be limited to a total of thirty (30) feet of width for each one hundred (100) feet of lot frontage. Where a lot is bounded by more than one street, the provisions of this subsection 11.405.31 shall apply fully only to a single street, which street shall be the principal, major or most important street abutting the lot. For all other streets the provisions of this subsection 11.405.31 shall apply only to those portions of the front yard lying directly between the building and the street line; where a lot is bounded by four (4) street the provision of this subsection shall not apply to that street directly opposite the principal street.

11.405.4 Transfer of Development Rights Notwithstanding the limitations imposed by the definition of lot in Article 2.000 the Planning Board may allow by special permit the transfer of part or all of the permitted gross floor area on one lot (donating lot) to one or more other lots (receiving lots), all held in common ownership, anywhere within the East Cambridge Overlay Districts, without regard to the FAR limitations normally applicable to the receiving lot(s); all other dimensional limitations applicable to the receiving lot(s) shall continue to apply. An additional transfer of development potential may be permitted by Special Permit from the Planning Board between lots not held in common ownership, only for the purpose of construction of the residential development required to be built in order to secure a special permit for additional FAR as provided in Section 11.406.21; and further provided that the transfer may be permitted only if the total number of units or gross floor area on the receiving site is increased by no more than ten (10) percent above that which would otherwise be permitted by the zoning applicable to the lot(s).

11.405.41 In granting a special permit under this Section 11.405.4 the Planning Board shall consider the following.

1. The transfer results in a superior site development, and

2. the density of development is reduced at locations close to the existing residential neighborhood, existing residential uses, public parks or architecturally or historically significant buildings,

3. A significant amount of publicly accessible open space is created.

4. Housing development is made more feasible through development of a critical mass of residential use.

5. Parking facilities are more logically located to reduce traffic impacts on residential streets, better designed, and/or generally less visually intrusive over a larger area than might otherwise be the case.

6. The transfer facilitates preservation of an architecturally or historically significant building or facilitates the creation of a lot suitable for residential use.

7. The transfer facilitates the creation or retention of light manufacturing space, particularly space suitable for start up or incubator enterprises.

8. The transfer assists in improving the visual appearance and/or operation of an existing industrial facility through renovations and site improvements.

9. Affordable housing units are created beyond that which would otherwise be required.

11.406 DETAILED PROVISIONS APPLICABLE TO INDIVIDUAL DISTRICTS

11.406.1 Additional Height By Special Permit from the Planning Board the permitted height may be increased as detailed below; however, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) on all abutting streets, except as otherwise noted.

(1) In District A the maximum height shall be sixty (60) feet except as further limited by heights illustrated in Figure I.

