



City of Cambridge

14.

IN CITY COUNCIL

December 9, 1991

COUNCILLOR SULLIVAN

ORDERED: That all items currently pending before the City Council with the exception of those items currently listed under "Unfinished Business" and not acted upon by the end of the 1991 legislative session be placed in the files of the City Clerk without prejudice, subject to recall by any member.

In City Council December 9, 1991.
Adopted by the affirmative vote of nine members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:- *Joseph E. Connarton*

Joseph E. Connarton
City Clerk



City of Cambridge

Calendar Item # 24
6.
IN CITY COUNCIL

February 25, 1991
March 4, 1991

COUNCILLOR WALSH

WHEREAS: Complacent rejection of the truth that justice and fairness for some is justice and fairness for none rests at the core of the need to reform the present Rent Control process; and

WHEREAS: A prime impediment in the way of achieving full justice in assuring maximal availability of affordable housing for individuals and families with low and moderate income is that without a Means Test (for new tenants), a mandate for meanness is being imposed on such people by their being deprived of affordable housing through abuse of the present system by the well-to-do; and

WHEREAS: Reversal of this injustice will be advanced by adoption of the following amendment to the Rent Control Ordinance:

A mandatory Means Test for new residents in rent controlled units coupled with assured meaningful financial incentives for owners of rent controlled property, and that this Means Test be formulated on either a percentage or specific dollar basis (or combination of both) outlined as follows:

Percentage Basis

Given the indication in The Final Report, Cambridge Housing Challenges, by Rolf Goetz, Ph.D., that of all households in rent-controlled units, 29% pay over 30% of household income in rent, while 70% pay less than 30% of household income in rent, and half even pay less than 20%, and given that the real estate industry standard is that a person should not apply more than 30% of income toward rent, a formula must be computed and calculated utilizing this industry standard as a percentile cutoff in order to assure that those of low and moderate income are guaranteed access to henceforth vacant rent-controlled units which are supposed to exist for and be available to them.

Specific Dollar Basis

All other things being equal, a specific dollar-based Means Test will mandate:

-that the combined total annual gross income for new tenants of rent-controlled units who are without dependents be not in excess of \$40,000;

-that the combined total annual gross income of new tenants in rent-controlled units who have dependents be not in excess of \$50,000 (the word "dependents" includes parent(s) and their children up through completion of their 18th year, grandparents/grandchildren, nieces/nephews, adult offspring who remain supported by parents due to disability and/or other validated and proven type of dependency);

-when new applicants for tenancy in rent-controlled units are not related, the total amount of their combined annual gross income will be the amount which will determine their eligibility to occupy said unit within the framework of this specific dollar-based Means Tests;

-eligibility of new tenants whose combined total annual gross income is less than the forementioned amounts would be established by the filing of a Certified Affidavit by said applicant with the Rent Control Board as proof of said income disclosure. This same method of Certified Affidavit will be applicable in the Percentage based Means Test formulation, were that to be adopted;

-applicants for rent-controlled units whose combined total annual gross income is in excess of the above limits would not be eligible to occupy any rent-controlled unit; and

WHEREAS: As part of the essence of this amendment, there will be assurance that a rent-controlled property owner's family members, as the latter is defined in the Rent Control Regulations, will be exempt from compliance with the Means Test; now therefore be it

ORDERED: That a Means Test for new tenants in rent-controlled units, rooted in Percentage Basis or Specific Dollar Basis as outlined above or a combination of both, coupled with assurance of meaningful financial incentives to the property owner and exemption of the property owner's family (as particularized above) from compliance with the Means Test, be adopted by this Council and annexed as an amendment to the present Rent Control Ordinance; and be it further

ORDERED: That the City Manager request the City Solicitor and the Executive Director of the Rent Control Board to meet in order to draft the technically correct statutory language for accurate expression of this amendment as specifically adopted by this Council and to draft the text of the Home Rule Petition for filing with the State Legislature to request its action on this amendment as adopted; and be it further

ORDERED: That the City Manager report back to this Council with the drafted text of the Amendment and Home Rule Petition for Council review and approval within thirty (30) days.

TABLED BY COUNCILLOR MYERS

City of Cambridge

MASSACHUSETTS

In City Council Feb. 11 199 /

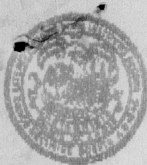
C. Myers

Charter Right #27 (to 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	✓			

6 3

CCM-101



City of Cambridge

NC
#5

IN CITY COUNCIL

Councillor Walsh

February 25, 1991

WHEREAS: Complacent rejection of the truth that justice and fairness for some is justice and fairness for none rests at the core of the need to reform the present Rent Control process; and

WHEREAS: A prime impediment in the way of achieving full justice in assuring maximal availability of affordable housing for individuals and families with low and moderate income is that without a Means Test (for new tenants), a mandate for meanness is being imposed on such people by their being deprived of affordable housing through abuse of the present system by the well-to-do. And

WHEREAS: Reversal of this injustice will be advanced by adoption of the following amendment to the Rent Control Ordinance:

A mandatory Means Test for new residents in rent controlled units coupled with assured meaningful financial incentives for owners of rent controlled property, and that this Means Test be formulated on either a percentage or specific dollar basis (or combination of both) outlined as follows:

Percentage Basis

Given the indication in The Final Report, Cambridge Housing Challenges, by Rolf Goetz, Ph.D., that of all households in rent-controlled units, 29% pay over 30% of household income in rent, while 70% pay less than 30% of household income in rent, and half even pay less than 20%, and given that the real estate industry standard is that a person should not apply more than 30% of income toward rent, a formula must be computed and calculated utilizing this industry standard as a percentile cutoff in order to assure that those of low and moderate income are guaranteed access to henceforth vacant rent-controlled units which are supposed to exist for and be available to them.

CCM-101



City of Cambridge

NC
#6

Councillor Walsh
February 25, 1991

IN CITY COUNCIL

Specific Dollar Basis

All other things being equal, a specific dollar-based Means Test will mandate:

- that the combined total annual gross income for new tenants of rent-controlled units who are without dependents be not in excess of \$40,000;
- that the combined total annual gross income of new tenants in rent-controlled units who have dependents be not in excess of \$50,000 (the word "dependents" includes parent(s) and their children up through completion of their 18th year, grandparents/grandchildren, nieces/nephews, adult offspring who remain supported by parents due to disability and/or other validated and proven type of dependency);
- when new applicants for tenancy in rent-controlled units are not related, the total amount of their combined annual gross income will be the amount which will determine their eligibility to occupy said unit within the framework of this specific dollar-based Means Test;
- eligibility of new tenants whose combined total annual gross income is less than the forementioned amounts would be established by the filing of a Certified Affidavit by said applicant with the Rent Control Board as proof of said income disclosure. This same method of Certified Affidavit disclosure will be applicable in the Percentage based Means Test formulation, were that to be adopted;

CCM.101



City of Cambridge

Councillor Walsh
February 25, 1991

IN CITY COUNCIL

- applicants for rent-controlled units whose combined total annual gross income is in excess of the above limits would not be eligible to occupy any rent-controlled unit. And,

WHEREAS: As part of the essence of this amendment, there will be assurance that a rent-controlled property owner's family members, as the latter is defined in the Rent Control Regulations, will be exempt from compliance with the Means Test; now therefore be it

ORDERED: That a Means Test for new tenants in rent-controlled units, rooted in Percentage Basis or Specific Dollar Basis as outlined above or a combination of both, coupled with assurance of meaningful financial incentives to the property owner and exemption of the property owner's family (as particularized above) from compliance with the Means Test, be adopted by this Council and annexed as an amendment to the present Rent Control Ordinance; and be it further

ORDERED: That the City Manager request the City Solicitor and the Executive Director of the Rent Control Board to meet in order to draft the technically correct statutory language for accurate expression of this amendment as specifically adopted by this Council and to draft the text of the Home Rule Petition for filing with the State Legislature to request its action on this amendment as adopted; and be it further

ORDERED: That the City Manager report back to this Council with the drafted text of the Amendment and Home Rule Petition for Council review and approval within thirty (30) days.



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

February 15, 1991

MEMORANDUM:

TO: Joseph E. Connarton
City Clerk

FROM: David Noonan, for *DN*
Councillor Walsh

RE: Council Order (NON-CONSENT AGENDA) for
Monday, February 25, 1991

Councillor Walsh requests that the enclosed Council Order regarding a Means Test be included in the NON-CONSENT AGENDA for the Council Session on Monday, February 25, 1991.

Your customary courtesy and cooperation are appreciated.

(ENCLOSURE)

ccm:101

FAX NUMBER AT CITY COUNCIL OFFICE IS: 349-4287
FAX NUMBER AT CITY MANAGER OFFICE IS: 349-4307



City of Cambridge

IN CITY COUNCIL

FACSIMILE TRANSMITTAL FORM

DATE: Friday, February 15, 1991

FROM: Personal Office of Councillor Wm. H. Walsh
954 Cambridge Street
Cambridge, MA. 02141
Telephone: 617 354 3366
FAX NUMBER: 617 876 9331

*Filed on
on 2/15
@ 1:15 p.m.*

TO: Joseph E. Connarton, City Clerk
City Hall, Cambridge, MA. 02139
Kindness of City Manager's Staff

TELEPHONE NUMBER:

TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE: 5

If you do not receive all the pages, please telephone immediately.

REMARKS: Enclosed is Council Order for NON-CONSENT AGENDA for Monday, February 25, 1991.

Please ring me so that I know it has been received and is filed.
Thank you muchly.

SIGNATURE OF PERSON IN COUNCILLOR WALSH'S OFFICE TRANSMITTING THE DOCUMENT(S).

David F. Noonan

*2/15
D.F.W. called City Clerk's Office to advise them it was faxed at 1:17*

They acknowledged receipt of it at



CAMBRIDGE CITY COUNCIL

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

(617) 498-9094

February 15, 1991

MEMORANDUM:

TO: Joseph E. Connarton
City Clerk

FROM: David Noonan, for *DN*
Councillor Walsh

RE: Council Order (NON-CONSENT AGENDA) for
Monday, February 25, 1991

Councillor Walsh requests that the enclosed Council Order regarding a Means Test be included in the NON-CONSENT AGENDA for the Council Session on Monday, February 25, 1991.

Your customary courtesy and cooperation are appreciated.

(ENCLOSURE)

CGM-101



City of Cambridge

IN CITY COUNCIL

Councillor Walsh

February 25, 1991

WHEREAS: Complacent rejection of the truth that justice and fairness for some is justice and fairness for none rests at the core of the need to reform the present Rent Control process; and

WHEREAS: A prime impediment in the way of achieving full justice in assuring maximal availability of affordable housing for individuals and families with low and moderate income is that without a Means Test (for new tenants), a mandate for meanness is being imposed on such people by their being deprived of affordable housing through abuse of the present system by the well-to-do. And

WHEREAS: Reversal of this injustice will be advanced by adoption of the following amendment to the Rent Control Ordinance:

A mandatory Means Test for new residents in rent controlled units coupled with assured meaningful financial incentives for owners of rent controlled property, and that this Means Test be formulated on either a percentage or specific dollar basis (or combination of both) outlined as follows:

Percentage Basis

Given the indication in The Final Report, Cambridge Housing Challenges, by Rolf Goetz, Ph.D., that of all households in rent-controlled units, 29% pay over 30% of household income in rent, while 70% pay less than 30% of household income in rent, and half even pay less than 20%, and given that the real estate industry standard is that a person should not apply more than 30% of income toward rent, a formula must be computed and calculated utilizing this industry standard as a percentile cutoff in order to assure that those of low and moderate income are guaranteed access to henceforth vacant rent-controlled units which are supposed to exist for and be available to them.



City of Cambridge

Councillor Walsh
February 25, 1991

IN CITY COUNCIL

Specific Dollar Basis

All other things being equal, a specific dollar-based Means Test will mandate:

- that the combined total annual gross income for new tenants of rent-controlled units who are without dependents be not in excess of \$40,000;
- that the combined total annual gross income of new tenants in rent-controlled units who have dependents be not in excess of \$50,000 (the word "dependents" includes parent(s) and their children up through completion of their 18th year, grandparents/grandchildren, nieces/nephews, adult offspring who remain supported by parents due to disability and/or other validated and proven type of dependency);
- when new applicants for tenancy in rent-controlled units are not related, the total amount of their combined annual gross income will be the amount which will determine their eligibility to occupy said unit within the framework of this specific dollar-based Means Test;
- eligibility of new tenants whose combined total annual gross income is less than the forementioned amounts would be established by the filing of a Certified Affidavit by said applicant with the Rent Control Board as proof of said income disclosure. This same method of Certified Affidavit disclosure will be applicable in the Percentage based Means Test formulation, were that to be adopted;

COM-101



City of Cambridge

Councillor Walsh
February 25, 1991

IN CITY COUNCIL

- applicants for rent-controlled units whose combined total annual gross income is in excess of the above limits would not be eligible to occupy any rent-controlled unit. And,

WHEREAS: As part of the essence of this amendment, there will be assurance that a rent-controlled property owner's family members, as the latter is defined in the Rent Control Regulations, will be exempt from compliance with the Means Test; now therefore be it

ORDERED: That a Means Test for new tenants in rent-controlled units, rooted in Percentage Basis or Specific Dollar Basis as outlined above or a combination of both, coupled with assurance of meaningful financial incentives to the property owner and exemption of the property owner's family (as particularized above) from compliance with the Means Test, be adopted by this Council and annexed as an amendment to the present Rent Control Ordinance; and be it further

ORDERED: That the City Manager request the City Solicitor and the Executive Director of the Rent Control Board to meet in order to draft the technically correct statutory language for accurate expression of this amendment as specifically adopted by this Council and to draft the text of the Home Rule Petition for filing with the State Legislature to request its action on this amendment as adopted; and be it further

ORDERED: That the City Manager report back to this Council with the drafted text of the Amendment and Home Rule Petition for Council review and approval within thirty (30) days.



City of Cambridge

6.

IN CITY COUNCIL

February 25, 1991

COUNCILLOR WALSH

WHEREAS: Complacent rejection of the truth that justice and fairness for some is justice and fairness for none rests at the core of the need to reform the present Rent Control process; and

WHEREAS: A prime impediment in the way of achieving full justice in assuring maximal availability of affordable housing for individuals and families with low and moderate income is that without a Means Test (for new tenants), a mandate for meanness is being imposed on such people by their being deprived of affordable housing through abuse of the present system by the well-to-do; and

WHEREAS: Reversal of this injustice will be advanced by adoption of the following amendment to the Rent Control Ordinance:

A mandatory Means Test for new residents in rent controlled units coupled with assured meaningful financial incentives for owners of rent controlled property, and that this Means Test be formulated on either a percentage or specific dollar basis (or combination of both) outlined as follows:

Percentage Basis

Given the indication in The Final Report, Cambridge Housing Challenges, by Rolf Goetz, Ph.D., that of all households in rent-controlled units, 29% pay over 30% of household income in rent, while 70% pay less than 30% of household income in rent, and half even pay less than 20%, and given that the real estate industry standard is that a person should not apply more than 30% of income toward rent, a formula must be computed and calculated utilizing this industry standard as a percentile cutoff in order to assure that those of low and moderate income are guaranteed access to henceforth vacant rent-controlled units which are supposed to exist for and be available to them.

Specific Dollar Basis

All other things being equal, a specific dollar-based Means Test will mandate:

-that the combined total annual gross income for new tenants of rent-controlled

units who are without dependents be not in excess of \$40,000;

-that the combined total annual gross income of new tenants in rent-controlled units who have dependents be not in excess of \$50,000 (the word "dependents" includes parent(s) and their children up through completion of their 18th year, grandparents/grandchildren, nieces/nephews, adult offspring who remain supported by parents due to disability and/or other validated and proven type of dependency);

-when new applicants for tenancy in rent-controlled units are not related, the total amount of their combined annual gross income will be the amount which will determine their eligibility to occupy said unit within the framework of this specific dollar-based Means Tests;

-eligibility of new tenants whose combined total annual gross income is less than the forementioned amounts would be established by the filing of a Certified Affidavit by said applicant with the Rent Control Board as proof of said income disclosure. This same method of Certified Affidavit will be applicable in the Percentage based Means Test formulation, were that to be adopted;

-applicants for rent-controlled units whose combined total annual gross income is in excess of the above limits would not be eligible to occupy any rent-controlled unit; and

WHEREAS: As part of the essence of this amendment, there will be assurance that a rent-controlled property owner's family members, as the latter is defined in the Rent Control Regulations, will be exempt from compliance with the Means Test; now therefore be it

ORDERED: That a Means Test for new tenants in rent-controlled units, rooted in Percentage Basis or Specific Dollar Basis as outlined above or a combination of both, coupled with assurance of meaningful financial incentives to the property owner and exemption of the property owner's family (as particularized above) from compliance with the Means Test, be adopted by this Council and annexed as an amendment to the present Rent Control Ordinance; and be it further

ORDERED: That the City Manager request the City Solicitor and the Executive Director of the Rent Control Board to meet in order to draft the technically correct statutory language for accurate expression of this amendment as specifically adopted by this Council and to draft the text of the Home Rule Petition for filing with the State Legislature to request its action on this amendment as adopted; and be it further

ORDERED: That the City Manager report back to this Council with the drafted text of the Amendment and Home Rule Petition for Council review and approval within thirty (30) days.

Order # 6

0-50

NON CONSENT

Cal #9

Councillor Walsh re: Means Test for new tenants rooted in Percentage Basis or Specific Dollar Basis.

12/9/91 Placed on file
without prejudice
see Order # 14 of 12/9/91

In City Council,

February 25, 1991

Charter Right exercised
by Councillor Myers.

3/4/91 Yabled by
Councillor Myers.

NC



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

December 17, 1991

To the Honorable, the City Council:

SUBJECT: Planning Board Recommendation on the ComEnergy et al
Petition Affecting the Area Covered by the Former East
Cambridge Interim Planning Overlay District.

Recommendation

The Planning Board does not recommend adoption of the ComEnergy et al Petition as filed. The Board is aware that the Petition cannot be acted upon before the statutory limits run out but voted to submit the recommendation identifying the problems inherent in the petition as filed. Notwithstanding the negative recommendation, the Planning Board appreciates the petitioners' efforts in search of an alternative plan for the area agreeable to all. The petition is clear and straightforward and includes elements that would be positive, e.g. restrictive parking ratios, impact fees for neighborhood improvements including housing, and resolution of the nonconformity problems, particularly evident on the Boston Concessions site. However, in several areas it is inadequate as detailed below in the Findings.