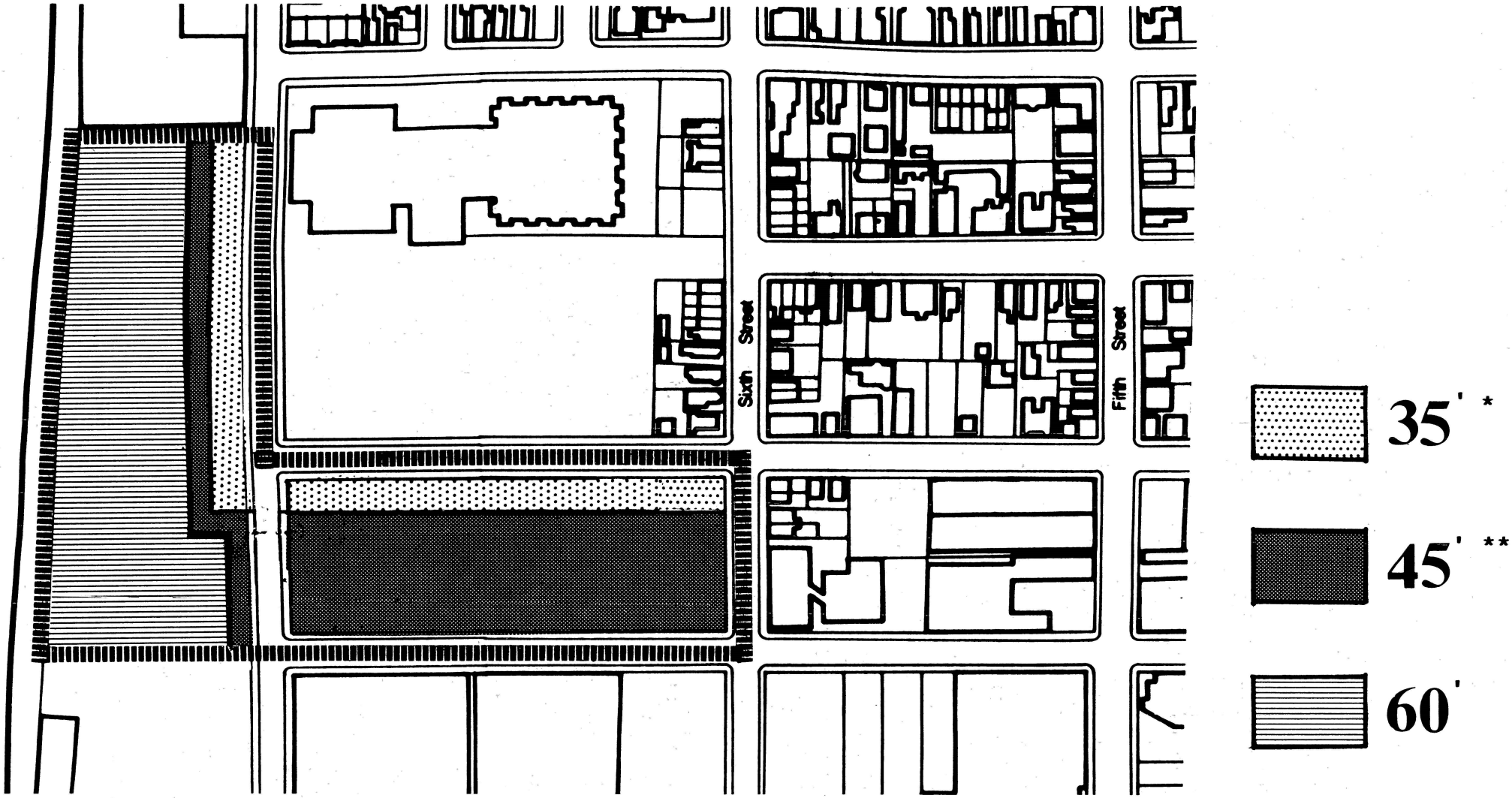


FIGURE I

MAXIMUM PERMITTED HEIGHTS - EAST CAMBRIDGE OVERLAY DISTRICT A

* 35 feet within 50 feet of abutting street line, as shown.

** West of Fulkerson Street, 45 feet within 20 feet of the street line and the 35 foot height limit line, as shown

(2) In District B the maximum height shall be sixty (60) feet except that where the District abuts a Residence C-1 zoning district on Second Street, no building may exceed thirty-five (35) feet within fifty (50) feet of the street line, or forty-five (45) feet thereafter within seventy (70) feet of the street line.

(3) In District C the maximum height shall be sixty (60) feet.

(4) In District D the maximum height shall be seventy (70) feet.

(5) In District E the maximum height shall be seventy (70) feet except that for those blocks lying between First Street and Second Street the maximum height shall be sixty (60) feet.

(6) In District F the maximum height shall be seventy (70) feet.

(7) In District G the maximum height shall be sixty (60) feet.

11.406.11 In granting a Special Permit for additional height the Planning Board shall consider the following.

1. A superior site development will result as indicated by

   (a) more generous setbacks used to widen sidewalks or add street tree or other landscaping along public streets

   (b) more varied forms of urban open space, including courtyards and plazas

   (c) more sensitive relationship of building forms to the height and other characteristics of development on adjacent lots

   (d) more rational arrangement of parking so as to reduce its negative impacts on adjacent properties and public streets

   (e) greater solar access to building, and open space elements within the development and/or reduced shadow impacts on adjacent development

2. The site can accommodate transferred development potential achieving some of the benefits identified in Section 11.405.41.

3. Independent of any transfer of development potential some of the benefits identified in Section 11.405.41 are achieved.

11.406.2 Additional Gross Floor Area

11.406.21 By Special Permit from the Planning Board the permitted gross floor area may be increased as provided below.

(1) In District A the maximum FAR shall be 1.25. All residential development authorized above the base .75 FAR shall be devoted exclusively to residential uses, excluding hotels and motels, meeting the requirements detailed in Section 11.406.22.

(2) In District B the maximum FAR shall be 1.75. However, for each two (2) square feet of commercial development authorized above the base 1.0 FAR up to a maximum FAR limit of 1.5, one square foot of residential development excluding hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(3) In District C the maximum FAR shall be 1.75. However, for each two (2) square feet of commercial development authorized above the base 1.25 FAR up to a maximum FAR limit of 1.57, one square foot of residential development excluding hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(4) In District D the maximum FAR shall be 2.25. However, for each two (2) square feet of commercial development authorized above the base 1.5 FAR up to a maximum FAR limit of 2.0, one square foot of residential development excluding hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(5) In District E the maximum FAR shall be 2.0. However, for each two (2) square feet of commercial development authorized above the base 1.25 FAR up to a maximum FAR limit of 1.75, one square foot of residential development excluding

hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(6) In District F the maximum FAR shall be 2.25. However, for each two (2) square feet of development authorized above the base 1.5 FAR up to a maximum FAR limit of 2.0, one square foot of residential development excluding hotels and motels, shall be required to be built meeting the requirements detailed in Section 11.406.22.

(7) In District G the maximum FAR shall be 2.25. However, all development authorized above the base 1.5 FAR shall be devoted exclusively to residential uses, excluding hotels and motels, meeting the requirements detailed in Section 11.406.22.

11.406.22 (1) The housing shall be constructed within any one of the East Cambridge Overlay Districts subject to the limitations of Section 11.405.4. above.

(2) Construction of all required housing development shall be completed before issuance of any occupancy permit for nonresidential development exceeding the FAR limit permitted in the base district.

(3) A minimum of seven and one half (7½) percent of the dwelling units required by such special permit shall be affordable housing units made available to Eligible Households as defined in Section 11.200 and shall conform to the Standards detailed in Section 11.200.

(4) An additional seven and one half (7½) percent of the dwelling units authorized by such special permit shall be offered to the City of Cambridge at prevailing market rates for inclusion in any program available to and selected by the City for provisions of affordable housing. The offer shall be formally made to the City by the permittee only at such time as the specific size, location, finished details, and cost of each unit are known. Should the City fail to exercise its option within three (3) months the permittee is free to make the units available on the open market without further obligations to the City of Cambridge.

11.406.3 Residential Density The maximum residential density shall be increased to six hundred (600) square feet per

dwelling unit for Districts A-F. The density shall be increased to three hundred (300) square feet per dwelling unit in District G.

11.406.4 Special Site Development Restrictions for lots in Districts B and E. No above grade structured parking or loading facility or parking and loading facility located at grade beneath a building shall be permitted within thirty (30) feet of the First street streetline; or within thirty (30) feet of the Second Street streetline where a residential zoning district abuts the Districts.

11.407 INCENTIVE ZONING PROVISIONS All nonresidential development authorized by Special Permit for additional FAR or for transfer of development rights shall be subject to the incentive zoning requirements of Section 11.200. All or part of the obligation incurred under Section 11.203 may be used to meet the affordable housing requirements of Section 11.406.22.

11.408.1 TRAFFIC MITIGATION REQUIREMENTS A traffic mitigation plan shall be required as a condition of approval of any Special Permit for additional FAR as detailed in Article 18.000.

11.408.2 CONSTRUCTION MANAGEMENT PROGRAM The applicant shall submit a construction management program, detailing the construction period impacts and a program for their mitigation as detailed in Article 18.000.

11.409 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

a. The proposed development is consistent with the following goals and objectives:

- encourage mixed use development compatible with the residential neighborhood

- promote housing

- encourage development along First Street to relate to the East Cambridge Riverfront and with ground floor retail

- promote street and sidewalk improvements to create a unified image and improve the physical and visual environment

- promote strong visual and pedestrian connections between the residential neighborhood and Kendall Square and the Charles River

- establish strict traffic mitigation measures to minimize traffic impacts in the neighborhood

- encourage structured parking with access located to mitigate traffic impacts.

b. The development is consistent with the provisions of the East Cambridge Overlay Districts Guidelines

c. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

d. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

C. Amend the text of the Zoning Ordinance of the City of Cambridge by creating new sections 13.80 and 13.90, PUD 3A and PUD 3B as follows:

13.80 PUD-3A DISTRICT: DEVELOPMENT CONTROLS

13.81 PURPOSE A PUD-3A District is intended to provide for the creation of a quality mix of general and technical office uses and housing with supporting commercial activities. The district regulations are intended to encourage strong linkages between the district and the existing residential East Cambridge neighborhood, the new development at Kendall Square, and the East Cambridge riverfront. The development is encouraged to be so designed as to break down the scale of large parcels through the use of new public or private roads and ways to better reflect the scale of existing city blocks. The PUD-3A District is intended to promote development that is consistent with the goals and objectives of the East Cambridge Neighborhood Study, Fall 1988, and the work of the East Cambridge Rezoning Advisory Committee .

13.82 USES ALLOWED IN A PUD-3A DISTRICT The uses listed in Section 13.82, alone or in combination with each other, shall be allowed upon permission of the Planning Board.

13.82.1 Residential Uses

(1) Townhouse Development. Any special permit for townhouse development required by Section 11.10 shall be granted by the Planning Board within the scope of the planned unit development Special Permit.

(2) Multifamily dwellings.

(3) Hotels or Motels.

13.82.2 Transportation, Communication, Utility and Institutional Uses All uses listed in Sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district.

13.82.3 Office and Laboratory Uses All uses listed in Section 4.34.

13.82.4 Retail Business and Consumer Service Establishments

(1) Stationery and office supply store.

(2) Printing and reproduction service establishment,

photography studio.

(3) Other store for retail sale of merchandise located in a structure primarily containing non-retail uses.

(4) Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.

(5) Restaurants or other eating and drinking establishments listed in subsection 4.35 e, f, g, o and r.

(6) Theater or hall for public gatherings.

(7) Bowling alley, skating rink, tennis center or other commercial recreation establishments.

(8) Manufacturing, processing, assembly and/or packaging of articles and products listed as Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

13.82.5 Other Uses Any use not listed in subsections 13.82.1 - 13.82.4 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-3A District and is necessary to support the predominant uses in the district.

13.83 DISTRICT DIMENSIONAL REGULATIONS

13.83.1 FAR The maximum ratio of floor area to the total area of the development parcel shall be 2.0 except as permitted below.

1. The maximum FAR may be increased to 2.75 provided the following conditions are met:

a. For each two square feet of commercial development authorized above the base 2.00 FAR, up to a maximum FAR limit of 2.5, one square foot of residential development, excluding hotels and motels, shall be required to be built which meets the following requirements

1. The housing shall be constructed within the PUD 3A or PUD 3B Districts except as permitted in paragraph 5 below.

2. Construction of all required residential development shall have been completed before issuance of any final certificate of occupancy permit for nonresidential development exceeding a 2.00 FAR limit.

3. A minimum of seven and one half (7½) percent of the dwelling units required by such special permit shall be affordable housing units made available to Eligible Households as defined in Section 11.200 and shall conform to the Standards detailed in Section 11.200.

4. An additional seven and one half (7½) percent of the dwelling units authorized by such special permit shall be offered to the City of Cambridge at prevailing market rates for inclusion in any program available to and selected by the City for provision of affordable housing. The offer shall be formally made to the City by the permittee only at such time as the specific size, location, finished details and cost of each unit are known. Should the City fail to exercise its option within three (3) months the permittee is free to make the units available on the open market without any further obligations to the City of Cambridge.

5. The residential development requirement of this Section 13.83.1 may be met at any location within the East Cambridge Overlay Districts provided the residential development consists of new construction, is equal in total gross floor area to that required to be constructed, and is permitted within the limits of the zoning applicable to the residential development site. The additional residential gross floor area permitted in the PUD 3A District may not be transferred to any lot in the East Cambridge Overlay Districts.