Findings

The Planning Board finds that there are problematic aspects of the petition. Among them are the following.

1. No reduction in amount of development.

An essential objective of new zoning for the East Cambridge area is that there should be a reduction in the total amount of new development allowed. One of the primary concerns identified in the 1988 East Cambridge Neighborhood Study was the fear that East Cambridge would "become overdeveloped in the near future, placing additional strains on city services, traffic, parking, and the overall quality of life." Furthermore, there was the recommendation to consider rezoning the Commonwealth Energy site to achieve a

reduction in allowable height and density. Under the ComEnergy et al Petition, there is no reduction in the total amount of potential development. Based on figures submitted by the petitioners, the maximum potential development for the area to be rezoned is 5.1 million square feet under existing zoning and the same amount under the proposed rezoning.

2. Inadequate control of heights.

The petition allows excessive height in certain areas, in particular the blocks immediately south of Binney Street. While the petitioners have indicated their willingness to reduce the height on these parcels, the zoning as filed allows 120 feet as-of-right, on sites that at present are zoned for 45 and 70 feet. Such height may be appropriate in the PUD where there is public review, but it is not recommended in as-of-right zoning.

3. Inadequate design guidelines.

The petition does not provide adequate design guidelines for new development in the area. While the petitioners have expressed willingness to develop guidelines, the zoning text makes no reference to the design guidelines having any relevance to the issuance of a special permit either in the Overlay District or the Planned Unit Development (PUD). The Planning Board believes that the zoning text should make explicit that design guidelines are one of several conditions taken into account before issuing a special permit.

Design guidelines have been developed for many areas of the City including the East Cambridge Riverfront. They help to define the public vision for the area in question and provide guidance to property owners and city boards when changes to the physical environment are proposed. Design guidelines do not just outline a context for the appearance of buildings but influence larger issues, such as the type and arrangement of open space, location of buildings on a lot with respect to the city streets and other buildings, and the environment necessary to encourage pedestrian activity.

Where a special permit is required, as in the PUD district south of Binney Street, the guidelines aid the Planning Board in their review of development proposals, and assist the applicant by providing a comprehensive picture of the kind of environment the special permit process intends to foster. Where a development is as-of-right, the guidelines

are strictly advisory, but if reasonable and compelling, they should encourage any property owner to respect them.

The Planning Board considers substantive design guidelines advisable and helpful. The petitioners agree that guidelines are desirable but are concerned about the content and role within the zoning ordinance. Additional discussions are needed if agreement is to be reached on the substance of the guidelines and their applicability within its several subareas.

4. Inequitable impact fee structure.

The petition is not equitable in its treatment of landowners in the area. As shown in the examples below, contributions vary depending on whether the zoning is (1) as-of-right, (2) in the Incentive Zoning Area proposed in this petition, or (3) by special permit or in a PUD. The examples show that the costs per buildable foot range from 0 to \$2.86 for potentially competing projects in close proximity to each other. The fees required do not relate in any logical way to the potential impact the development might impose.

Example 1: North of Binney - as-of-right zoning	
Size of parcel in square feet	100,000
Potential development, FAR 3.00	300,000
No special permit/ no impact fee	0
Cost per buildable foot	0

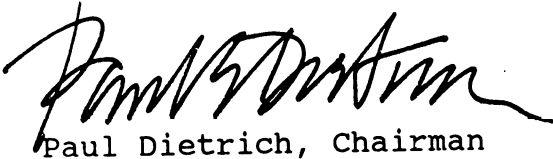
Example 2: North of Binney - Incentive Zoning Area	
Size of parcel in square feet	100,000
Potential development, FAR 1.75	175,000
Impact fees with no housing built	\$500,000
Cost per buildable foot	\$ 2.86

Example 3: South of Binney - PUD Area	
Size of parcel in square feet	100,000
Potential development, FAR 3.0	300,000
Incentive zoning fees	\$540,000
Cost per buildable foot	\$ 1.80

Summary

For the above reasons, the Planning Board cannot recommend adoption of the ComEnergy et al Petition. The Planning Board recognizes the progress that has been made as evidenced in this petition and recommends continuing discussions between the business representatives and the neighborhood residents with the assistance of the Community Development Department as a means of achieving the needed compromise that will lead to mutually acceptable zoning for the area.

Respectfully submitted for the
Planning Board,

A handwritten signature in black ink, appearing to read "Paul Dietrich", written in a cursive style.

Paul Dietrich, Chairman

6.



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

January 13, 1992

To The Honorable, The City Council:

I am hereby transmitting the Planning Board's Recommendation on the ComEnergy, et al Petition affecting the area covered by the former East Cambridge Interim Planning Overlay District, for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert W. Healy", written over a horizontal line.

Robert W. Healy
City Manager

RWH/mev
attachment

CONSENT AGENDA # 6

Planning Board Recommendation on the
ComEnergy, et al Petition.

In City Council,

January 13, 1992

*Placed on file
due to expiration
of time limit*

RECEIVED BY
OFFICE OF CITY CLERK
1992 JAN -8 AM 11:22
CAMBRIDGE MA.

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

December 17, 1991

To the Honorable, the City Council:

SUBJECT: Planning Board Recommendation on the ComEnergy et al
Petition Affecting the Area Covered by the Former East
Cambridge Interim Planning Overlay District.

Recommendation

The Planning Board does not recommend adoption of the ComEnergy et al Petition as filed. The Board is aware that the Petition cannot be acted upon before the statutory limits run out but voted to submit the recommendation identifying the problems inherent in the petition as filed. Notwithstanding the negative recommendation, the Planning Board appreciates the petitioners' efforts in search of an alternative plan for the area agreeable to all. The petition is clear and straightforward and includes elements that would be positive, e.g. restrictive parking ratios, impact fees for neighborhood improvements including housing, and resolution of the nonconformity problems, particularly evident on the Boston Concessions site. However, in several areas it is inadequate as detailed below in the Findings.

Findings

The Planning Board finds that there are problematic aspects of the petition. Among them are the following.

1. No reduction in amount of development.

An essential objective of new zoning for the East Cambridge area is that there should be a reduction in the total amount of new development allowed. One of the primary concerns identified in the 1988 East Cambridge Neighborhood Study was the fear that East Cambridge would "become overdeveloped in the near future, placing additional strains on city services, traffic, parking, and the overall quality of life." Furthermore, there was the recommendation to consider rezoning the Commonwealth Energy site to achieve a

reduction in allowable height and density. Under the ComEnergy et al Petition, there is no reduction in the total amount of potential development. Based on figures submitted by the petitioners, the maximum potential development for the area to be rezoned is 5.1 million square feet under existing zoning and the same amount under the proposed rezoning.

2. Inadequate control of heights.

The petition allows excessive height in certain areas, in particular the blocks immediately south of Binney Street. While the petitioners have indicated their willingness to reduce the height on these parcels, the zoning as filed allows 120 feet as-of-right, on sites that at present are zoned for 45 and 70 feet. Such height may be appropriate in the PUD where there is public review, but it is not recommended in as-of-right zoning.

3. Inadequate design guidelines.

The petition does not provide adequate design guidelines for new development in the area. While the petitioners have expressed willingness to develop guidelines, the zoning text makes no reference to the design guidelines having any relevance to the issuance of a special permit either in the Overlay District or the Planned Unit Development (PUD). The Planning Board believes that the zoning text should make explicit that design guidelines are one of several conditions taken into account before issuing a special permit.

Design guidelines have been developed for many areas of the City including the East Cambridge Riverfront. They help to define the public vision for the area in question and provide guidance to property owners and city boards when changes to the physical environment are proposed. Design guidelines do not just outline a context for the appearance of buildings but influence larger issues, such as the type and arrangement of open space, location of buildings on a lot with respect to the city streets and other buildings, and the environment necessary to encourage pedestrian activity.

Where a special permit is required, as in the PUD district south of Binney Street, the guidelines aid the Planning Board in their review of development proposals, and assist the applicant by providing a comprehensive picture of the kind of environment the special permit process intends to foster. Where a development is as-of-right, the guidelines

are strictly advisory, but if reasonable and compelling, they should encourage any property owner to respect them.

The Planning Board considers substantive design guidelines advisable and helpful. The petitioners agree that guidelines are desirable but are concerned about the content and role within the zoning ordinance. Additional discussions are needed if agreement is to be reached on the substance of the guidelines and their applicability within its several subareas.

4. Inequitable impact fee structure.

The petition is not equitable in its treatment of landowners in the area. As shown in the examples below, contributions vary depending on whether the zoning is (1) as-of-right, (2) in the Incentive Zoning Area proposed in this petition, or (3) by special permit or in a PUD. The examples show that the costs per buildable foot range from 0 to \$2.86 for potentially competing projects in close proximity to each other. The fees required do not relate in any logical way to the potential impact the development might impose.

Example 1: North of Binney - as-of-right zoning

Size of parcel in square feet	100,000
Potential development, FAR 3.00	300,000
No special permit/ no impact fee	0
Cost per buildable foot	0

Example 2: North of Binney - Incentive Zoning Area

Size of parcel in square feet	100,000
Potential development, FAR 1.75	175,000
Impact fees with no housing built	\$500,000
Cost per buildable foot	\$ 2.86

Example 3: South of Binney - PUD Area

Size of parcel in square feet	100,000
Potential development, FAR 3.0	300,000
Incentive zoning fees	\$540,000
Cost per buildable foot	\$ 1.80

Summary

For the above reasons, the Planning Board cannot recommend adoption of the ComEnergy et al Petition. The Planning Board recognizes the progress that has been made as evidenced in this petition and recommends continuing discussions between the business representatives and the neighborhood residents with the assistance of the Community Development Department as a means of achieving the needed compromise that will lead to mutually acceptable zoning for the area.

Respectfully submitted for the
Planning Board,

A handwritten signature in black ink, appearing to read "Paul Dietrich", written in a cursive style.

Paul Dietrich, Chairman



City of Cambridge

14.

IN CITY COUNCIL

December 9, 1991

COUNCILLOR SULLIVAN

ORDERED: That all items currently pending before the City Council with the exception of those items currently listed under "Unfinished Business" and not acted upon by the end of the 1991 legislative session be placed in the files of the City Clerk without prejudice, subject to recall by any member.

In City Council December 9, 1991.
Adopted by the affirmative vote of nine members.
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:- *Joseph E. Connarton*

Joseph E. Connarton
City Clerk

PETITION OF Comm Energy Services, et al
Re: East Cambridge

Petition filed with the City Clerk July 23, 1991

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

24 days Aug.
30 days Sept.
11 days Oct
65 days = October 11, 1991

In City Council August 7, 1991

Referred to the Planning Board for report Aug. 7, 1991

Planning Board Hearing Oct. 1, 1991

(CITY COUNCIL must act within 90 days of the ORDINANCE COMMITTEE hearing which would be Jan 8, 1992.)

21 days Oct.
30 days Nov.
31 Dec.
18 days Jan
90 days = Jan. 8, 1992

City Council hearing published Chronicle on Sept 26, 1991
and Oct 3, 1991

Hearing before the Ordinance Committee Oct. 10, 1991 at 3 p.m.

Reported to the City Council October 21, 1991 - Tabled by C. Duchay,

Passed to a second reading on _____
published in _____ on _____

Planning Board report received on _____

Ready for ordination on _____

Passed to be ordained on _____
published in _____ on _____

COMPLETION DATE Jan. 8, 1992.

12/9/91 Placed on file without prejudice.
See order # 14 of 12/9/91

NOTE: not enough time to go thru remaining procedure.



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

October 10, 1991

City Councillor Francis H. Duehay
Chairman, Committee on Ordinances
City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Duehay:

In fairness to all parties interested in the rezoning of East Cambridge, we respectfully request that the full body of the Cambridge City Council convene a public hearing on Monday evening October 28, 1991 to further discuss the petition by Commonwealth Energy, et al, to amend the zoning for East Cambridge.

We hope that you will recognize that the scheduled time of today's meeting (Thursday, October 10, 1991 at 3:00 p.m.) has made it difficult for some people to attend. As such, we hope that you will honor this request.

Sincerely,

A handwritten signature in cursive script that reads "Paul Casey".

Paul B. Casey
Director of Real Estate

CERP
287/91/bmc

cc: J. R. Connarton, City Clerk

Hand Delivered

CONSEENT COMMUNICATIONS

9.

Communication received from Paul B. Casey, Director of Real Estate, ComEnergy requesting a public hearing for Monday, October 28, 1991 on their petition to rezone land in East Cambridge.

In City Council,

October 21, 1991

*Referred to the
Mayor & City Clerk
for future consideration
Copies sent to Mayor &
City Clerk 10/23/91 *de**



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

October 10, 1991

City Councillor Francis H. Duehay
Chairman, Committee on Ordinances
City of Cambridge
City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Councillor Duehay:

In fairness to all parties interested in the rezoning of East Cambridge, we respectfully request that the full body of the Cambridge City Council convene a public hearing on Monday evening October 28, 1991 to further discuss the petition by Commonwealth Energy, et al, to amend the zoning for East Cambridge.

We hope that you will recognize that the scheduled time of today's meeting (Thursday, October 10, 1991 at 3:00 p.m.) has made it difficult for some people to attend. As such, we hope that you will honor this request.

Sincerely,

A handwritten signature in cursive script that reads "Paul Casey".

Paul B. Casey
Director of Real Estate

CERP
287/91/bmc

cc: J. R. Connarton, City Clerk

Hand Delivered

4:25 PM Comm Energy

Paul Casey
Comm Energy

David Clem

Public / private participation
outlined compromise plan.
Next prepared set for

Went over given look.

"

CK should not render business
as non-conforming use.

Discussed F.A.R. reduction on
business while no change
@ CK property and F.A.R.
under PUD by Planning
Board has been over 4.0

Planning Board is reduction
of density as does ours.
This represents significant
concessions.

Mayo Concerned w/ intense commercial development - traffic, etc.

11 Q. Cambridge employment

D. Clem If the city has such a policy then we would consider such.

Paul Casey We favor plan and it will accommodate both business and residents.

Com/Gas also supports plan

C. Reeve Q. who was involved, neighborhood residents, offering support.

D. Clem Some objections have been addressed we're not going around the neighborhood.

John Kelly
Thynne St

Supports petition

Warner Hindleai

" "

Joe Armstrong
Bedon Commission Group

Moved from Bedford in
1986 to Cambridge
Supports petition

Paul Hindsey
Bedon Commission Group

Most of our housing
is Cambridge. Supports
pet. now.

In support - 11 hands

Robert Jones

Supports petition.
We need stability in
zone.

Joseph Baratta
Thorncliffe St.

Opposed to petition
Wants affordable - low income
housing

Would like to find solution
to non-conforming issue raised
by Planning Board.
(\$30.00 per sq. ft. shld be fee)

Richard Vendetti
Pres. East Camb. Pl. Team

Opposed
Had 17 community meeting
on planning in East Camb.

Compromise was put
together and then we
in the neighborhood were
called.

5:32 P.M.

Hugo Salem
89 Third

Opposed to petition

C. Myers.

Ref. to C/C w/o recommendation
✓✓

At 5:42 P.M.

The Compromise Plan

The Compromise Plan

The Compromise Plan is presented by a group of property owners and small businesses who have collectively participated in dozens of meetings with City officials, neighborhood groups, and interested East Cambridge citizens in an attempt to forge a consensus vision for managing future development in East Cambridge.

The Compromise Plan is intended to balance the conflicting opinions that have surfaced in the City's attempt to rezone a portion of East Cambridge over the past two years. Previous rezoning plans have failed to marshal the necessary support from property owners impacted by the proposed changes or from area residents.

The Compromise Plan attempts to break the zoning log jam. It is a balanced plan and one that recognizes sound planning practices. We invite your review and support.

Table of Contents

	page
Introduction	2
Seven Plan Elements	4
Land Use and Housing	6
Traffic and Parking	8
Density	10
Height	12
Community Review	14
Conclusion	15
Appendix	16

Recent Developments in East Cambridge

The East Cambridge/Kendall Square area has undergone significant changes over the last decade. Hundreds of millions of dollars have been expended for publicly sponsored infrastructure improvements at Kendall Square and along the East Cambridge Riverfront. The East Cambridge Neighborhood Study, a survey of the East Cambridge area conducted by the Cambridge Community Development Department, reveals that these changes have been viewed positively by the neighborhood at large. The study points out that:

- seventy-six percent (76%) of East Cambridge residents feel East Cambridge has improved or stayed the same as a place to live. The positive feeling is more pronounced among long-term residents, homeowners, and single-person households;
- significantly more East Cambridge residents feel development in the Riverfront area has a positive effect on the neighborhood than a negative impact. The sentiment is stronger among long-term residents than new residents. Overall, sixty-four percent (64%) of the residents felt development has had either a positive effect or no effect on the neighborhood; and
- overall, East Cambridge residents are optimistic about the future of the neighborhood. The majority of them (64%) expect the quality of life will improve.

Future Concerns and Potentials

East Cambridge will continue to undergo change through the next decade. Presently there remain large undeveloped parcels of land in transition from earlier industrial uses. They contribute minimal taxes and few jobs to the local economy. Yet, East Cambridge/Kendall Square market forces continue to suggest that this area plays a strategic role in the future economic health of the City. The future potential for this area and its benefit to the City becomes clouded with uncertainty, however, in the face of overly restrictive or unpredictable zoning.

Concern about the future was also illustrated by the neighborhood in the East Cambridge Neighborhood Study. Foremost among the concerns raised by the neighborhood in the study are traffic and other impacts of both existing and future development; and the provision of local housing and jobs. As such, a zoning package that is a balanced approach to orderly growth and development, and which fosters community involvement, needs to be adopted.

The CDD Plan

The rezoning proposal prepared by the Community Development Department (the CDD Plan) is often divergent from good planning practices. No substantial planning analysis was presented to substantiate the zoning proposed. Nor can their zoning package be considered a uniform approach to land use planning, especially when one considers the zoning in relation to the surrounding zoning districts. The inequities of the CDD Plan include, but are not limited to:

- causing hardships for local businesses by creating non-conforming uses;
- placing a disproportionate and unfair burden upon some landowners which translates into significant financial injury;
- burdening developers with unreasonably complex and cumbersome procedures which discriminate, especially against smaller landowners; and
- unfairly restricting local landowners and private businesses while favoring large publicly-sponsored developments.