6. All lots and construction thereon, necessary to fulfill the requirements of this Section 13.83.1, shall be subject to approval by the Planning Board as part of the PUD Special Permit.

13.83.2 Development Parcel, Lot size The minimum size of the development parcel for a PUD shall be four (4) acres.

A development parcel within the PUD-3A may contain noncontiguous lots elsewhere in this PUD District or within a contiguous PUD District. There shall be no specified minimum lot size for lots located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.83.3 Residential Density For the purpose of computing residential density, the minimum land area for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire development parcel.

13.83.4 Lot width, Setback There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. In general there shall be no minimum required front, rear and side yard requirements for lots located within a development parcel or side and rear yards for the development parcel itself. However, setbacks from the streets abutting the development parcel, including the Sixth Street Pedestrian Way, are expected to follow the recommendations of the East Cambridge Overlay Districts Design Guidelines; at such locations a five (5) foot minimum front yard setback shall be required; at Third Street additional setbacks may be imposed to permit widening of the street to accommodate possible widening to facilitate the extension of the median or to continue the Parkway character of the street as already established. Additional setbacks may be appropriate along the Sixth Street Pedestrian Way to enhance its open space character. In all cases the Planning Board shall approve all such building setbacks. Any buildings on a parcel abutting the Broad Canal shall be setback or so designed as to provide a pedestrian pathway along the canal's edge. For the purposes of this PUD 3A District the Sixth Street Pedestrian Way, lot numbered 93 on Assessor's Plat numbered 44, the southern extension of Sixth Street from Binney Street to Broadway, shall be considered a street.

13.83.5 Height The maximum height of any building shall be two hundred and thirty (230) feet, except as limited in paragraph 1 below.

1. The Planning Board shall not approve any Final Development Plan in which twenty-five (25) percent or more of the land area of the development parcel is covered with such buildings or parts of buildings, not exempted by Section 5.23, in excess of eighty-five (85) feet in height, or in which ten (10) percent or more of the land area of the development parcel is covered with

such buildings or parts thereof in excess of one hundred and twenty (120) feet in height but no more than two hundred and thirty (230) feet. Notwithstanding the foregoing any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets and the Sixth Street Pedestrian Way.

2. In evaluating a Development Proposal providing building heights in excess of eighty-five (85) feet, the Planning Board shall give consideration to evidence presented on the following:

   (a) that increased height will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity or major public open space to a significantly greater extent than if the building height did not exceed eighty-five (85) feet;

   (b) that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space and monotonous development provided, however, that the additional height would not so concentrate development as to prevent the allocation of building mass at lower levels necessary to create a well defined, pedestrian oriented, urban district;

   (c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristics of the particular location through more harmonious relationships to the terrain and to proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building as well as the urban design objectives as outlined in the East Cambridge Overlay Districts Design Guidelines;

   (d) that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and

   (e) that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the development parcel.

13.84 OPEN SPACE The minimum ratio of open space to the total area of the development parcel as defined in Article 2.000 and Section 5.22 shall be twenty-five (25) percent. At a minimum there shall be a contiguous parcel of open space at grade consisting of at least twenty-five thousand (25,000) square feet to be used as a publicly accessible park or seven (7) percent of the development parcel, whichever is less.

13.84.2 Open space shall include parks, plazas, landscaped areas open to the sky; playgrounds; balconies; and pedestrian ways such as bridges, decks, arcades, loggias, and galleries as permitted by the Planning Board. It is intended that the open space provided should serve a variety of purposes and clientele including the general public and visitors to the development as well as residents and employees exclusively.

In addition the Board may permit the following, not generally considered open space, to be included in that area required to meet the minimum open space requirement provided they advance the objectives of the District and the East Cambridge Overlay Districts Design Guidelines: land area reserved for and proposed to be transferred to the City for the widening of public streets; building setbacks from public streets greater than five (5) feet which enhance the parkway like character of those streets; newly created internal private streets and their adjacent curbside parking and sidewalks.

In accepting as open space, facilities which would not otherwise be considered useable open space as defined in this Ordinance, the Board shall specifically find that such facilities provide benefits comparable to those provided by traditional open space: the provision of light and air; the opportunity to provide pleasant and accessible places for people to meet and congregate; opportunities for increased landscaping; enhancement of the pedestrian environment throughout the development; enhancement of the visual, pedestrian, and vehicular connections to the larger East Cambridge Street grid; increased diversity of public spaces: open and enclosed, all weather and seasonal; and particularly with streets and ways, the creation of a system of paths which define an urban pedestrian environment well connected visually and functionally to the older surrounding neighborhood, which integrates new building logically to the traditional pattern of development in the City, and which provides a site development which is welcoming and accessible to the

general public. In considering the acceptance of such nontraditional open space the Planning Board may consider the extent to which the proposed facilities will be available to and desired by the general public.

13.85 PERIMETER AND TRANSITION Any part of the perimeter of a PUD which fronts on an existing street or public open space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Development in the PUD-3A District, should provide an integrated pedestrian circulation system with particularly strong linkages between the residential neighborhood, riverfront, and Kendall Square. Further connections to abutting districts should be achieved through the incorporation of private streets which connect to and extend the network of adjacent public and private streets.

13.86 PARKING AND LOADING REQUIREMENTS Development in the PUD-3A District shall conform to the Parking and Loading Requirements set forth in Article 6.000 for uses in Residence C-3, Business B, Office 3 and Industry B Districts, except as modified by this Section 13.86.

13.86.1 Minimum Parking Requirement The minimum parking requirement shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

13.86.2 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3; however, the Board may permit the number of parking spaces to exceed the maximum allowed under this Section 13.86 provided the authorized number of parking spaces does not exceed that number which would be permitted within the development parcel if the maximum parking ratio were applied to the maximum gross floor area permitted on the development parcel, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

13.86.3 No special permit shall be issued in a PUD 3A District which permits the total number of parking spaces on the

development parcel to exceed that permitted in this Section 13.86 for development authorized by the special permit plus any additional parking present on the site before the date of application, which parking is provided as legally established required accessory parking, not exceeding the minimum required in Article 6.000 at the time of the granting of the special permit in the applicable zoning district for uses not located within the development parcel.

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved PUD Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance with this subsection 13.86.3.

13.87 INCENTIVE ZONING REQUIREMENT All nonresidential development authorized shall be subject to the incentive zoning requirements of Section 11.200. All or part of the obligation incurred under Section 11.203 may be used to meet the affordable housing requirements of Section 13.83.1.1.a(3).

13.88.1 TRAFFIC MITIGATION REQUIREMENTS A traffic mitigation plan shall be required as a condition of approval of any Final Development Plan in the PUD 3A District as outlined in Article 18.000.

13.88.2 CONSTRUCTION MANAGEMENT PROGRAM The applicant shall submit a construction management program, detailing the construction period impacts and a program for their mitigation as outlined in Article 18.000.

13.89 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

a. The proposed development is consistent with the following goals and objectives:

- encourage responsible and orderly development;

- promote housing;

- improve the transition from the existing residential neighborhood to the East Cambridge Riverfront and the Kendall Square development;

- create a unified image through setbacks and

cornice lines, improve the physical and visual environment;

- develop additional open space;

- promote strong visual and pedestrian connections between the residential neighborhood and Kendall Square and the Charles River which include street and sidewalk improvements;

- encourage development along Third Street to relate to the East Cambridge Riverfront and strongly encourage ground floor retail;

- establish strict traffic mitigation measures to minimize traffic impacts in the neighborhood;

- encourage structured parking with access located to mitigate traffic impacts.

b. The development is consistent with the provisions of the East Cambridge Overlay Districts Guidelines

c. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

d. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

13.90 PUD-3B DISTRICT: DEVELOPMENT CONTROLS

PURPOSE A PUD-3B District is intended to encourage residential development with a strong affordable component throughout much of its area. Other uses are desirable in certain areas but should be transitional in nature and clearly subsidiary to the principal residential uses that are encouraged where a residential base district exists. Any development should provide strong pedestrian connections between the East Cambridge residential neighborhood and Kendall Square. The development should provide a transition in scale between the existing East Cambridge residential and industrial neighborhood on one side and the new development in Kendall Square and the adjacent development in the PUD 3A District on the other. The PUD 3B District is intended to promote development that is consistent with the goals and objectives of the East Cambridge Neighborhood Study, Fall 1988, and the

work of the East Cambridge Rezoning Advisory Committee.

13.92 USES ALLOWED IN A PUD-3B DISTRICT The uses listed in Section 13.92, alone or in combination with each other, shall be allowed upon permission of the Planning Board as described and limited below.

13.92.1 Residential Uses

The following residential uses shall be permitted throughout the PUD 3B District:

(1) Townhouse Development Any special permits for parking arrangements for townhouse development required by Section 11.10 shall be granted by the Planning Board in a planned unit development in a PUD-3B District.

(2) Multifamily dwellings.

13.92.2 Other Residential and Non-Residential Uses
The following residential and nonresidential uses shall be permitted in that portion of the PUD 3B District having a Special District IV base district.

(1) Hotels and motels.

(2) Transportation, Communication, Utility and Institutional Uses All uses listed in Sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district.

(3) Office and Laboratory Uses All uses listed in Section 4.34.

(4) Retail Business and Consumer Service Establishments

(a) Stationery and office supply store.

(b) Printing and reproduction service establishment, photography studio.

(c) Other store for retail sale of merchandise located in a structure primarily containing non-retail uses.

(d) Barber shop, beauty shop, laundry and dry cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.

(e) Restaurants or other eating and drinking establishments listed in subsection 4.35 e, f, g, o, and r.

(f) Theater or hall for public gatherings.

(g) Bowling alley, skating rink, tennis center or other commercial recreation establishments.

(h) Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

13.92.3 Other Uses Any use not listed in subsections 13.92.1 - 13.92.2 or which is limited as to location within the PUD 3B District shall be allowed or allowed elsewhere within the District only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-3B District and is necessary to support the predominant uses in the district or portions of the District.

13.93 DISTRICT DIMENSIONAL REGULATIONS

13.93.1 FAR The maximum ratio of floor area to the total area of the development parcel shall be 2.25 subject to the limitations detailed below.

1. For each two square feet of commercial development authorized above the base 1.5 FAR, up to a maximum FAR limit of 2.0, one square foot of residential development, excluding hotels and motels, shall be required to be built meeting the following requirements:

(a) The housing shall be constructed within the PUD 3B District area or the adjacent PUD 3A district.

(b) Construction of all required housing development shall have been completed before issuance of any certificate of occupancy permit for nonresidential development exceeding the 1.5 FAR limit.