The CDD Plan generated significant opposition from property owners, businesses and neighborhood residents. It has failed to produce the necessary support for legislative approval.

The Compromise Plan

A zoning plan that strikes a balance among the diverging interests (neighborhood interests, City-wide interests, and the property owners) must be formulated. Such a plan should provide for an equitable and economically viable framework for future progress.

It is in this spirit that we, as local landowners, taxpayers, employers, and members of the community, offer the Compromise Plan. The Compromise Plan has four major goals:

- 1. Protect the quality of the existing residential neighborhood, and the future of local businesses and jobs.**
- 2. Promote neighborhood improvements in addition to new housing construction.**
- 3. Stimulate and guide new development and revitalization, to improve the physical environment, enhance the local economy, and expand the municipal tax base.**
- 4. Enact the simplest possible zoning mechanisms to minimize the burden of complex and cumbersome procedures and to allow flexibility in response to market forces and economic conditions.**

These goals are embodied in a seven point plan described in this information piece.

The Need for Action

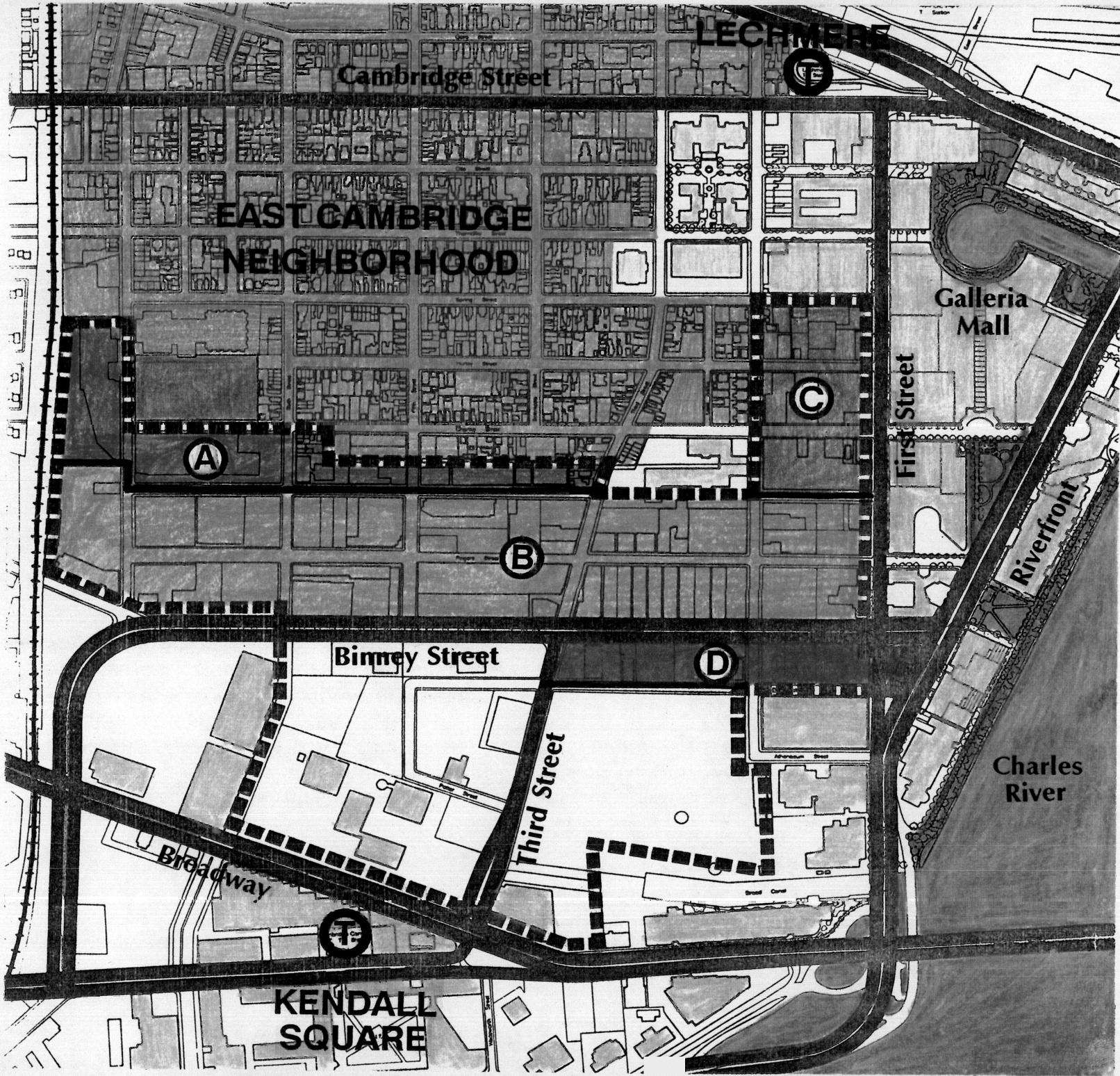
Finally, it should be noted that Cambridge has already suffered from lost opportunities due to the imposition of various Interim Planning Overlay Districts throughout the City. As noted previously, the East Cambridge/Kendall Square area plays a strategic role in the economic health of the City. It has been suggested that carefully planned and strategically located development is likely to be a catalyst in the revival of the economy. Such activity will fuel Cambridge's economic engine, breathing life into the local economy and contributing significantly to the financial well-being of all Cambridge citizens.

The landowners who support the Compromise Plan are "good corporate citizens" committed to a balanced approach to orderly growth and development which fosters community involvement. With this being stated, we hope that you will evaluate the Compromise Plan which follows with an open mind and come to the conclusion that it balances the interests of all parties and makes good planning sense.

The rezoning area, called the Overlay District, is shown on the map overleaf, along with the seven basic elements of the Plan. Specific details are outlined by issue in the following pages. The Appendix compares the Compromise Plan to the CDD Plan.

Seven Plan Elements

1. Allow parking is reduced throughout the Overlay District. A truck access loop at Bent Street and a one way system in the East Cambridge neighborhood reduce through traffic.
2. Community consultation and review is required for all large projects within the Overlay District.
3. Around Kennedy Field and north of Bent Street, a Housing Incentive District allows increased density, but only if development is 100% housing. The number and affordability of housing units is thereby increased and a defined edge to the residential neighborhood is created (Area A on map).
4. Between Bent and Binney Streets, a mixed-use area forms a buffer between commercial areas and residential areas with reduced density adjacent to the Housing Incentive District (Area B on map).
5. Across from the new mall on First Street, a new Business Zone promotes completion of the First Street Revitalization (Area C on map).
6. Within Areas B and C, additional density is allowed only if either: (1) Housing is constructed, or (2) Cash contributions are made directly to the East Cambridge Neighborhood Improvement Fund.
7. To take advantage of the Binney Street roadway improvements and allow better site development on narrow lots, the PUD 3/03A zone is extended north to Binney Street (Area D on map).



**The Compromise Plan:
East Cambridge and
Kendall Square**

*Showing the Overlay District
(thick dotted line) and areas
A, B, C, and D.*

Land Use and Housing

The goal of the Land Use concept is to reinforce and protect the core residential neighborhood, while facilitating appropriate redevelopment of the industrial areas to the south. Housing is strongly encouraged, by incentive, at the fringes of the existing residential neighborhood.

In Area A (see map on previous page) the intention is to facilitate multi-family housing use in the future, but without making a zoning change which would render existing businesses non-conforming. This approach preserves the viability of the current business uses and protects existing jobs, many of which are held by Cambridge citizens. A strong incentive measure offers increased density if redevelopment takes place, but only if the project is built as 100 percent housing.

In Area B the Industry B-1 zone adjacent to the neighborhood is downzoned to Industry A-1. This change permits a wider range of neighborhood-oriented uses, including housing, but reduces the scale of all potential development.

In Area C the new Business A-1 zoning permits retail, commercial and housing uses to encourage an active, "Main Street" environment on First Street.

In Area D the existing industrial zoning is eliminated and the existing Office 3-A zone is extended one block to Binney Street, recognizing the four lane arterial boulevard as a logical boundary.

Housing is further encouraged in Areas B and C by incentive zoning. Additional den-

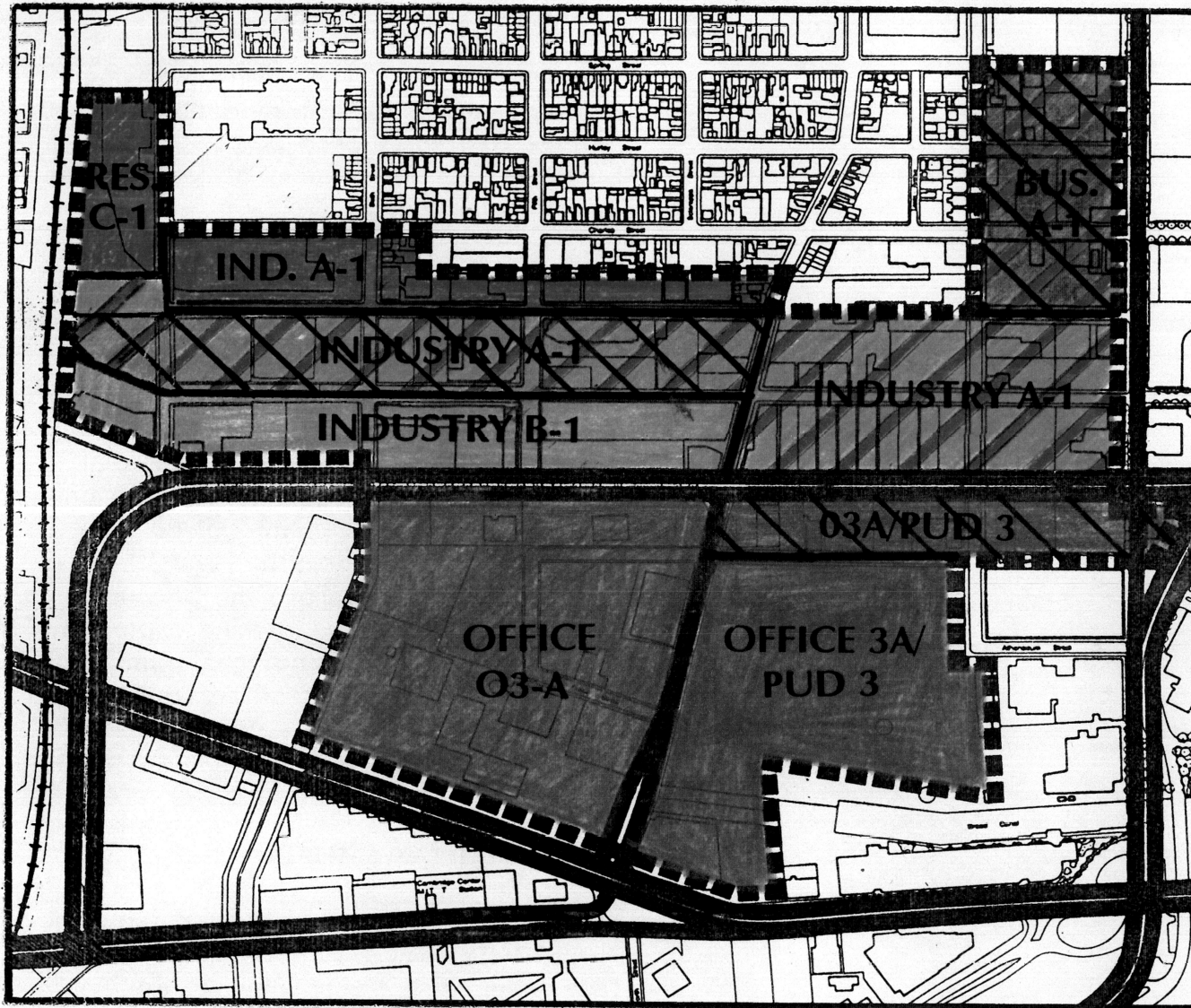
sity is permitted if a portion of the project is built as housing, with an Affordable Housing Component.


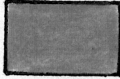




Alternatively, a cash contribution of \$10 per square foot of additional FAR must be made to the East Cambridge Neighborhood Improvement Fund to be used for housing renovation or other improvements desired by the neighborhood. It is our position that a substantial majority of the neighborhood may prefer improvements other than housing.

We do not support the SD III residential zone proposed in the CDD Plan on Department of Transportation land. The site is isolated from neighborhood facilities and services, and the landowner has stated it has no intention of building housing there. Moreover, housing is already permitted as of right to a density of 3.0 FAR in this Office 3-A zone.

Compared to the CDD Plan, the incentives contained in the Compromise Plan have the potential to produce 81 percent more housing in Area 1 and 9 percent more housing in Areas 2 and 3; or alternatively, substantial financial contributions towards housing and other improvements within the neighborhood.

**The Compromise Plan:
Proposed Zoning and
Land Use**



-  Residential (Housing Incentive District)
-  Industrial/Mixed Uses
-  Business/Mixed Uses
-  Office/Residential
-  Incentive Zoning Area
-  Rezoned

Traffic and Parking

PARKING RESTRICTIONS

Throughout the Overlay District, maximum allowed parking for non-residential uses is reduced to 1 space per 1,000 square feet of building, with a minimum of 1 space per 2,000 square feet.

There is no maximum for residential parking, and the minimum for residential use is 1 space per dwelling unit.

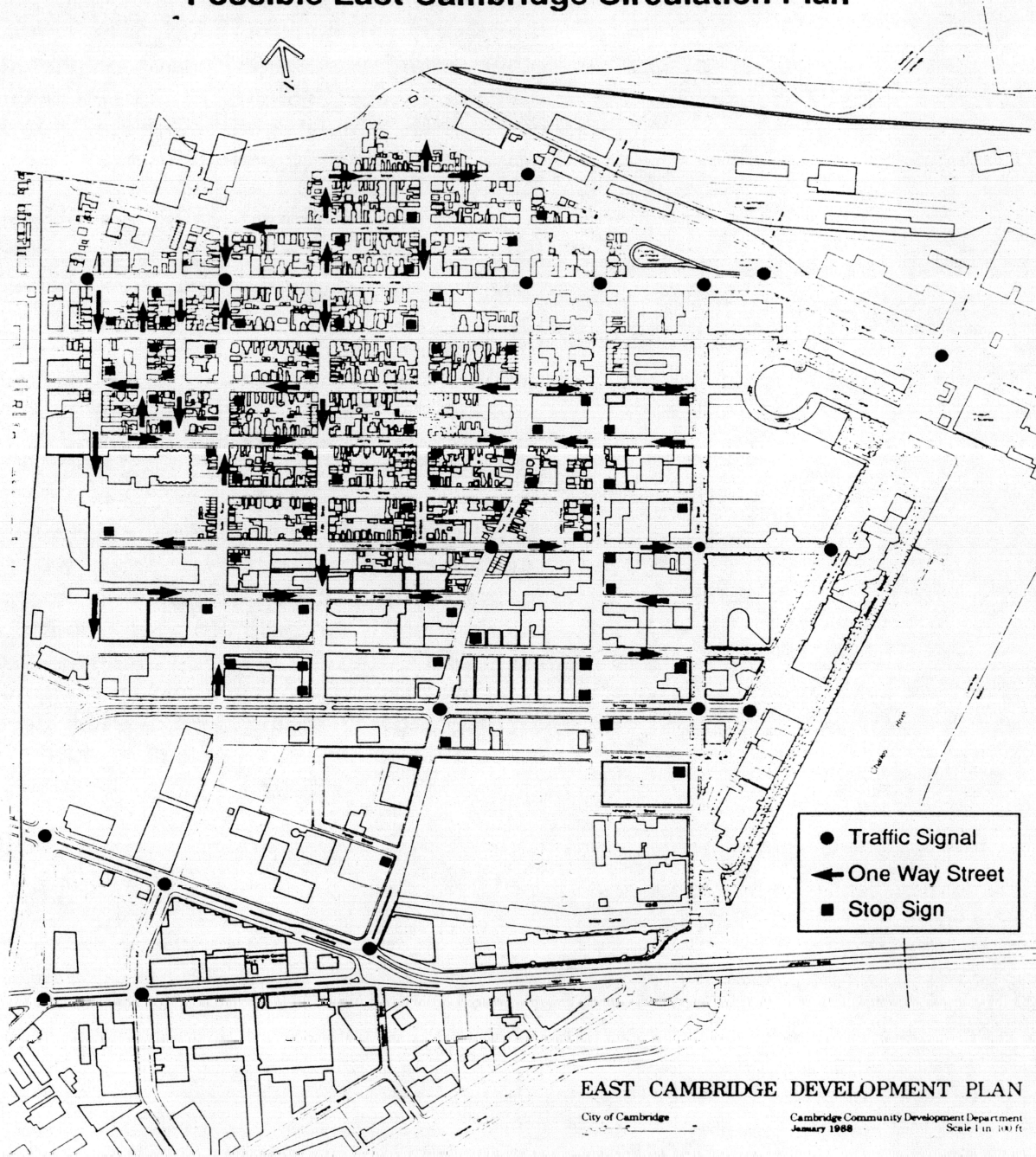
These provisions are identical to those contained in the CDD Plan. Likewise, we propose that parking garages and lots as a separate use are prohibited; but with one exception. This is to permit parking garages by Special Permit only in the PUD 3 area, if found necessary to relieve the pressure on on-street neighborhood parking caused by redevelopment of the substantial number of surface parking lots currently existing, or to facilitate the conversion of existing buildings that can not meet the new parking requirements.

TRAFFIC IMPROVEMENTS

We propose a one way traffic loop at Bent Street to prevent commercial traffic from penetrating the residential neighborhood. Truck traffic would be required to enter and leave via Binney Street.

We also support a one way system within the residential neighborhood to discourage through commuter traffic. Some CDD draft schemes already exist, and the details should be worked out to the satisfaction of the neighborhood.