(c) A minimum of seven and one half (7½) percent of the dwelling units required by such special permit shall be affordable housing units made available to Eligible Households

as defined in Section 11.200 and shall conform to the Standards detailed in Section 11.200.

(d) An additional seven and one half (7½) percent of the dwelling units authorized by such special permit shall be offered to the City of Cambridge at prevailing market rates for inclusion in any program available to and selected by the City for provisions of affordable housing. The offer shall be formally made to City the by the permittee only at such time as specific size, location, finished details, and cost of each unit are known. Should the City fail to exercise its option within three (3) months the permittee is free to make the units available on the open market without any further obligations to the City of Cambridge.

(e) The residential development requirement of this Section 13.93.1 may be met at any location within the East Cambridge Overlay Districts provided the residential development consists of new construction or conversion of a nonresidential structure to residential use, is equal in total gross floor area to that required to be constructed, and is permitted within the limits of the zoning applicable to the residential development site. The additional residential gross floor area permitted in the PUD 3B District may not be transferred to any lot in the East Cambridge Overlay Districts.

(f) All lots and construction thereon, necessary to fulfill the requirements of this Section 13.93.1, shall be subject to approval by the Planning Board as part of the PUD Special Permit.

2. Nothing in this Section 13.93.1, however, shall prohibit any or all FAR authorized for nonresidential uses to be devoted to residential uses.

3. Limitations on Use and Distribution of Allowable FAR. For that portion of a PUD Development Parcel lying within the Special District III base District, the following use and FAR limitations shall apply.

(a) The density of development shall at no time exceed an FAR of 1.5.

(b) All development shall consist exclusively of residential uses as permitted in Section 13.92.1 above and such Institutional Uses, Section 4.33 as would customarily be associated with or subsidiary to elderly oriented or elderly oriented congregate housing in a continuing care or similar facility.

(c) Only that portion of development allowed which exceeds an FAR of 1.4 may be used for nonresidential uses permitted in Sections 13.92.2 and 13.92.3 above and/or transferred to development parcels or portions of development parcels not located within the Special District III area.

(d) The transfer of development potential permitted in subparagraph (c) above shall be permitted provided the approved Final Development Plan provides for:

1. the construction of housing within the Special District III portion of the Development Parcel in an amount equal to at least eighty (80) percent of the maximum density permitted (i.e. a minimum 1.2 FAR).

2. the issuance of a certificate of occupancy for the housing on or before issuance of any permanent certificate of occupancy for any authorized nonresidential development exceeding the 1.5 FAR base district limitation.

3. all housing shall be subject to the affordability requirements of Section 13.93.1(1)(e).

13.93.2 Development Parcel, Lot Size The minimum size of the development parcel for the PUD shall be two (2) acres. A development parcel within the PUD-3B District may contain noncontiguous lots elsewhere in this PUD District or within the contiguous PUD 3A District. There shall be no specified minimum lot size for lots located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.93.3 Residential Density For the purpose of computing residential density, the minimum land area for each dwelling unit shall be 600 square feet. Residential density shall be computed based on the entire development parcel.

13.93.4 Lot Width, Setback There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. In general there shall be no minimum required front, rear and side yard requirements for lots located within a development parcel or side and rear yards for the development parcel itself. However, setbacks from the streets abutting the development parcel, including the Sixth Street Pedestrian Way, are expected to follow the recommendations of the East Cambridge Overlay Districts Design Guidelines; at such locations a five (5) foot minimum front yard setback shall be required; additional setbacks may be imposed as along the Sixth Street Pedestrian Way or Third Street to enhance the desired open space or parkway character. In all cases the Planning Board shall approve all such building setbacks. For the purpose of the PUD 3B District the Sixth Street Pedestrian Way, lot numbered 93 on Assessor's Plat numbered 44, the southern extension of Sixth Street from Binney Street to Broadway, shall be considered a street.

13.93.5 Height The maximum height of any building shall be one hundred and twenty (120) feet, except that for that area lying between Binney Street and the center line of Doc Linsky Way and its westerly extension, the maximum height shall be seventy (70) feet. The height provisions of the base districts for portions of buildings exceeding forty-five (45) feet in height shall, however, continue to apply. Heights in excess of seventy (70) feet shall be evaluated as required in Section 13.83.5,2.

13.94 OPEN SPACE The minimum ratio of open space to the total area of the development parcel as defined in Article 2.000 and Section 5.22 shall be twenty-five (25) percent. The provisions of Section 13.84.2 shall apply in this PUD 3B District.

13.95 PERIMETER AND TRANSITION Any part of the perimeter of a PUD which fronts on an existing street or public open space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Development in the PUD-3B District, should provide integrated pedestrian circulation systems,

providing particularly strong linkages between the residential neighborhood, riverfront, and Kendall Square.

13.96 PARKING AND LOADING REQUIREMENTS Development in the PUD-3B District shall conform to the Off Street Parking and Loading Requirements set forth in Article 6.000 for uses in Residence C-3, Business B, Office 3 and Industry B Districts, except as modified by this Section 13.96.1.

13.96.1 Minimum Parking Requirement The minimum parking requirement shall be one parking space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

13.96.2 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3; however the Board may permit the number of parking spaces to exceed the maximum allowed under this Section 13.96 provided the authorized number of parking spaces does not exceed that number which would be permitted within the development parcel if the maximum parking ratio were applied to the maximum gross floor area permitted on the development parcel, notwithstanding the fact that all such allowed gross floor area is not in fact proposed to be constructed.