Possible East Cambridge Circulation Plan



EAST CAMBRIDGE DEVELOPMENT PLAN

City of Cambridge

Cambridge Community Development Department
January 1988

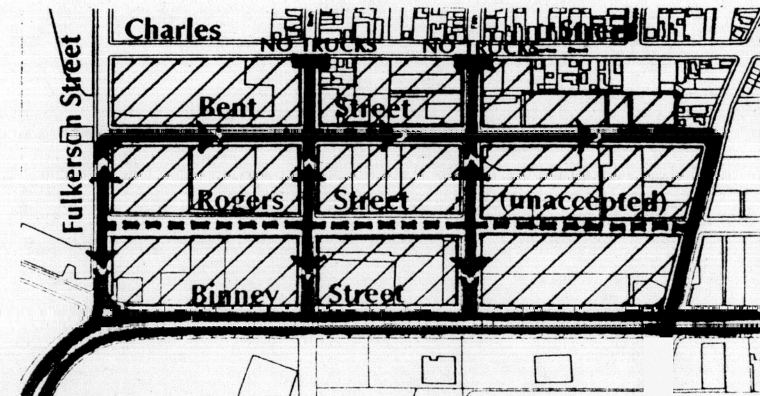
Scale 1 in 100 ft

The Compromise Plan: One Way Traffic System

Proposed by Cambridge Community Development Department to restrict through traffic.

The Compromise Plan: Bent Street Truck Access Loop

Permits truck access to existing commercial areas (shaded) without passing through residential areas.

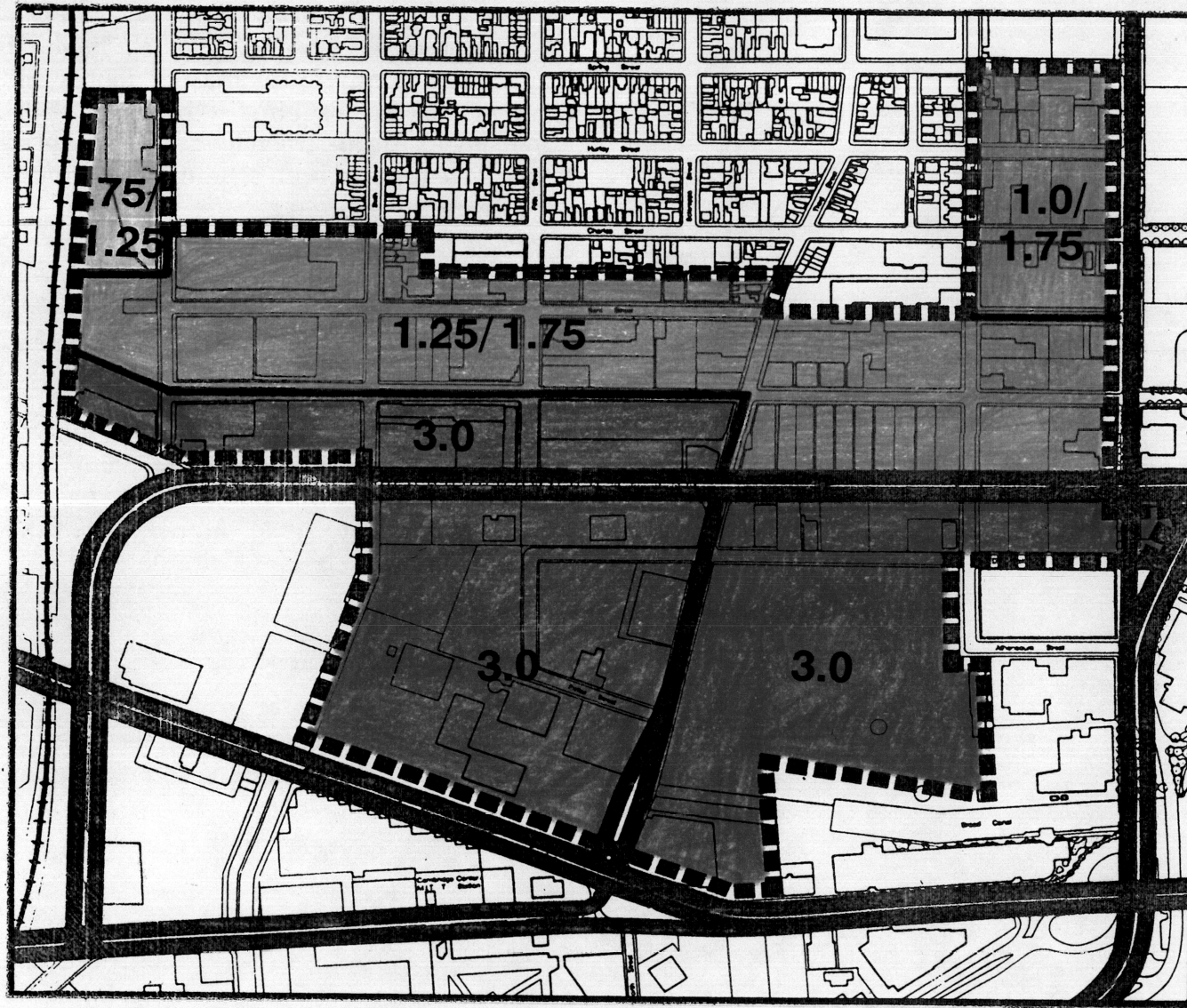


Density

The approach of the Compromise Plan is to reduce density in industrial areas adjacent to the residential neighborhood. In certain other areas, increased density is offered, primarily by Special Permit only, as an incentive to both stimulate redevelopment of run-down areas and to provide housing.

South of Binney Street, we do not support reductions in density. This area, removed from the core residential area, is well served by recent major investments in transit and roadway infrastructure. Publicly sponsored developments at the Riverfront and Kendall Square have already built on this opportunity and at far greater densities than those proposed in the Compromise Plan.

At a time of economic difficulty and when substantive measures are proposed to mitigate and contain impacts on neighborhoods, there is no reason to alter a policy of appropriate development in well-served locations. The importance to Cambridge of a solid and expanding tax base has been made abundantly clear in recent months.



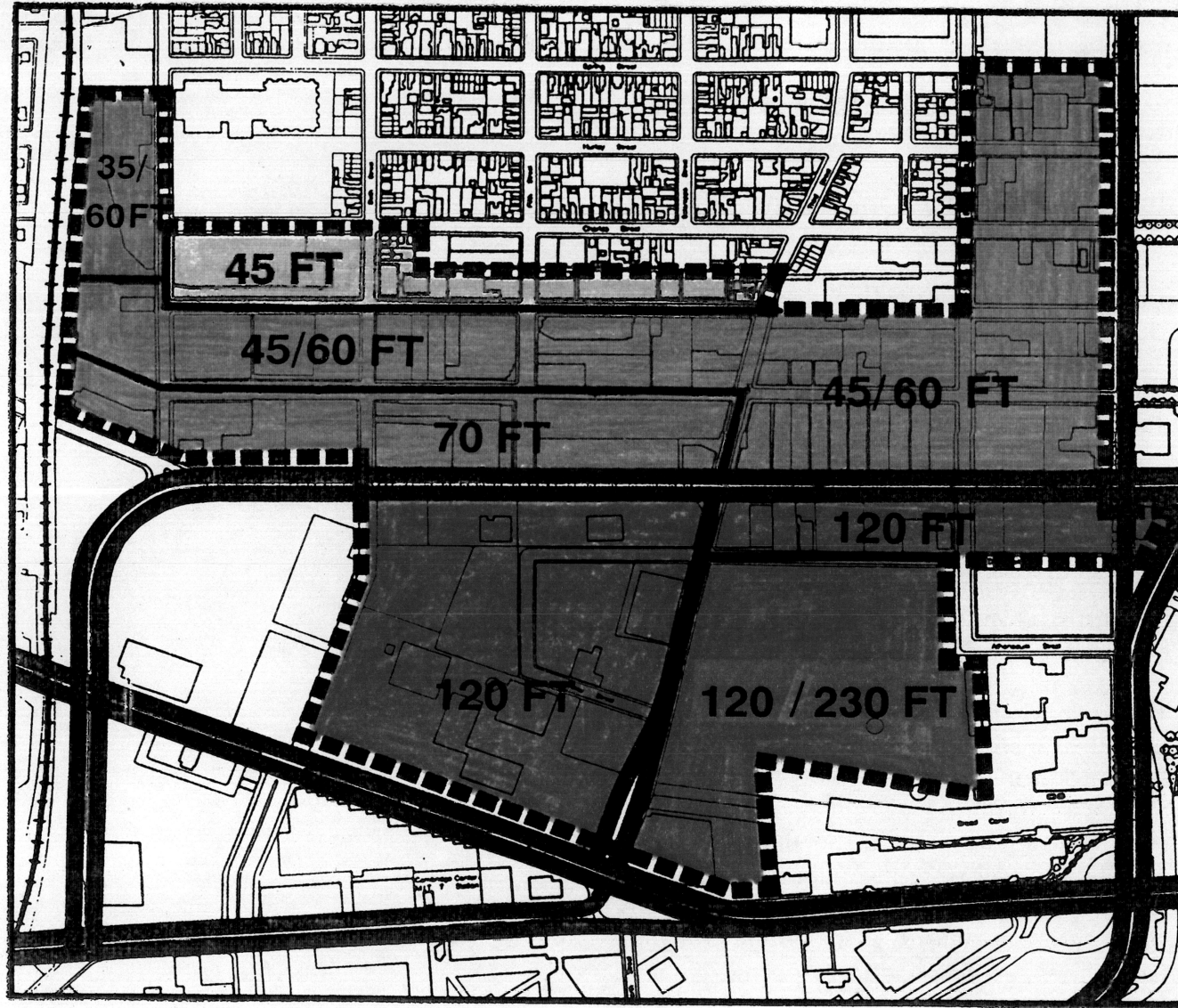
**The Compromise Plan:
Proposed Maximum FAR**

First number is as-of-right maximum; second number (where given) is the Special Permit Incentive maximum. FAR (Floor Area Ratio) is the ratio of the total floor area of a building to the area of the lot.

Height

Similar to the provisions in the CDD Plan, the Compromise Plan allows some additional height to accompany increased density incentives. It also requires setbacks of additional height from street lines. The overall height envelope of both schemes is therefore the same in most areas.

The two main exceptions are that the Compromise Plan has a limit 100 feet lower along Broadway, due to not enlarging the PUD 3 zone at that location; and it has maximums 50 to 60 feet higher for a portion of the south side of Binney Street, due to the expanded PUD. Buildings reflecting the proposed height restrictions already exist in both areas and are quite removed from the residential portion of East Cambridge.



The Compromise Plan:

Proposed Maximum Building Heights

First number is as-of-right maximum; second number (where given) is the Special Permit or PUD maximum. The additional PUD-3 area, south of Binney Street, is restricted to 120 feet.

Community Review

Throughout the Overlay District, all large development projects and all applications for Variances and Special Permits will be reviewed by an appointed East Cambridge Advisory Committee.

This provision is the same as that contained in the CDD Plan, except for two differences.

The first difference is that the Compromise Plan exempts from review projects smaller than 30,000 square feet, unless they require Variances or Special Permits. By contrast, the CDD Plan requires consultation and review for all new buildings; additions over 100 square feet; erection of signs; any alteration facing a street such as removing or adding a window, or installing a new type of siding. These requirements are unreasonably intrusive and burdensome for homeowners and businesses alike.

The second difference is that the CDD Plan provides a set of Design Guidelines as the standard for approval of projects under review, or requiring Variances or Special Permits. The Guidelines are in many areas too specific to allow reasonable freedom to respond to changing market forces and economic conditions. In other areas the Guidelines are too vague to permit clear interpretation. In the case of an otherwise as-of-right project, for instance, the City's Zoning Officer must stand as the arbiter of the landowner's interpretation of the Guidelines on the one hand, and the Advisory Committee's interpretation on the other.

We cannot support this unwieldy and cumbersome procedure. The Compromise Plan

provides for the simplest possible zoning mechanisms necessary to achieve the goals of the Plan.

Conclusion

The Compromise Plan is a realistic, practical approach to planning the future of East Cambridge. It balances concern for the quality of residential life in the neighborhood with the need for a sound economic future. Local job opportunities are a vital issue to a large proportion of East Cambridge residents; local businesses must be encouraged to stay and expand. Commercial property tax revenues are increasingly important to the City as other sources of funds dry up. Our enviable bond rating reduces tax pressures on the residential tax base, and homeowners and tenants benefit when commercial expansion absorbs most of the increased costs of municipal services.

The Compromise Plan is not an idealized, pie-in-the-sky concept. It deals directly with specific issues facing local businesses and residents, and puts forward simple, pragmatic solutions with a minimum of bureaucracy.

Local landowners and businesses are fully prepared to do their part in building broad support. We have accepted reductions in our property rights. We believe the reductions in allowed parking; community review of development; reduction of as-of-right zoning; and developer contributions of housing and/or neighborhood improvements, are important to the success of the Compromise Plan.

The Compromise Plan is a positive, good faith effort to achieve a consensus. If adopted, the Compromise Plan will allow progress to be made on a positive future for East Cambridge. Continued uncertainty will not produce a better physical environment,

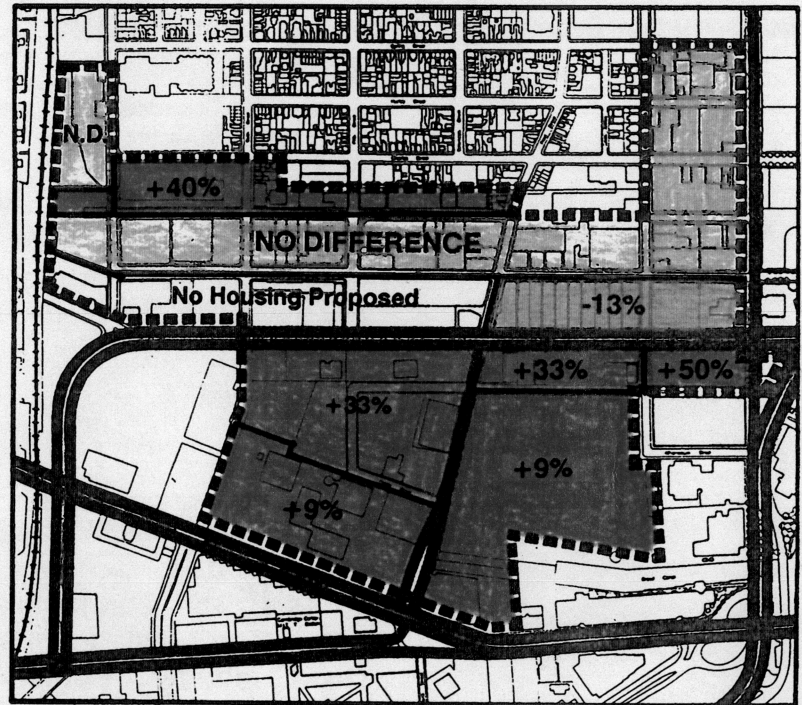
protect a growing tax base, or enhance job opportunities for Cambridge residents. The time has come to enact a zoning package that can work.

The CDD Plan:
Proposed Zoning and
Land Use

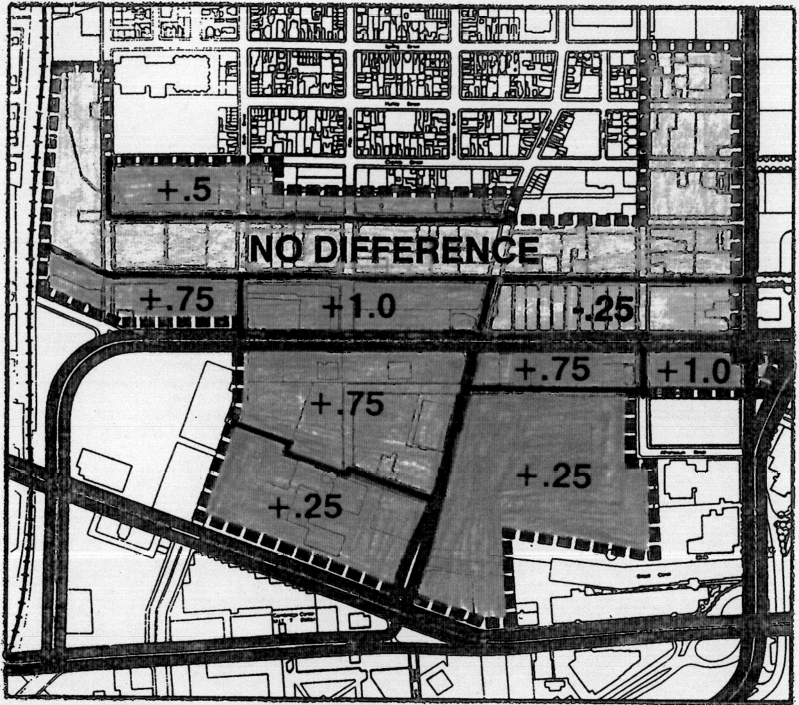
Appendix



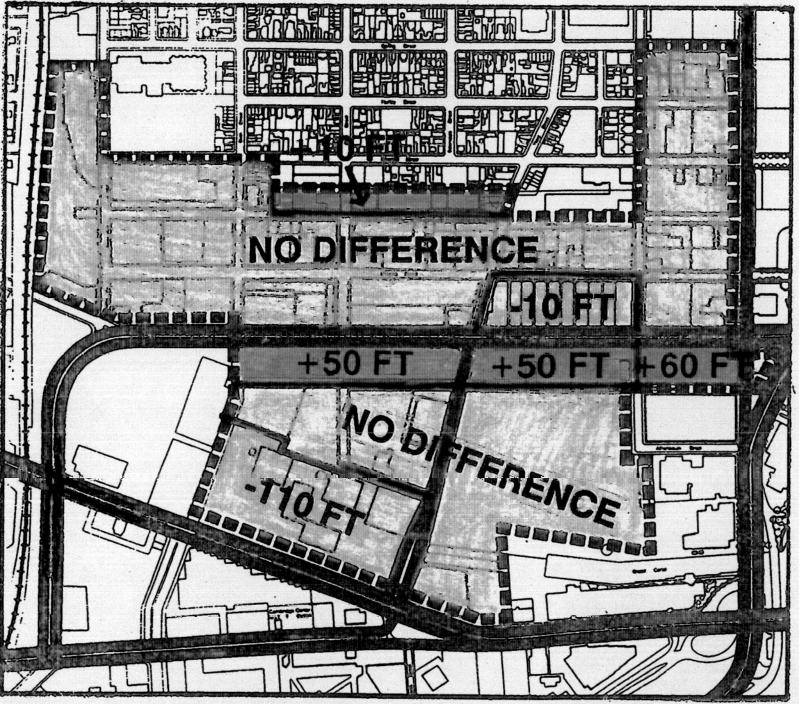
The Compromise Plan:
Difference in Maximum
Potential Housing Con-
struction from the CDD
Plan



**The Compromise Plan:
Difference in Maximum
Potential FAR from the
CDD Plan**



**The Compromise Plan:
Difference in Maximum
Potential height from
the CDD Plan**



PUBLIC NOTICE
RELATIVE TO ZONING.
City of Cambridge

MASSACHUSETTS

Office of the City Clerk

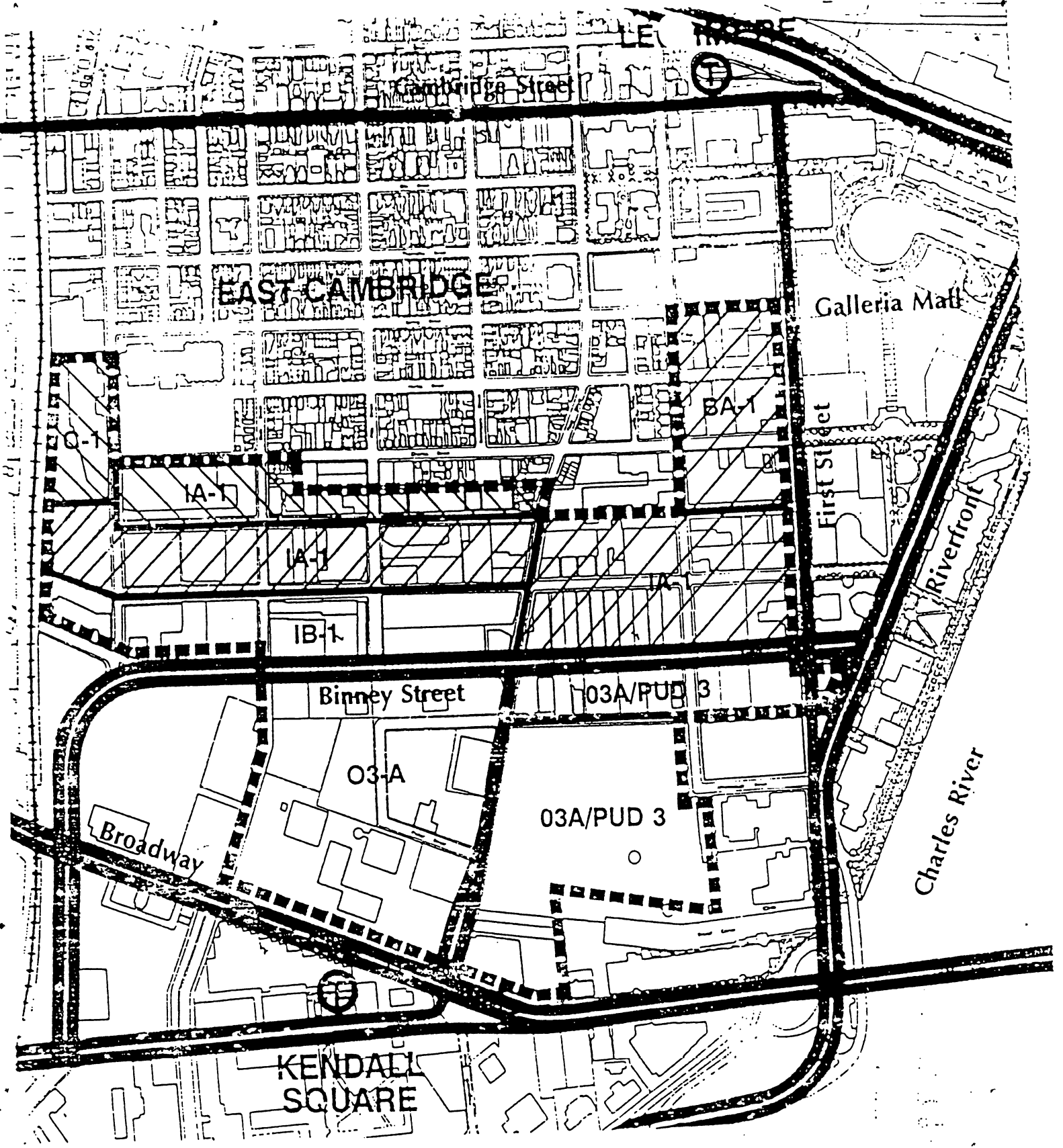
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council will hold a public hearing on Thursday, October 10, 1991 at 3:00 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Commonwealth Energy, et al to amend the zoning Map and the Zoning Ordinance of the City of Cambridge. This petition would rezone the area of East Cambridge generally south of Charles Street to Broadway, (not including the MXD District), and from the Railroad tracks to First Street, including a section of First to Second Streets between Spring Street and Doc Linsky Way, all as shown on the accompanying map. The petition would create two new zoning districts: a Housing Incentive District which would increase the amount of allowable floor area and height if the development were to be housing and an Incentive Overlay District which would increase the maximum amount of floor area and height if the development follows specific design guidelines. This area to be rezoned was encompassed by the former East Cambridge Interim Planning Overlay District.

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,

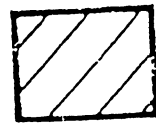
Councillor Francis H. Duehay,
Chairman



The CommEnergy, et al Petition (9/91)

Housing Incentive District

Incentive Overlay District



1947

1st pln end.

COMMITTEE ON ORDINANCES

SPEAKER LIST

COMMONWEALTH ENERGY ET AL

IN OPPOSITION

NAME

ADDRESS

Joseph Baratta	218 Thorncliffe St., No. 102, Camb	02141
Richard J. Vendetti	28 Winter St	02141
Hugo Salemme	89 Thiel St., Camb.	02141

COMMITTEE IN ORDINANCES

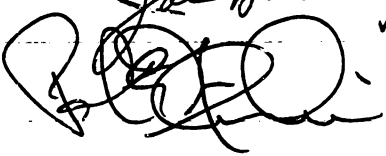
SPEAKER LIST

COMMONWEALTH ENERGY ET AL

IN FAVOR

NAME

ADDRESS

PAUL CASEY	COM/ENERGY	One Main St. Cambridge MA.
David Allen	25 Arlington St	Cambridge 02140
John Kelley	Thypin Steel	Binney St Camb
VARNEY HINTLIAN	TREVUS Realty TR.	SPRING ST CAM BR.
Joe Armstrong	Boston Concessions Corp	111 South St Camb
	Boston Concessions Corp	111 South St. Cambridge

Cambridge, Massachusetts
July 10, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption the proposed amendment, and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.



Owner of the premises located at
See Attached Schedule A

Michael P. Sullivan
Vice President, Secretary and General
Attorney

SCHEDULE A

COMMONWEALTH ENERGY SYSTEM

**Cambridge Land Holdings Impacted
by the
Proposed Zoning Petition**

Land parcels located within the Proposed Zoning Petition Area.

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

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

<u>Address</u>	<u>Owner</u>	<u>Square Ft.</u>
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.	<u>13,899</u>
SUBTOTAL		<u>419,107</u>

TOTAL AFFECTED LAND HOLDINGS **972,952**

Cambridge, Massachusetts
July 12, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption of the proposed amendment and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.



Victor Lederer
Victor Lederer
Manhasset Bay Associates

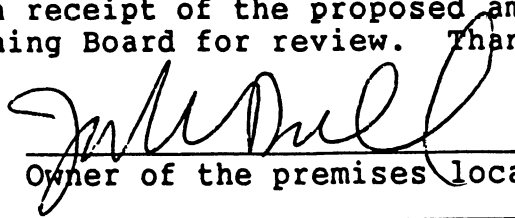
Owner of the premises located at:

301 Binney Street
Cambridge, Massachusetts

Cambridge, Massachusetts
July 15, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption the proposed amendment, and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.



Owner of the premises located at

111 Sixth Street, Cambridge,
Massachusetts comprised of the
entire block bounded by
Sixth, Charles, Fulkerson and
Bent Streets
Joseph O'Donnell

Cambridge, Massachusetts
July 17, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption the proposed amendment, and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.

Albert W. Brown Trustee

Owner of the premises located at
Binney & Fulkerson Streets

Albert W. Brown, Trustee
Canal Realty Trust
303 Binney Street
Cambridge, MA 02142

- 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 B-1 to Industry A-1 an area of land circumscribed by a line, said line beginning at a point at the intersection of the centerlines of Bent Street and Fulkerson Street;
 - 1.1 Thence proceeding westerly approximately 280 feet along a course extending the centerline of Bent Street to the easterly sideline of the Boston and Albany railroad tracks;
 - 1.2 Thence turning and proceeding southerly along the easterly sideline of the Boston and Albany Railroad Tracks 40 feet;
 - 1.3 Thence turning and proceeding southeasterly along a straight line parallel to Binney Street approximately 360 feet to the intersection of the easterly sideline of Fulkerson Street and the northerly sideline of Rogers Street;
 - 1.4 Thence turning and proceeding easterly along the northerly sideline of Rogers Street to the centerline of Third Street for a distance of approximately 1,650 feet;
 - 1.5 Thence turning and proceeding northeasterly along the centerline of Third Street to the intersection with the centerline of Bent Street, a distance of approximately 265 feet;
 - 1.6 Thence turning and proceeding westerly along the centerline of Bent Street back to the point of beginning, approximately 1,700 feet.

- 2.0 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;
- 2.1 Thence running southerly along the centerline of Second Street to the centerline of Bent Street approximately 750 feet;
- 2.2 Thence turning and proceeding easterly along the centerline of Bent Street to the centerline of First Street approximately 450 feet;
- 2.3 Thence turning and running northerly along the centerline of First Street to the centerline of Spring Street approximately 750 feet;
- 2.4 Thence turning and proceeding westerly along the centerline of Spring Street to the point of beginning.

- 3.0 Amend the Zoning Map of the City of Cambridge by creating the East Cambridge Overlay District, an area of land circumscribed by a line, said line beginning at the intersection of the centerlines of Spring Street and First Street;
- 3.1 Thence proceeding westerly along the centerline of Spring Street approximately 450 feet to the centerline of Second Street;
- 3.2 Thence turning and proceeding southerly along the centerline of Second Street approximately 750 feet to the intersection of said centerline and the centerline of Bent Street;
- 3.3 Thence turning and proceeding westerly approximately 580 feet to the intersection of the centerlines of Bent Street and Third Street;
- 3.4 Thence turning and proceeding northerly along the centerline of Third Street approximately 135 feet to a point on the centerline of Third Street;
- 3.5 Thence continuing westerly along a line parallel to and approximately 125 feet equidistant from the centerline of Bent Street running approximately 1,000 feet to a point on said line;
- 3.6 Thence turning and proceeding northerly along a line parallel to and equidistant from the centerline of Sixth Street approximately 125 feet to the centerline of Charles Street;
- 3.7 Thence turning and proceeding westerly approximately 750 feet to the intersection of the centerlines of Fulkerson and Charles Streets;
- 3.8 Thence turning and proceeding northerly along the centerline of Fulkerson Street 440 feet;
- 3.9 Thence turning and proceeding westerly along the line perpendicular to the centerline of Fulkerson Street 260 feet to the Boston and Albany Railroad tracks;
- 3.10 Thence turning and proceeding southerly by the line of the Boston and Albany Railroad tracks approximately 1,050 feet to the centerline of Binney Street;

- 3.11 Thence turning and proceeding southeasterly along the centerline of Binney Street approximately 450 feet;
- 3.12 Thence turning and proceeding easterly along the centerline of Binney Street approximately 470 feet to the intersection of the centerlines of Binney and Sixth Streets;
- 3.13 Thence turning and proceeding southerly along the centerline of the pedestrian way (which extends from the southerly end of Sixth Street to Broadway) approximately 875 feet to its intersection with the centerline of Broadway;
- 3.14 Thence turning and proceeding southeasterly along the centerline of Broadway approximately 1300 feet to its intersection with the centerline of Main Street;
- 3.15 Thence turning and proceeding easterly along the centerline of Main Street 200 feet to a point;
- 3.16 Thence turning and proceeding northeasterly on a line perpendicular to the centerline of Main Street 410 feet to a point;
- 3.17 Thence turning and proceeding southeasterly in a straight line 650 feet to a point at the intersection of said line and the northerly sideline of the Broad Canal;
- 3.18 Thence turning and proceeding northerly by a line parallel to the centerline of First Street, approximately 480 feet to the centerline of Athenaeum Street;
- 3.19 Thence turning and proceeding northwesterly along the centerline of Athenaeum Street 75 feet to its intersection with the centerline of Second Street;
- 3.20 Thence turning and proceeding northeasterly along the centerline of Second Street 250 feet to its intersection with the centerline of Doc Linsky Way;
- 3.21 Thence turning and proceeding easterly along the centerline of Doc Linsky Way approximately 600 feet to the intersection of the centerlines of Doc Linsky Way and Commercial Avenue;

- 3.22 Thence turning and proceeding northeasterly along the centerline of Commercial Avenue approximately 280 feet to the intersection of the centerlines of Binney Street and Commercial Avenue;
- 3.23 Thence turning and proceeding westerly along the centerline of Binney Street approximately 250 feet to the intersection of the centerlines of Binney and First Streets;
- 3.24 Thence turning and proceeding northerly along the centerline of First Street approximately 1,000 feet to the intersection of the centerlines of First Street and Spring Street.

- 4.0 Amend the Zoning Map of the City of Cambridge by creating a housing incentive district within the East Cambridge Overlay District, an area of land within:
- 4.1 that portion of the Industrial A-1 Zone in East Cambridge bounded on the south by Bent Street, on the west by Fulkerson Street, on the north by the existing northerly boundary of the Industrial A-1 Zone and on the east by Third Street, and
- 4.2 that portion of the Residential C-1 Zone in East Cambridge bounded on the east by the centerline of Fulkerson Street; on the south by a line parallel to and 125 feet north of the westerly extension of the centerline of Bent Street past the centerline of Fulkerson Street to the Boston and Albany Railroad tracks; on the west by said tracks; and on the north by a line beginning at a point on the centerline of Fulkerson Street 60 feet south of the intersection of the centerlines of Fulkerson and Spring Streets, thence proceeding westerly, perpendicular to Fulkerson Street to said railway tracks.
- 4.3 Within the housing incentive district, the areas described in Sections 4.1 and 4.2 shall be known as the I-A1 subdistrict and the C-1 subdistrict respectively.

- 5.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industrial A-1 and Industrial B-1 to Office 3-A and Planned Unit Development 3 an area of land circumscribed by a line, said line beginning at the intersection of the centerline of Third Street and the centerline of Binney Street;
- 5.1 Thence running southerly along the centerline of Third Street to the centerline of Doc Linsky Way approximately 225 feet;
- 5.2 Thence turning and proceeding easterly along the centerline of Doc Linsky Way approximately 1200 feet to the centerline of First Street;
- 5.3 Thence turning and proceeding northerly along the centerline of First Street approximately 240 feet to the centerline of Binney Street;
- 5.4 Thence turning and proceeding westerly along the centerline of Binney Street approximately 1,170 feet to the point of beginning.

PROPOSED ARTICLE 11.400
EAST CAMBRIDGE OVERLAY DISTRICT

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

11.400 East Cambridge Overlay District

11.401 ESTABLISHMENT AND SCOPE. There is hereby established the East Cambridge Overlay District, 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 Waterfront 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.

11.403 APPLICABILITY. The East Cambridge Overlay District shall be an Overlay District on the Zoning Map established by Section 3.20 (Zoning Map).

11.403.1 The use of land within said district 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.

11.403.2 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 by the Cambridge Historical Commission. However, a building shall no longer be considered a contributing building as defined in this Subsection 11.403b 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.

11.403.3 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 fulfill the following purposes.

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

b. Responsibilities. The Committee shall undertake all Large East Cambridge Project reviews and shall receive all applications for variances and special permits for activities within the East

Cambridge Overlay District 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. As used in this Section 11.400, Large East Cambridge Projects ("LECP") shall mean any of the following types of development occurring within the East Cambridge Overlay District:

- (1) Construction of any new building with a gross floor area greater than 30,000 square feet;
- (2) Alteration of any existing building with a gross floor area greater than 30,000 square feet in such a manner as to increase its gross floor area by more than 25%;
- (3) Any combination of new construction and alteration of an existing building or buildings which shall result in a building or combination of buildings on a lot with a gross floor area greater than 40,000 square feet; or
- (4) Any new construction and/or conversion of an existing building in the Housing Incentive District which (a) will have a total gross floor area in excess of 5,000 square feet, and (b) will exceed a 1.25 maximum ratio of floor area to lot area in the IA-1 subdistrict or a .75 ratio in the C-1 subdistrict.

d. Procedures.

- (1) Within the six (6) months preceding any application for (1) a building permit for any project subject to a LECP review or (2) a special permit or variance for any project within the East Cambridge Overlay District, the applicant shall submit the graphic and other material required in Section 11.45 - Large Project Submittal Requirements to the East Cambridge Advisory Committee for their review and comment. As to any LECP filed as a PUD, these procedures shall not apply. Instead, the East Cambridge Advisory Committee shall serve as a review authority in accordance with the PUD review procedures of Article 12.

- (2) Within thirty (30) days from 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 special permit or variance.
 - (5) It is expected that, in making decisions regarding special permits and variances within the Overlay District, 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 District.
- a. One member having recognized qualifications as architect or landscape architect who shall also serve as chair of the Committee.
 - b. Three (3) members representing the business community in the East Cambridge Overlay District.
 - 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 THE OVERLAY DISTRICT

11.405.1 Uses. The buildings and land uses within the East Cambridge Overlay District 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 4.32b (automobile parking lot or parking garage for private passenger cars) is prohibited, except in the FUD district, where such uses may be allowed by special permit by the Planning Board under Article 12.

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.

a. The minimum parking requirement for residential uses, Section 4.31a-h, shall be one parking space for each dwelling unit.

b. The minimum parking requirement for all non-residential uses shall be either (i) one parking space for each 2,000 square feet of gross floor area or (ii) one parking space for each 6,000 feet of gross floor area, provided that the Director of the Traffic and Parking Department finds that sufficient parking mitigation and diversion measures have been planned to permit such a reduction in parking including, for example, participation in a transportation management organization and subsidies for mass transit, and that such measures are made conditions of the certificate of occupancy for such non-residential uses.