13.96.3 No special permit shall be issued in a PUD 3B District which permits the total number of parking spaces on the development parcel to exceed that permitted in this Section 13.96 for development authorized by the special permit plus any additional parking present on the site before the date of application, which parking is provided as legally established required accessory parking not exceeding the minimum required in Article 6.000 at the time of the granting of the special permit in the applicable zoning district for uses not located within the development parcel.

Where the parking provided on the site at the time of the special permit approval exceeds that quantity permitted above, the approved PUD Special Permit shall provide a schedule by which the parking on the development parcel shall be brought into compliance

with this subsection 13.96.3.

13.97 INCENTIVE ZONING REQUIREMENT All nonresidential development authorized shall be subject to the incentive zoning requirements of Section 11.200. All or part of the obligation incurred under Section 11.203 may be used to meet the affordable housing requirements of Section 11.93.1.1.c.

13.98.1 TRAFFIC MITIGATION REQUIREMENT A traffic mitigation plan shall be required as a condition of approval of any Final Development Plan in the PUD 3B District as outlined in Article 18.000.

13.98.2 CONSTRUCTION MANAGEMENT PROGRAM The applicant shall submit a construction management program, detailing the construction period impacts and a program for their mitigation as outlined in Article 18.000.

13.99 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS In addition to the general standards for the issuance of a special permit found in Section 10.40 of the Zoning Ordinance, the special permit granting authority shall in addition make the following findings:

a. The proposed development is consistent with the following goals and objectives:

- encourage mixed use development compatible with the residential neighborhood

- promote housing

- encourage development along First Street to relate to the East Cambridge Riverfront and with ground floor retail

- promote street and sidewalk improvements to create a unified image and improve the physical and visual environment

- promote strong visual and pedestrian connections between the residential neighborhood and Kendall Square and the Charles River

- establish strict traffic mitigation measures to minimize traffic impacts in the neighborhood

- encourage structured parking with access located to mitigate traffic impacts.

b. The development is consistent with the provisions of the East Cambridge Overlay Districts Guidelines

c. No National Register or contributing building is demolished or so altered as to terminate or preclude its designation as a National Register or contributing building; and

d. No National Register or contributing building has been demolished or altered so as to terminate or preclude its designation within the five (5) years preceding the application.

D. Amend the Text of the Zoning Ordinance of the City of Cambridge by creating new Sections 17.20, 17.30, and 17.40 - Special Districts as follows:

17.20 Special District II

17.30 Special District III

17.40 Special District IV

17.20 Special District II

17.21 SCOPE This Section 17.20 regulates development within the Special District II as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.20, all requirements of and regulations applicable to the Office 2 District shall apply equally to the Special District II.

17.22 PERMITTED USES Uses permitted in the Office 2 District shall be equally allowed in the Special District II with the exception of the following:

a. The following additional uses shall be permitted: Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a (Assembly or packaging or articles), and Section 4.37 b 4,5,9 (Electrical, electronic and communication instruments; Engineering, laboratory and scientific instruments, temperature controls; and Medical and dental instruments and supplies, optical instruments and lenses) provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

b. The following uses shall be prohibited: Parking lot or parking garage for private passenger cars, Section 4.32 b (Automobile parking lot or parking garage for private passenger cars).

17.23 DIMENSIONAL REGULATIONS The following Dimensional Regulations will apply to all development proposals within the District.

17.23.1 Maximum FAR The FAR for any lot shall not exceed 1.75.

17.23.2 Building Height Limitations The maximum height permitted in the district for all uses shall be eighty-five (85) feet. However, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent

front property line(s) along all streets and the Sixth Street Pedestrian Way also known as lot numbered 93 on Assessor's Plat numbered 44.

17.24 OFF STREET PARKING AND LOADING REQUIREMENT

17.24.1 Off street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.24.2 Minimum Parking Requirement The minimum parking requirement shall be one parking space for each two thousand (2,000) square feet of gross floor area except that for residential uses, Section 4.31 a-h (Residential Uses), one parking space shall be required for each dwelling unit.

17.24.3 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of gross floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, not withstanding the provision of Section 6.31.3.

17.30 Special District III

17.31 SCOPE This Section 17.30 regulates development within the Special District III as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.30, all requirements of and regulations applicable to the Residence C-2 District shall apply equally to the Special District III.

17.32 PERMITTED USES Uses permitted in the Residence C-2 District shall be equally allowed in the Special District III with the exception of the following:

a. The following uses shall be prohibited:

(1) Parking lot or parking garage for private passenger cars, Section 4.32 b.

(2) Hotel and Motel uses, Section 4.31 i (2).

17.33 <u>DIMENSIONAL REGULATIONS</u>

17.33.1 Maximum FAR The FAR for any lot in the district shall not exceed 1.5.

17.33.2 Building Height Limitations The maximum height permitted in the district for all uses shall be seventy (70) feet. However, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets and the Sixth Street Pedestrian Way also known as lot numbered 93 on Assessor's Plat numbered 44.

17.40 Special District IV

17.41 SCOPE This Section 17.40 regulates development within the Special District IV as shown on the Zoning Map of the City of Cambridge, as amended. Except as herein provided in this Section 17.40, all requirements of and regulations applicable to the Office 2 District shall apply equally to the Special District IV.