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 4.31a-h (Residential Uses), there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding 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 11.405.22 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 the 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 District. 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) streets the provision of this subsection shall not apply to that street directly opposite the principal street.

11.405.4 Transfer of Development Rights.

- a. Notwithstanding the limitations imposed by the definition of lot in Article 2.000, an owner of land may transfer part or all of the permitted gross floor area on one lot (Donating Lot) to one or more other lots (Receiving Lots),
- (1) if such lots are held in common ownership at the time of the transfer;
 - (2) if all of the lots involved in the transfer are located within the East Cambridge Overlay District; and
 - (3) if the reduction in permitted gross floor area on the Donating Lot is documented by the recording of a binding legal restriction enforceable by the Receiving Lots and the City of Cambridge, which will be in effect for so long as the Receiving Lots have the benefit of and use the transfer of development rights.

This transfer of development rights may occur without regard to the FAR limitations normally applicable to the Receiving Lots, however, all other dimensional limitations applicable to the Receiving Lot(s) shall continue to apply. Any transfer of development rights may only transfer the difference in FAR between the maximum as-of-right FAR on the Donating Lot and the actual built FAR on the Donating Lot.

- b. 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 of one lot (Donating Lot) to one or more other lots (Receiving Lots) regardless of whether the lots are held in common ownership, within the East Cambridge Overlay District, without regard to the FAR limitations normally applicable to the Receiving Lots, provided however, that all other dimensional limitations applicable to the Receiving Lots shall continue to apply. In the case of the transfer of development rights under this subsection for the purpose of construction of residential development, the Planning Board may allow by special permit the exceedance of the dimensional limitations normally applicable to the Receiving Lots, provided that the total number of units or gross floor area of the Receiving Lot(s) is increased by no more than twenty percent (20%) above that which would otherwise be permitted by the base zoning applicable to the lot(s). A transfer hereunder shall also comply with Section 11.405.4(a)(3).

11.405.41 The Planning Board shall grant a special permit under this Section 11.405.4(b) if it finds the transfer will result in more desirable development in the neighborhoods of the Donating and Receiving Lots in light of one or more of the following factors:

- (1) The transfer results in a superior site development.
- (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 HEIGHT REDUCTION ADJACENT TO MUNICIPALLY OWNED PARKS AND SCHOOLS WITHIN THE EAST CAMBRIDGE OVERLAY DISTRICT. All portions of a building or any lots adjacent to or directly across a street from a municipal park or a public school exceeding a height of thirty-five (35) feet shall be set back a minimum of twenty (20) feet from the property line closest to a public park or public school. The Planning Board shall grant a special permit to exceed the height limit otherwise applicable to such a lot to compensate for any loss of gross floor area required to comply with the foregoing height limitation. The special permit shall allow the minimum additional height necessary to compensate for the lost gross floor area.

11.407 HOUSING BONUS

11.407.1 Additional Gross Floor Area - Housing Incentive District. The permitted gross floor area on any lot or lots in the Housing Incentive District of the East Cambridge Overlay District may as of right be increased in the case of new construction and/or the conversion of an existing structure where the lot will be used entirely for residential purposes, excluding hotels and motels, provided, however, (a) that, in the IA-1 subdistrict, the maximum ratio of the maximum ratio of floor area to lot area shall not exceed 1.75 and the dimensional controls otherwise applicable to a Residential C-2B District shall apply*, and (b) that,

* Informational Note: C-2B dimensions limit height to 45 feet, require 600 square feet per dwelling unit, 15% usable open space, front and rear yards of $\frac{H+L}{4}$, side yards of $\frac{H+L}{5}$, and 15% usable open space.

in the C-1 subdistrict, the maximum ratio of floor area to lot area shall not exceed 1.25, and the dimensional controls otherwise applicable to a Residential C-2A District shall apply.

11.407.2 Additional Gross Floor Area - Industrial A-1 and Business A-1 Districts in the East Cambridge Overlay District. By special permit from the Planning Board the permitted height and gross floor area on any lot or lots in the Industrial A-1 and Business A-1 Districts in the East Cambridge Overlay District may be increased as provided below:

- a. In the Industrial A-1 District not included in the Housing Incentive District, a special permit shall be granted to increase the height to sixty (60) feet and the maximum ratio of floor area to lot area ("FAR") to 1.75 if the applicant seeks either of the following:
 - (1) for every square foot of a permitted use in excess of a 1.25 FAR up to a 1.5 FAR, the applicant shall build a square foot for residential use, excluding hotels and motels, however, the incremental additional square footage so provided shall not cause the total FAR of the building to exceed 1.75; or
 - (2) an applicant for a special permit who seeks to build square footage in excess of 1.25 FAR which will not be used for residential purposes shall make a monetary contribution in the amount of \$10.00 for every square foot of gross floor area by which the project exceeds a 1.25 FAR.
- b. In a Business A-1 District a special permit shall be granted for the construction of additional height not to exceed sixty (60) feet and additional square footage in excess of a 1.0 FAR up to a maximum FAR of 1.75, provided that for every 2 square feet by which a non-residential use, including hotels and motels, exceeds the base 1.0 FAR, the applicant shall:
 - (1) build 1 square foot for residential purposes, excluding hotels and motels; or

- (2) making a monetary contribution in the amount of \$10.00 for every square foot of gross floor area by which the project exceeds an FAR of 1.25.
- c. The housing to be constructed under this Section 11.407 may be constructed on the lot which is the subject of the special permit or on any other lot within East Cambridge.
 - d. Construction of all required housing development or the payment of the Incentive Zoning Contribution shall be completed before issuance of any occupancy permit for the non-residential development exceeding the FAR limit permitted in the base district.
 - e.
 - (1) A minimum of seven and one-half (7-1/2%) 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.
 - (2) An additional seven and one-half (7-1/2%) 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 further obligations to the City of Cambridge.

11.407.3 Incentive Zoning Provisions. All non-residential development authorized by Special Permit for (a) additional FAR or (b) transfer of development rights shall be subject to the provisions of the incentive zoning requirements of Section 11.200. Compliance with the contribution requirements of Section 11.203 may be offset against the requirements of Section 11.407, such that the contributions are not cumulative.

- 11.407.4 Application of Incentive Zoning Contributions in East Cambridge. Any monetary contributions generated under this Section 11.407 in excess of the amounts paid pursuant to Section 11.200 shall be paid over to the Treasurer to be held as a separate account in the name of the East Cambridge Neighborhood Trust. Funds from this account, including both principal and interest, shall be appropriated from time to time for the acquisition and improvement of public schools, parks, housing and/or facilities in East Cambridge. The East Cambridge Stabilization Committee shall submit an annual report to the City Council recommending projects for appropriations from the trust account.
- 11.408 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.
- 11.409 CONSTRUCTION MANAGEMENT PROGRAM. Any applicant for a special permit shall submit a construction management program, detailing the construction period impacts and a program for their mitigation as detailed in Article 18.000.
- 11.410 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS. A special permit will normally be granted pursuant to Section 11.407.2 in accordance with the criteria of Section 10.43, provided that the Planning Board also finds that:
- a. 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
 - b. 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 at Article 13.40, PUD 3 District: Development Controls as follows:

Repeal Section 13.40 and substitute in its place new Section 13.40 as follows:

- 13.40 PUD-3 DISTRICT: DEVELOPMENT CONTROLS
- 13.41 PURPOSE. The PUD-3 district is intended to provide for the creation of a quality general and technical office uses, which permits larger scale development and supporting commercial activities and which encourages strong linkages between new development at Kendall Square and along the East Cambridge riverfront.
- 13.42 USES ALLOWED IN A PUD-3 DISTRICT. The uses listed in this Section 13.42, alone or in combination with each other, shall be allowed upon permission of the Planning Board.
- 13.42.1 Residential Uses.
- (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-3 district.
 - (2) Multi-family dwellings.
 - (3) Hotels or motels.
- 13.42.2 Transportation, Communication, Utility Uses 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.
- 13.42.3 Office and Laboratory Uses. All uses listed in Section 4.34.
- 13.42.4 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 use.

- (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.

13.42.5 Other Uses. Any use not listed in Subsection 13.42.1 - 13.42.5 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-3 district and is necessary to support the predominant uses in the district.

13.43 DISTRICT DIMENSIONAL REGULATIONS.

- 13.43.1 The maximum ratio of floor area of the development parcel shall be 3.0. A portion or portions of the existing or former Broad Canal, without reference to ownership, may be counted in calculating the area of the development parcel. Each portion so counted shall be included in computing the development parcel area for one planned unit development.
- 13.43.2 The minimum size of the development parcel for PUD shall be two (2) acres. A development parcel within the PUD-3 may contain non-contiguous 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.
- 13.43.4 For the purpose of computing residential density, the minimum lot size for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire development parcel.
- 13.43.4 There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. There shall be no other minimum required front, rear and side yard requirements for a development parcel, or for lots

located within a development parcel. The Planning Board shall approve all such building setbacks. Any buildings on a parcel abutting the Broad Canal should be set back or so designed as to provide a pedestrian pathway along the canal's edge.

13.44 HEIGHT.

13.44.1 In the area between Binney Street and Doc Linsky Way, no building shall exceed 120 feet in height. Elsewhere in the PUD, the maximum heights of any building shall be 230 feet, except as modified in Section 13.44.2.

13.44.2 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 heights 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 eight (180) feet in height, but no more than two hundred 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 13.44.2, 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. Lower buildings, or building elements, are encouraged closer to Binney Street, while taller buildings, or building elements, are encouraged closer to Kendall Square.

13.44.3 In evaluating a Development Proposal providing building height in excess of one hundred twenty (120) 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 to a significantly greater extent than if the building height did not exceed one hundred twenty (120) feet;

- (b) that increased height would mitigate detrimental environmental impacts, such as excessive ground coverages, diminution of open space, and monotonous development;
- (c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristic of the particular location through more harmonious relationships to the terrain and to the proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building;
- (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.

- 13.45 USABLE OPEN SPACE. The minimum ratio of usable open space to the total area of the development parcel, as defined in Article 2.000 and Section 5.22 shall be twenty (20) percent, except as modified below.
- 13.45.1 The Planning Board may reduce the usable open space requirement if the development is located adjacent to a public open space and if the development is physically and functionally integrated with the open space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors.
- 13.45.2 Usable open space shall include parks, plazas, landscaped areas open to the sky, playground, balconies, roofs developed for recreational or leisure usage, and pedestrian ways, such as bridges, decks, arcades, loggias, and galleries, as specified by the Planning Board.
- 13.46 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. Developments in the PUD-3 districts should provide integrated pedestrian circulation

systems, particularly strong linkages between the riverfront and Kendall Square.

13.47 PARKING AND LOADING REQUIREMENTS. Development of the PUD-3 district shall conform to the off-street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.47.

13.47.1 Minimum Parking Requirement.

(a) The minimum parking requirement for residential uses, Section 4.31 a-h, shall be one parking space for each dwelling unit.

(b) The minimum parking requirement for all non-residential uses shall be either (i) one parking space for each 2,000 square feet of gross floor area or (ii) one parking space for each 6,000 square feet of gross floor area, provided that the Director of the Traffic and Parking Department finds that sufficient parking mitigation and diversion measures have been planned to permit such a reduction in parking, including, for example, participation in a transportation management organization and subsidies for mass transit.

13.47.2 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 4.321 a-h (Residential Uses), there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permits, notwithstanding 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 13.47.2, 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.

13.47.3 No special permit shall be issued in a PUD-3 district which permits the total number of parking spaces on a lot to exceed that permitted in this Section 13.47 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 times 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 exceed 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 13.47.3.

13.48 RELATED SUPPLEMENTAL REQUIREMENTS.

- 13.48.1 Incentive Zoning Requirement. All non-residential development authorized shall be subject to the incentive zoning requirements of Section 11.200. The Board of Trustees of the Affordable Housing Trust specified in Section 11.200 shall give preference when dispersing Affordable Housing Trust Funds generated under this Section 13.48.1 to East Cambridge projects. The East Cambridge Stabilization Committee or its successor shall submit an annual report to the Board of Trustees recommending projects for appropriation from the trust account.
- 13.48.2 Traffic Mitigation Requirements. A traffic mitigation plan shall be required as a condition of approval of any Final Development Plan in the PUD-3 district, as outlined in Article 18.000.
- 13.48.3 Construction Management Program. The application shall submit a construction management program detailing the construction period impacts and a program for their mitigation, as outlined in Article 18.000.

D. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Article 18.00 as follows:

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 Computer 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.

E. Amend the Text of the Zoning Ordinance of the City of Cambridge in Section 10.48 and 11.202 add the following after the last line in the list.

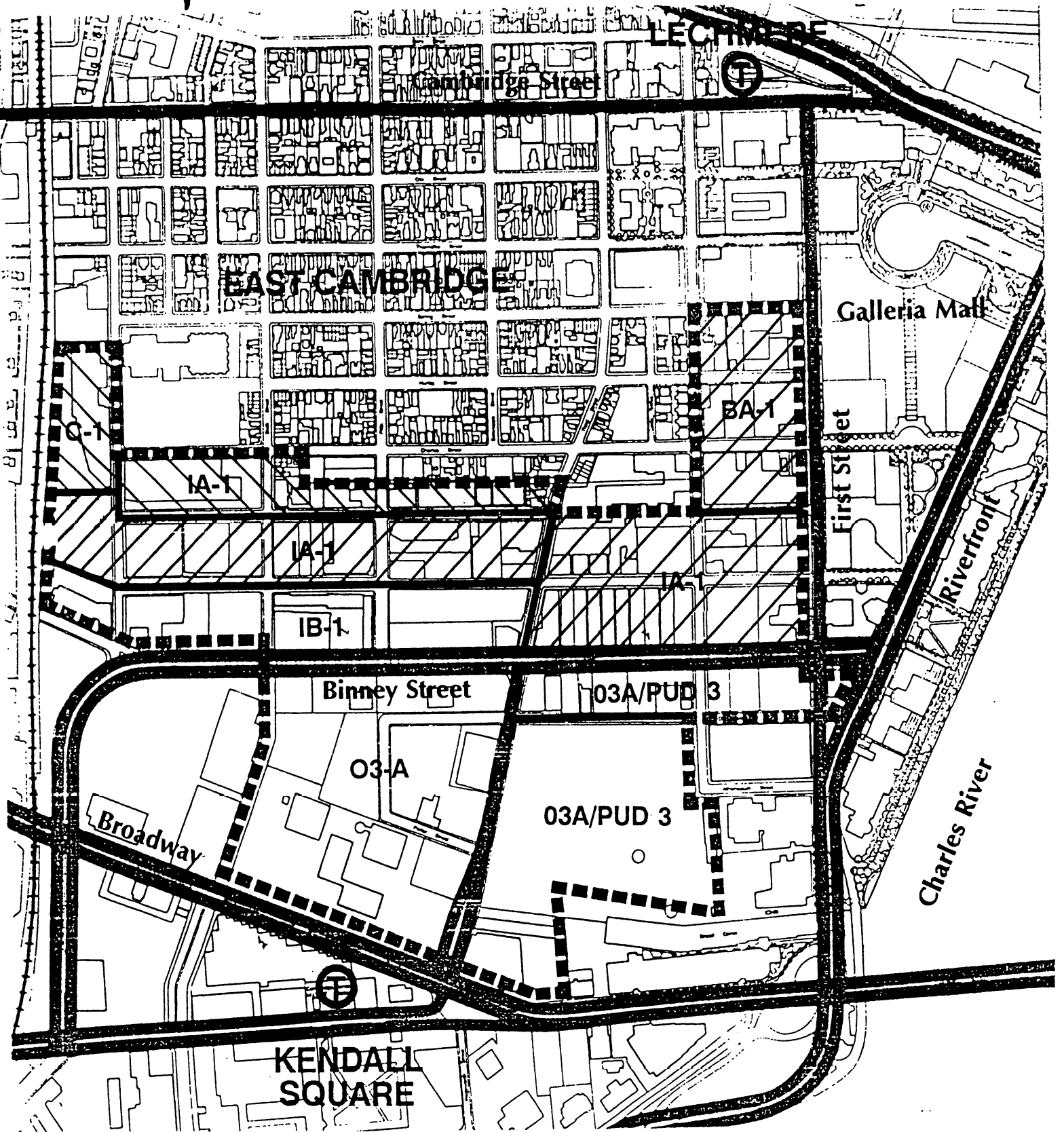
Section 11.405.4 Transfer of Development Rights, East
Cambridge Overlay District

Section 11.406.21 Additional Gross Floor Area, East
Cambridge Overlay District

F. Amend the Text of the Zoning Ordinance of the City of Cambridge by adding the following at the end of §12.32:

and, as to Planned Unit Developments in the East Cambridge Overlay District, the East Cambridge Advisory Committee.

/6309W

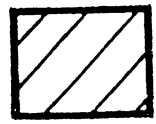


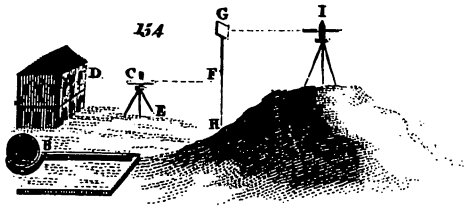
The Compromise Plan

Housing Incentive District



Incentive Overlay District





Christopher Chadbourne and Associates
Urban Design Architecture Exhibit Design
Heritage Resource Development and Management
26 Whittier Street, Cambridge, Massachusetts 02140

10 October 1991

Honorable Frank Duehay, Chairman
City Council Ordinance Committee
Cambridge City Hall
Cambridge, MA 02138

Honorable Frank Duehay and Members of the Ordinance Committee:

My name is Chris Chadbourne and I served as Chairman of the IPOD Steering Committee for East Cambridge for approximately a year and a half until we voluntarily disbanded some months ago. I am also a planner by profession and I apologize for not being with you today, but I am in Savannah, Georgia presenting this evening to their City Council a major package of zoning changes, development incentives, and design guidelines for their downtown commercial core, center city neighborhoods, and urban fringe areas.

It is not my intention to comment favorably or unfavorably on the current scheme before you. My job in this long process was not that of planner or decision maker; my job was not to evaluate the planning merits per se of the proposals, but to see if some common ground could be reached. We came close but we did not reach that consensus. We several times had the community and four of the six developers on the committee in agreement, but we never quite could get over the hump.

What I want to do today is put the proposal now before you in some perspective. At the beginning of our planning projects I often lay out what we call Alternative Development Scenarios. These represent various public policy objectives. To help cities decide which objectives they value we often develop these scenarios to the point where the consequences of each can be seen. Cities then most often try to combine the objectives of several scenarios into a preferred development plan.

I would describe the scheme that the neighborhood representatives first came to the table with during this IPOD process as a Neighborhood Stabilization/Density Reduction scenario. Citywide economic development was not part of its objectives package. This plan represents the other end of the spectrum. It is a Maximize Development Potential and Tax Benefit package. It goes further in this regard than any scheme previously brought to the table by the development community during the year and a half of the Steering Committee's existence. Between these two ends of the spectrum lies a whole range of compromise solutions, one of which was the proposal previously before you. Without advocating that proposal because I think, while essentially reasonable, it left a set of planning and equity issues unresolved, let me point out the differences between the two proposals:

- (1) In this proposal, every developer but two either keeps the density they have today or gets upzoned -- not downzoned, upzoned. In fact, if the development community exercises the full commercial buyout provisions of this proposal not only will East Cambridge not decrease in density, it will increase by 100,000 square feet.
- (2) The housing obligation that the community thought they had received for negotiated increases in density has been eliminated and despite that the potential for commercial density has gone upward by another 1.7 million square feet.
- (3) In lieu of housing construction there is proposed instead a general cash obligation for community usage for densities rising above a certain base level -- a self-imposed impact fee if you will. This is an intriguing counterproposal and one the general community should consider seriously. It is worth noting on some properties that this purchase of floor area exceeds even the currently zoned density levels. In essence, then, developers can purchase a FAR foot for \$10. During deliberations in the Steering Committee, the developers were in disagreement only about whether land values per FAR foot were worth \$20 or \$30. \$10 per FAR foot in East Cambridge is a very good investment.
- (4) The two primary landholders, namely ComEnergy and the Athenaeum Group are excused in whole or part from even this community obligation under the terms of this proposal. I am reminded of the Athenaeum Group's chastising of ComEnergy on several occasions during our deliberations about the need to accept the reality of compromise and lower densities, about being part of a community process. Under this proposal ComEnergy is exempted from everything but the parking provisions of the legislation, the Athenaeum Group is significantly upzoned.
- (5) Finally, the design guidelines and review processes that the community had been granted in deliberations are now severely curtailed or in some cases eliminated.

In sum, this is not a compromise plan. That does not mean that it is without merit. It deserves consideration. There is no doubt in my mind that the ComEnergy site is one of the prime development sites in the region. If in a time of receding revenues the Council's objectives are increasingly geared toward future gap reduction, then this scheme is consistent with that policy. Contrarily the scheme is inconsistent with the stated Council objectives when the IPOD was put in place and it raises its own set of planning, traffic and equity issues.

Thank you for your time. Good luck with your deliberations.

Sincerely,



Christopher Chadbourne, AIA



OFFICE OF THE CITY CLERK

CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139

JOSEPH E. CONNARTON
CITY CLERK

(617) 349-4260

JOHN E. FLYNN
DEPUTY CITY CLERK

September 26, 1991

To Whom It May Concern:

Enclosed you will find a copy of a hearing scheduled before the Committee on Ordinances for Thursday, October 10, 1991 at 3:00 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Commonwealth Energy, et al to amend the Zoning Map and the Zoning Ordinances of the City of Cambridge. This petition would rezone the area of East Cambridge generally south of Charles Street to Broadway, (not including the MXD District), and from the Railroad tracks to First Street, including a section of First Street to Second Street between Spring Street and Doc Linsky Way.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Joseph E. Connarton
City Clerk

JEC/dl

Enc. (1)

PUBLIC NOTICE
RELATIVE TO ZONING.
City of Cambridge

MASSACHUSETTS

Office of the City Clerk

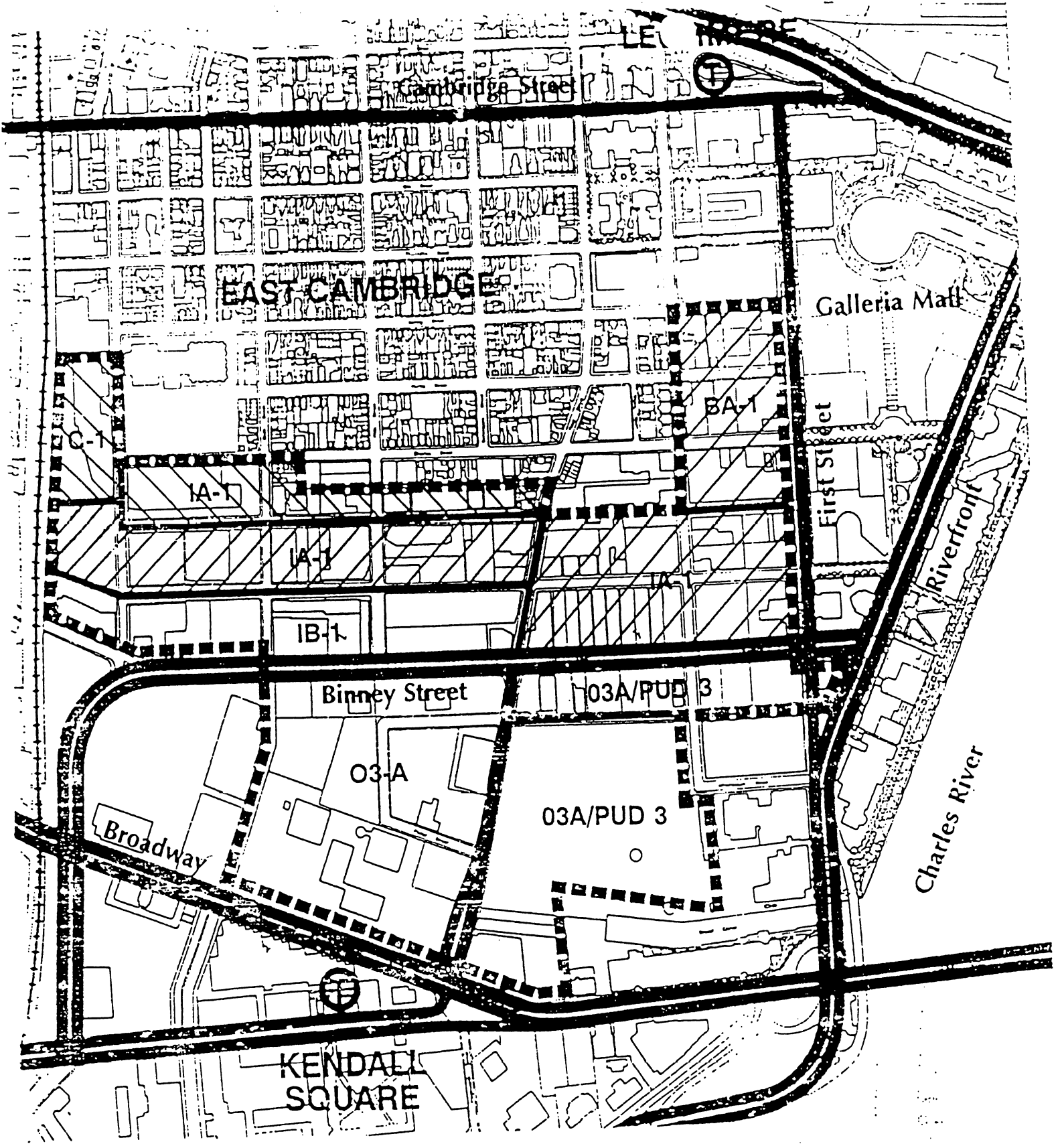
Notice is hereby given that in accordance with the provisions of Chapter 40A, Section 5 of the General Laws, Tercentenary Edition and amendments thereto, that the Committee on Ordinances, comprised of the entire membership of the City Council will hold a public hearing on Thursday, October 10, 1991 at 3:00 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Commonwealth Energy, et al to amend the zoning Map and the Zoning Ordinance of the City of Cambridge. This petition would rezone the area of East Cambridge generally south of Charles Street to Broadway, (not including the MXD District), and from the Railroad tracks to First Street, including a section of First to Second Streets between Spring Street and Doc Linsky Way, all as shown on the accompanying map. The petition would create two new zoning districts: a Housing Incentive District which would increase the amount of allowable floor area and height if the development were to be housing and an Incentive Overlay District which would increase the maximum amount of floor area and height if the development follows specific design guidelines. This area to be rezoned was encompassed by the former East Cambridge Interim Planning Overlay District.

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,

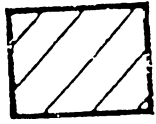
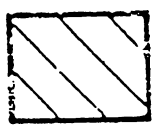
Councillor Francis H. Duehay,
Chairman



The CommEnergy, et al Petition (9/91)

Housing Incentive District

Incentive Overlay District



PUBLIC NOTICE
RELATIVE TO ZONING.
City of Cambridge

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 Thursday, October 10, 1991 at 3:00 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Commonwealth Energy, et al to amend the zoning Map and the Zoning Ordinance of the City of Cambridge. This petition would rezone the area of East Cambridge generally south of Charles Street to Broadway, (not including the MXD District), and from the Railroad tracks to First Street, including a section of First to Second Streets between Spring Street and Doc Linsky Way, all as shown on the accompanying map. The petition would create two new zoning districts: a Housing Incentive District which would increase the amount of allowable floor area and height if the development were to be housing and an Incentive Overlay District which would increase the maximum amount of floor area and height if the development follows specific design guidelines. This area to be rezoned was encompassed by the former East Cambridge Interim Planning Overlay District.

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,

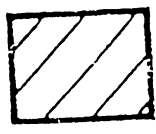
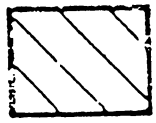
Councillor Francis H. Duehay,
Chairman



The CommEnergy, et al Petition (9/91)

Housing Incentive District

Incentive Overlay District



PUBLIC NOTICE
RELATIVE TO ZONING.
City of Cambridge

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 Thursday, October 10, 1991 at 3:00 p. m. in the Sullivan Chamber, City Hall, Cambridge, Massachusetts on a petition by Commonwealth Energy, et al to amend the zoning Map and the Zoning Ordinance of the City of Cambridge. This petition would rezone the area of East Cambridge generally south of Charles Street to Broadway, (not including the MXD District), and from the Railroad tracks to First Street, including a section of First to Second Streets between Spring Street and Doc Linsky Way, all as shown on the accompanying map. The petition would create two new zoning districts: a Housing Incentive District which would increase the amount of allowable floor area and height if the development were to be housing and an Incentive Overlay District which would increase the maximum amount of floor area and height if the development follows specific design guidelines. This area to be rezoned was encompassed by the former East Cambridge Interim Planning Overlay District.

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,

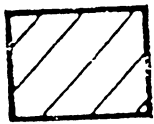
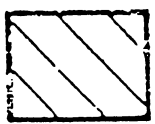
Councillor Francis H. Duehay,
Chairman



The CommEnergy, et al Petition (9/91)

Housing Incentive District

Incentive Overlay District



CITY OF CAMBRIDGE, MASSACHUSETTS
PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF PUBLIC HEARING

The Planning Board of the City of Cambridge will hold a public hearing on Tuesday, October 1, 1991, at 7:30 p.m. at the Community Development Conference Room, third floor, City Hall Annex, 57 Inman Street, Cambridge, Massachusetts on a Zoning Petition by Commonwealth Energy, et al to amend the Zoning Map and the Zoning Ordinance of the City of Cambridge. This petition would rezone the area of East Cambridge generally south of Charles Street to Broadway, (not including the MXD District), and from the Railroad tracks to First Street, including a section of First to Second Streets between Spring Street and Doc Linsky Way, all as shown on the accompanying map. The petition would create two new zoning districts: a Housing Incentive District which would increase the amount of allowable floor area and height if the development were to be housing and an Incentive Overlay District which would increase the maximum amount of floor area and height if the development follows specific design guidelines. This area to be rezoned was encompassed by the former East Cambridge Interim Planning Overlay District.

Copies of this petition are on file in the Office of the City Clerk, City Hall, Cambridge, Massachusetts. Questions concerning the petition may be addressed to Lester Barber or Liza Malenfant at 349-4600.

10/10/91

4 P.M. Herman Pet.

3 P.M. Com/Energy

also found in...

JUL 29 11 3 21

Cambridge, Massachusetts
July 10, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption the proposed amendment, and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.


Owner of the premises located at
See Attached Schedule A

Michael P. Sullivan
Vice President, Secretary and General
Attorney

SCHEDULE A

COMMONWEALTH ENERGY SYSTEM

**Cambridge Land Holdings Impacted
by the
Proposed Zoning Petition**

Land parcels located within the Proposed Zoning Petition Area.

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

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

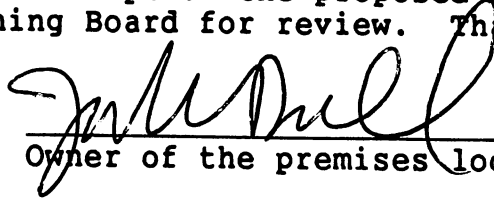
<u>Address</u>	<u>Owner</u>	<u>Square Ft.</u>
273 First Street	Cambridge Electric Light Co.	168,000
364R Third Street	Cambridge Electric Light Co.	84,784
One Main Street	Darvel Realty Trust	68,520
101 Main Street	Darvel Realty Trust	83,904
209 Otis Street	Cambridge Electric Light Co.	<u>13,899</u>
SUBTOTAL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

TOTAL AFFECTED LAND HOLDINGS **972,952**

Cambridge, Massachusetts
July 15, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption the proposed amendment, and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.



Owner of the premises located at

111 Sixth Street, Cambridge,
Massachusetts comprised of the
entire block bounded by
Sixth, Charles, Fulkerson and
Bent Streets
Joseph O'Donnell

Cambridge, Massachusetts
July 17, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption the proposed amendment, and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.

Albert W. Brown Trustee

Owner of the premises located at
Binney & Fulkerson Streets

Albert W. Brown, Trustee
Canal Realty Trust
303 Binney Street
Cambridge, MA 02142

- 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 B-1 to Industry A-1 an area of land circumscribed by a line, said line beginning at a point at the intersection of the centerlines of Bent Street and Fulkerson Street;
 - 1.1 Thence proceeding westerly approximately 280 feet along a course extending the centerline of Bent Street to the easterly sideline of the Boston and Albany railroad tracks;
 - 1.2 Thence turning and proceeding southerly along the easterly sideline of the Boston and Albany Railroad Tracks 40 feet;
 - 1.3 Thence turning and proceeding southeasterly along a straight line parallel to Binney Street approximately 360 feet to the intersection of the easterly sideline of Fulkerson Street and the northerly sideline of Rogers Street;
 - 1.4 Thence turning and proceeding easterly along the northerly sideline of Rogers Street to the centerline of Third Street for a distance of approximately 1,650 feet;
 - 1.5 Thence turning and proceeding northeasterly along the centerline of Third Street to the intersection with the centerline of Bent Street, a distance of approximately 265 feet;
 - 1.6 Thence turning and proceeding westerly along the centerline of Bent Street back to the point of beginning, approximately 1,700 feet.

- 2.0 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;
- 2.1 Thence running southerly along the centerline of Second Street to the centerline of Bent Street approximately 750 feet;
- 2.2 Thence turning and proceeding easterly along the centerline of Bent Street to the centerline of First Street approximately 450 feet;
- 2.3 Thence turning and running northerly along the centerline of First Street to the centerline of Spring Street approximately 750 feet;
- 2.4 Thence turning and proceeding westerly along the centerline of Spring Street to the point of beginning.

- 3.0 Amend the Zoning Map of the City of Cambridge by creating the East Cambridge Overlay District, an area of land circumscribed by a line, said line beginning at the intersection of the centerlines of Spring Street and First Street;
- 3.1 Thence proceeding westerly along the centerline of Spring Street approximately 450 feet to the centerline of Second Street;
- 3.2 Thence turning and proceeding southerly along the centerline of Second Street approximately 750 feet to the intersection of said centerline and the centerline of Bent Street;
- 3.3 Thence turning and proceeding westerly approximately 580 feet to the intersection of the centerlines of Bent Street and Third Street;
- 3.4 Thence turning and proceeding northerly along the centerline of Third Street approximately 135 feet to a point on the centerline of Third Street;
- 3.5 Thence continuing westerly along a line parallel to and approximately 125 feet equidistant from the centerline of Bent Street running approximately 1,000 feet to a point on said line;
- 3.6 Thence turning and proceeding northerly along a line parallel to and equidistant from the centerline of Sixth Street approximately 125 feet to the centerline of Charles Street;
- 3.7 Thence turning and proceeding westerly approximately 750 feet to the intersection of the centerlines of Fulkerson and Charles Streets;
- 3.8 Thence turning and proceeding northerly along the centerline of Fulkerson Street 440 feet;
- 3.9 Thence turning and proceeding westerly along the line perpendicular to the centerline of Fulkerson Street 260 feet to the Boston and Albany Railroad tracks;
- 3.10 Thence turning and proceeding southerly by the line of the Boston and Albany Railroad tracks approximately 1,050 feet to the centerline of Binney Street;

- 3.11 Thence turning and proceeding southeasterly along the centerline of Binney Street approximately 450 feet;
- 3.12 Thence turning and proceeding easterly along the centerline of Binney Street approximately 470 feet to the intersection of the centerlines of Binney and Sixth Streets;
- 3.13 Thence turning and proceeding southerly along the centerline of the pedestrian way (which extends from the southerly end of Sixth Street to Broadway) approximately 875 feet to its intersection with the centerline of Broadway;
- 3.14 Thence turning and proceeding southeasterly along the centerline of Broadway approximately 1300 feet to its intersection with the centerline of Main Street;
- 3.15 Thence turning and proceeding easterly along the centerline of Main Street 200 feet to a point;
- 3.16 Thence turning and proceeding northeasterly on a line perpendicular to the centerline of Main Street 410 feet to a point;
- 3.17 Thence turning and proceeding southeasterly in a straight line 650 feet to a point at the intersection of said line and the northerly sideline of the Broad Canal;
- 3.18 Thence turning and proceeding northerly by a line parallel to the centerline of First Street, approximately 480 feet to the centerline of Athenaeum Street;
- 3.19 Thence turning and proceeding northwesterly along the centerline of Athenaeum Street 75 feet to its intersection with the centerline of Second Street;
- 3.20 Thence turning and proceeding northeasterly along the centerline of Second Street 250 feet to its intersection with the centerline of Doc Linsky Way;
- 3.21 Thence turning and proceeding easterly along the centerline of Doc Linsky Way approximately 600 feet to the intersection of the centerlines of Doc Linsky Way and Commercial Avenue;

- 3.22 Thence turning and proceeding northeasterly along the centerline of Commercial Avenue approximately 280 feet to the intersection of the centerlines of Binney Street and Commercial Avenue;
- 3.23 Thence turning and proceeding westerly along the centerline of Binney Street approximately 250 feet to the intersection of the centerlines of Binney and First Streets;
- 3.24 Thence turning and proceeding northerly along the centerline of First Street approximately 1,000 feet to the intersection of the centerlines of First Street and Spring Street.