17.42 PERMITTED USES Uses permitted in the Office 2 District shall be equally allowed in the Special District IV with the exception of the following:

a. The following additional uses shall be permitted: Manufacturing, processing, assembly and/or packaging of articles and products listed in Section 4.37 a, and Section 4.37 b 4,5,9 provided the fully assembled product regularly produced shall not exceed two hundred (200) pounds in weight.

b. The following uses shall be prohibited: Parking lot or parking garage for private passenger cars, Section 4.32 b.

17.43 DIMENSIONAL REGULATIONS The following Dimensional Regulations shall apply to all development proposals within the district.

17.43.1 Maximum FAR The FAR for any lot in the district shall not exceed 1.5.

17.43.2 Building Height Limitations The maximum height permitted in the district for all uses shall be seventy (70) feet. However, any portion of a building exceeding a height of forty-five (45) feet shall be set back a minimum of twenty (20) feet from the adjacent front property line(s) along all streets.

17.44 OFF STREET PARKING AND LOADING REQUIREMENTS

17.44.1 Off street parking and loading requirements shall be the same as specified in Article 6.000 for uses in the Office 2 District except as provided below.

17.44.2 Minimum Parking Requirement The minimum parking requirement shall be one space for each two thousand (2,000) square feet of gross floor area for any use in the District, except that for residential uses, Section 4.31 a-h, one parking space shall be required for each dwelling unit.

17.44.3 Maximum Parking The maximum accessory parking permitted for all uses in the district shall be one parking space for each 1,000 square feet of floor area, except that for residential uses, Section 4.31 a-h, there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding the provisions of Section 6.31.3.

E. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Article 18.000 as follows:

18.10 Traffic Mitigation Requirements
18.20 Construction Management Program

18.10 Traffic Mitigation Requirements Where a Traffic Mitigation Plan is required as a condition of approval of any special permit the plan shall be submitted to the special permit granting authority for review and approval, at a time and in a manner set forth by the special permit granting authority in its Decision. Upon approval of the plan the permittee shall be obligated to thereafter implement the provisions of the plan for as long as the special permit is in force and effect. In developing the plan the permittee shall consider and adopt as appropriate but shall not be limited to the following traffic mitigation techniques:

(1) Join and participate in a Landowners' Transportation Management Association if in operation, and ensure that the following traffic mitigation measures are implemented, maintained and monitored. If such an operation is not in effect, then reasonable efforts shall be undertaken to form such an organization.

(2) Promote the use of public transportation by providing up to date maps, schedules and transit information, establishing an MBTA Pass sales office, educating and strongly encouraging or requiring all tenants to subsidize employee "T" Passes, and making reference to transit facilities and proximity in marketing and advertising materials.

(3) Operate the computer based ride sharing program RideSource from CARAVAN for Commuters, Inc., collect and disseminate ride sharing information, and share information with other tenants, organizations and companies where applicable.

(4) Encourage staggered or flexible work hours for employees of all tenants through the provisions of utilities and open parking facilities during off peak hours and other appropriate means.

(5) Establish parking management techniques such as providing preferential parking spaces and reduced rates for van pools and car pools, and encouraging short term parking when possible.

(6) Consider joint use of parking facilities to maximize effectiveness of parking management programs.

(7) Operate a shuttle system or join with and expanding an existing system, e.g. CambridgeSide Galleria, to serve tenants and make public transit more accessible.

(8) Provide sufficient covered and secure bicycle racks.

(9) Consider cooperating to provide innovative tenant services, such as day care, courier and copy services, shower and locker room facilities, and shuttles to airports.

(10) Work with the Commuter Mobility Manager of the City of Cambridge to facilitate implementation of this traffic mitigation program.

(11) Require that all conditions of an approved plan be made a condition of tenant leases as applicable or appropriate.

18.20 Construction Management Program Where a construction management program is required as a condition of approval of any special permit the applicant shall submit such a program, detailing the construction period impacts anticipated and a program for mitigation of those impacts. The permittee shall be obligated to thereafter implement the provisions of the Plan until a certificate of occupancy has been issued for all development authorized by the Permit. This program will include but not be limited to the following:

- Restricting contractor and supplier site access to designated roadways;

- Identify construction worker parking areas at sufficient capacity to prevent on street parking. Include a shuttle bus system if needed;

- Designating locations for storing construction equipment and materials;

- Developing a construction plan which will ensure minimum disruption to street and pedestrian flow and safety; and

- Posting of a bond or other surety to ensure the repair of all damage to public property resulting from construction of the project.

F. In Section 10.48 and 11.202 add the following after the last line in the list.

Section 11.405.4	Transfer of Development Rights, East Cambridge Overlay Districts
Section 11.406.21	Additional Gross Floor Area, East Cambridge Overlay Districts

4

CITY OF CAMBRIDGE
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EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

December 17, 1990

To The Honorable, The City Council:

Attached, please find a recommendation submitted by the Planning Board, relative to a Petition for Permanent Rezoning in the East Cambridge Interim Planning Overlay District Area, for your consideration.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachment

Agenda # 4 O-27

Petition from the Planning Board for a Permanent Rezoning in the East Cambridge Interim Planning Overlay District Area.

5/13/91 Failed of Ordination 6-3-0

5/13/91 Reconsideration filed by Mayor Wolf & Councillor Cyr.

5/20/91 Reconsideration Failed

Action taken on 5/13/91 Failing to be ordained - Stands.

In City Council,

December 17, 1990

Referred to the Ordinance Committee & Planning Board for hearing & report.

Copy sent to P.B. & Ord. Comm. 12/19/90 dw