- 4.0 Amend the Zoning Map of the City of Cambridge by creating a housing incentive district within the East Cambridge Overlay District, an area of land within:
- 4.1 that portion of the Industrial A-1 Zone in East Cambridge bounded on the south by Bent Street, on the west by Fulkerson Street, on the north by the existing northerly boundary of the Industrial A-1 Zone and on the east by Third Street, and
- 4.2 that portion of the Residential C-1 Zone in East Cambridge bounded on the east by the centerline of Fulkerson Street; on the south by a line parallel to and 125 feet north of the westerly extension of the centerline of Bent Street past the centerline of Fulkerson Street to the Boston and Albany Railroad tracks; on the west by said tracks; and on the north by a line beginning at a point on the centerline of Fulkerson Street 60 feet south of the intersection of the centerlines of Fulkerson and Spring Streets, thence proceeding westerly, perpendicular to Fulkerson Street to said railway tracks.
- 4.3 Within the housing incentive district, the areas described in Sections 4.1 and 4.2 shall be known as the I-A1 subdistrict and the C-1 subdistrict respectively.

- 5.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industrial A-1 and Industrial B-1 to Office 3-A and Planned Unit Development 3 an area of land circumscribed by a line, said line beginning at the intersection of the centerline of Third Street and the centerline of Binney Street;
- 5.1 Thence running southerly along the centerline of Third Street to the centerline of Doc Linsky Way approximately 225 feet;
- 5.2 Thence turning and proceeding easterly along the centerline of Doc Linsky Way approximately 1200 feet to the centerline of First Street;
- 5.3 Thence turning and proceeding northerly along the centerline of First Street approximately 240 feet to the centerline of Binney Street;
- 5.4 Thence turning and proceeding westerly along the centerline of Binney Street approximately 1,170 feet to the point of beginning.

PROPOSED ARTICLE 11.400
EAST CAMBRIDGE OVERLAY DISTRICT

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

11.400 East Cambridge Overlay District

11.401 ESTABLISHMENT AND SCOPE. There is hereby established the East Cambridge Overlay District, 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 Waterfront 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.

11.403 APPLICABILITY. The East Cambridge Overlay District shall be an Overlay District on the Zoning Map established by Section 3.20 (Zoning Map).

11.403.1 The use of land within said district 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.

11.403.2 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 by the Cambridge Historical Commission. However, a building shall no longer be considered a contributing building as defined in this Subsection 11.403b 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.

11.403.3 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 fulfill the following purposes.

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

b. Responsibilities. The Committee shall undertake all Large East Cambridge Project reviews and shall receive all applications for variances and special permits for activities within the East

Cambridge Overlay District 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. As used in this Section 11.400, Large East Cambridge Projects ("LECP") shall mean any of the following types of development occurring within the East Cambridge Overlay District:

- (1) Construction of any new building with a gross floor area greater than 30,000 square feet;
- (2) Alteration of any existing building with a gross floor area greater than 30,000 square feet in such a manner as to increase its gross floor area by more than 25%;
- (3) Any combination of new construction and alteration of an existing building or buildings which shall result in a building or combination of buildings on a lot with a gross floor area greater than 40,000 square feet; or
- (4) Any new construction and/or conversion of an existing building in the Housing Incentive District which (a) will have a total gross floor area in excess of 5,000 square feet, and (b) will exceed a 1.25 maximum ratio of floor area to lot area in the IA-1 subdistrict or a .75 ratio in the C-1 subdistrict.

d. Procedures.

- (1) Within the six (6) months preceding any application for (1) a building permit for any project subject to a LECP review or (2) a special permit or variance for any project within the East Cambridge Overlay District, the applicant shall submit the graphic and other material required in Section 11.45 - Large Project Submittal Requirements to the East Cambridge Advisory Committee for their review and comment. As to any LECP filed as a PUD, these procedures shall not apply. Instead, the East Cambridge Advisory Committee shall serve as a review authority in accordance with the PUD review procedures of Article 12.

- (2) Within thirty (30) days from 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 special permit or variance.
 - (5) It is expected that, in making decisions regarding special permits and variances within the Overlay District, 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 District.
- a. One member having recognized qualifications as architect or landscape architect who shall also serve as chair of the Committee.
 - b. Three (3) members representing the business community in the East Cambridge Overlay District.
 - 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 THE OVERLAY DISTRICT

11.405.1 Uses. The buildings and land uses within the East Cambridge Overlay District 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 4.32b (automobile parking lot or parking garage for private passenger cars) is prohibited, except in the PUD district, where such uses may be allowed by special permit by the Planning Board under Article 12.

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.

a. The minimum parking requirement for residential uses, Section 4.31a-h, shall be one parking space for each dwelling unit.

b. The minimum parking requirement for all non-residential uses shall be either (i) one parking space for each 2,000 square feet of gross floor area or (ii) one parking space for each 6,000 feet of gross floor area, provided that the Director of the Traffic and Parking Department finds that sufficient parking mitigation and diversion measures have been planned to permit such a reduction in parking including, for example, participation in a transportation management organization and subsidies for mass transit, and that such measures are made conditions of the certificate of occupancy for such non-residential uses.

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 4.31a-h (Residential Uses), there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding 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 11.405.22 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 the 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 District. 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) streets the provision of this subsection shall not apply to that street directly opposite the principal street.

11.405.4 Transfer of Development Rights.

- a. Notwithstanding the limitations imposed by the definition of lot in Article 2.000, an owner of land may transfer part or all of the permitted gross floor area on one lot (Donating Lot) to one or more other lots (Receiving Lots),
- (1) if such lots are held in common ownership at the time of the transfer;
 - (2) if all of the lots involved in the transfer are located within the East Cambridge Overlay District; and
 - (3) if the reduction in permitted gross floor area on the Donating Lot is documented by the recording of a binding legal restriction enforceable by the Receiving Lots and the City of Cambridge, which will be in effect for so long as the Receiving Lots have the benefit of and use the transfer of development rights.

This transfer of development rights may occur without regard to the FAR limitations normally applicable to the Receiving Lots, however, all other dimensional limitations applicable to the Receiving Lot(s) shall continue to apply. Any transfer of development rights may only transfer the difference in FAR between the maximum as-of-right FAR on the Donating Lot and the actual built FAR on the Donating Lot.

- b. 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 of one lot (Donating Lot) to one or more other lots (Receiving Lots) regardless of whether the lots are held in common ownership, within the East Cambridge Overlay District, without regard to the FAR limitations normally applicable to the Receiving Lots, provided however, that all other dimensional limitations applicable to the Receiving Lots shall continue to apply. In the case of the transfer of development rights under this subsection for the purpose of construction of residential development, the Planning Board may allow by special permit the exceedance of the dimensional limitations normally applicable to the Receiving Lots, provided that the total number of units or gross floor area of the Receiving Lot(s) is increased by no more than twenty percent (20%) above that which would otherwise be permitted by the base zoning applicable to the lot(s). A transfer hereunder shall also comply with Section 11.405.4(a)(3).

11.405.41 The Planning Board shall grant a special permit under this Section 11.405.4(b) if it finds the transfer will result in more desirable development in the neighborhoods of the Donating and Receiving Lots in light of one or more of the following factors:

- (1) The transfer results in a superior site development.
- (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 HEIGHT REDUCTION ADJACENT TO MUNICIPALLY OWNED PARKS AND SCHOOLS WITHIN THE EAST CAMBRIDGE OVERLAY DISTRICT. All portions of a building or any lots adjacent to or directly across a street from a municipal park or a public school exceeding a height of thirty-five (35) feet shall be set back a minimum of twenty (20) feet from the property line closest to a public park or public school. The Planning Board shall grant a special permit to exceed the height limit otherwise applicable to such a lot to compensate for any loss of gross floor area required to comply with the foregoing height limitation. The special permit shall allow the minimum additional height necessary to compensate for the lost gross floor area.

11.407 HOUSING BONUS

11.407.1 Additional Gross Floor Area - Housing Incentive District. The permitted gross floor area on any lot or lots in the Housing Incentive District of the East Cambridge Overlay District may as of right be increased in the case of new construction and/or the conversion of an existing structure where the lot will be used entirely for residential purposes, excluding hotels and motels, provided, however, (a) that, in the IA-1 subdistrict, the maximum ratio of the maximum ratio of floor area to lot area shall not exceed 1.75 and the dimensional controls otherwise applicable to a Residential C-2B District shall apply*, and (b) that,

* Informational Note: C-2B dimensions limit height to 45 feet, require 600 square feet per dwelling unit, 15% usable open space, front and rear yards of $\frac{H+L}{4}$, side yards of $\frac{H+L}{5}$, and 15% usable open space.

in the C-1 subdistrict, the maximum ratio of floor area to lot area shall not exceed 1.25, and the dimensional controls otherwise applicable to a Residential C-2A District shall apply.

11.407.2 Additional Gross Floor Area - Industrial A-1 and Business A-1 Districts in the East Cambridge Overlay District. By special permit from the Planning Board the permitted height and gross floor area on any lot or lots in the Industrial A-1 and Business A-1 Districts in the East Cambridge Overlay District may be increased as provided below:

- a. In the Industrial A-1 District not included in the Housing Incentive District, a special permit shall be granted to increase the height to sixty (60) feet and the maximum ratio of floor area to lot area ("FAR") to 1.75 if the applicant seeks either of the following:
 - (1) for every square foot of a permitted use in excess of a 1.25 FAR up to a 1.5 FAR, the applicant shall build a square foot for residential use, excluding hotels and motels, however, the incremental additional square footage so provided shall not cause the total FAR of the building to exceed 1.75; or
 - (2) an applicant for a special permit who seeks to build square footage in excess of 1.25 FAR which will not be used for residential purposes shall make a monetary contribution in the amount of \$10.00 for every square foot of gross floor area by which the project exceeds a 1.25 FAR.
- b. In a Business A-1 District a special permit shall be granted for the construction of additional height not to exceed sixty (60) feet and additional square footage in excess of a 1.0 FAR up to a maximum FAR of 1.75, provided that for every 2 square feet by which a non-residential use, including hotels and motels, exceeds the base 1.0 FAR, the applicant shall:
 - (1) build 1 square foot for residential purposes, excluding hotels and motels; or

- (2) making a monetary contribution in the amount of \$10.00 for every square foot of gross floor area by which the project exceeds an FAR of 1.25.
- c. The housing to be constructed under this Section 11.407 may be constructed on the lot which is the subject of the special permit or on any other lot within East Cambridge.
- d. Construction of all required housing development or the payment of the Incentive Zoning Contribution shall be completed before issuance of any occupancy permit for the non-residential development exceeding the FAR limit permitted in the base district.
- e. (1) A minimum of seven and one-half (7-1/2%) 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.
- (2) An additional seven and one-half (7-1/2%) 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 further obligations to the City of Cambridge.

11.407.3 Incentive Zoning Provisions. All non-residential development authorized by Special Permit for (a) additional FAR or (b) transfer of development rights shall be subject to the provisions of the incentive zoning requirements of Section 11.200. Compliance with the contribution requirements of Section 11.203 may be offset against the requirements of Section 11.407, such that the contributions are not cumulative.

11.407.4 Application of Incentive Zoning Contributions in East Cambridge. Any monetary contributions generated under this Section 11.407 in excess of the amounts paid pursuant to Section 11.200 shall be paid over to the Treasurer to be held as a separate account in the name of the East Cambridge Neighborhood Trust. Funds from this account, including both principal and interest, shall be appropriated from time to time for the acquisition and improvement of public schools, parks, housing and/or facilities in East Cambridge. The East Cambridge Stabilization Committee shall submit an annual report to the City Council recommending projects for appropriations from the trust account.

11.408 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.

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

11.410 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS. A special permit will normally be granted pursuant to Section 11.407.2 in accordance with the criteria of Section 10.43, provided that the Planning Board also finds that:

- a. 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
- b. 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 at Article 13.40, PUD 3 District: Development Controls as follows:

Repeal Section 13.40 and substitute in its place new Section 13.40 as follows:

- 13.40 PUD-3 DISTRICT: DEVELOPMENT CONTROLS
- 13.41 PURPOSE. The PUD-3 district is intended to provide for the creation of a quality general and technical office uses, which permits larger scale development and supporting commercial activities and which encourages strong linkages between new development at Kendall Square and along the East Cambridge riverfront.
- 13.42 USES ALLOWED IN A PUD-3 DISTRICT. The uses listed in this Section 13.42, alone or in combination with each other, shall be allowed upon permission of the Planning Board.
- 13.42.1 Residential Uses.
- (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-3 district.
 - (2) Multi-family dwellings.
 - (3) Hotels or motels.
- 13.42.2 Transportation, Communication, Utility Uses 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.
- 13.42.3 Office and Laboratory Uses. All uses listed in Section 4.34.
- 13.42.4 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 use.

- (b) that increased height would mitigate detrimental environmental impacts, such as excessive ground coverages, diminution of open space, and monotonous development;
- (c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristic of the particular location through more harmonious relationships to the terrain and to the proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building;
- (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.

- 13.45 USABLE OPEN SPACE. The minimum ratio of usable open space to the total area of the development parcel, as defined in Article 2.000 and Section 5.22 shall be twenty (20) percent, except as modified below.
- 13.45.1 The Planning Board may reduce the usable open space requirement if the development is located adjacent to a public open space and if the development is physically and functionally integrated with the open space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors.
- 13.45.2 Usable open space shall include parks, plazas, landscaped areas open to the sky, playground, balconies, roofs developed for recreational or leisure usage, and pedestrian ways, such as bridges, decks, arcades, loggias, and galleries, as specified by the Planning Board.
- 13.46 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. Developments in the PUD-3 districts should provide integrated pedestrian circulation

systems, particularly strong linkages between the riverfront and Kendall Square.

13.47 PARKING AND LOADING REQUIREMENTS. Development of the PUD-3 district shall conform to the off-street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.47.

13.47.1 Minimum Parking Requirement.

- (a) The minimum parking requirement for residential uses, Section 4.31 a-h, shall be one parking space for each dwelling unit.
- (b) The minimum parking requirement for all non-residential uses shall be either (i) one parking space for each 2,000 square feet of gross floor area or (ii) one parking space for each 6,000 square feet of gross floor area, provided that the Director of the Traffic and Parking Department finds that sufficient parking mitigation and diversion measures have been planned to permit such a reduction in parking, including, for example, participation in a transportation management organization and subsidies for mass transit.

13.47.2 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 4.321 a-h (Residential Uses), there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permits, notwithstanding 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 13.47.2, 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.

13.47.3 No special permit shall be issued in a PUD-3 district which permits the total number of parking spaces on a lot to exceed that permitted in this Section 13.47 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

- (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.
- 13.42.5 Other Uses. Any use not listed in Subsection 13.42.1 - 13.42.5 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-3 district and is necessary to support the predominant uses in the district.
- 13.43 DISTRICT DIMENSIONAL REGULATIONS.
- 13.43.1 The maximum ratio of floor area of the development parcel shall be 3.0. A portion or portions of the existing or former Broad Canal, without reference to ownership, may be counted in calculating the area of the development parcel. Each portion so counted shall be included in computing the development parcel area for one planned unit development.
- 13.43.2 The minimum size of the development parcel for PUD shall be two (2) acres. A development parcel within the PUD-3 may contain non-contiguous 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.
- 13.43.4 For the purpose of computing residential density, the minimum lot size for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire development parcel.
- 13.43.4 There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. There shall be no other minimum required front, rear and side yard requirements for a development parcel, or for lots

located within a development parcel. The Planning Board shall approve all such building setbacks. Any buildings on a parcel abutting the Broad Canal should be set back or so designed as to provide a pedestrian pathway along the canal's edge.

13.44 HEIGHT.

13.44.1 In the area between Binney Street and Doc Linsky Way, no building shall exceed 120 feet in height. Elsewhere in the PUD, the maximum heights of any building shall be 230 feet, except as modified in Section 13.44.2.

13.44.2 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 heights 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 eight (180) feet in height, but no more than two hundred 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 13.44.2, 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. Lower buildings, or building elements, are encouraged closer to Binney Street, while taller buildings, or building elements, are encouraged closer to Kendall Square.

13.44.3 In evaluating a Development Proposal providing building height in excess of one hundred twenty (120) 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 to a significantly greater extent than if the building height did not exceed one hundred twenty (120) feet;

established required accessory parking, not exceeding the minimum required in Article 6.000, at the times 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 exceed 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 13.47.3.

13.48 RELATED SUPPLEMENTAL REQUIREMENTS.

13.48.1 Incentive Zoning Requirement. All non-residential development authorized shall be subject to the incentive zoning requirements of Section 11.200. The Board of Trustees of the Affordable Housing Trust specified in Section 11.200 shall give preference when dispersing Affordable Housing Trust Funds generated under this Section 13.48.1 to East Cambridge projects. The East Cambridge Stabilization Committee or its successor shall submit an annual report to the Board of Trustees recommending projects for appropriation from the trust account.

13.48.2 Traffic Mitigation Requirements. A traffic mitigation plan shall be required as a condition of approval of any Final Development Plan in the PUD-3 district, as outlined in Article 18.000.

13.48.3 Construction Management Program. The application shall submit a construction management program detailing the construction period impacts and a program for their mitigation, as outlined in Article 18.000.

- D. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Article 18.00 as follows:

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 Computer 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.

- E. Amend the Text of the Zoning Ordinance of the City of Cambridge in Section 10.48 and 11.202 add the following after the last line in the list.

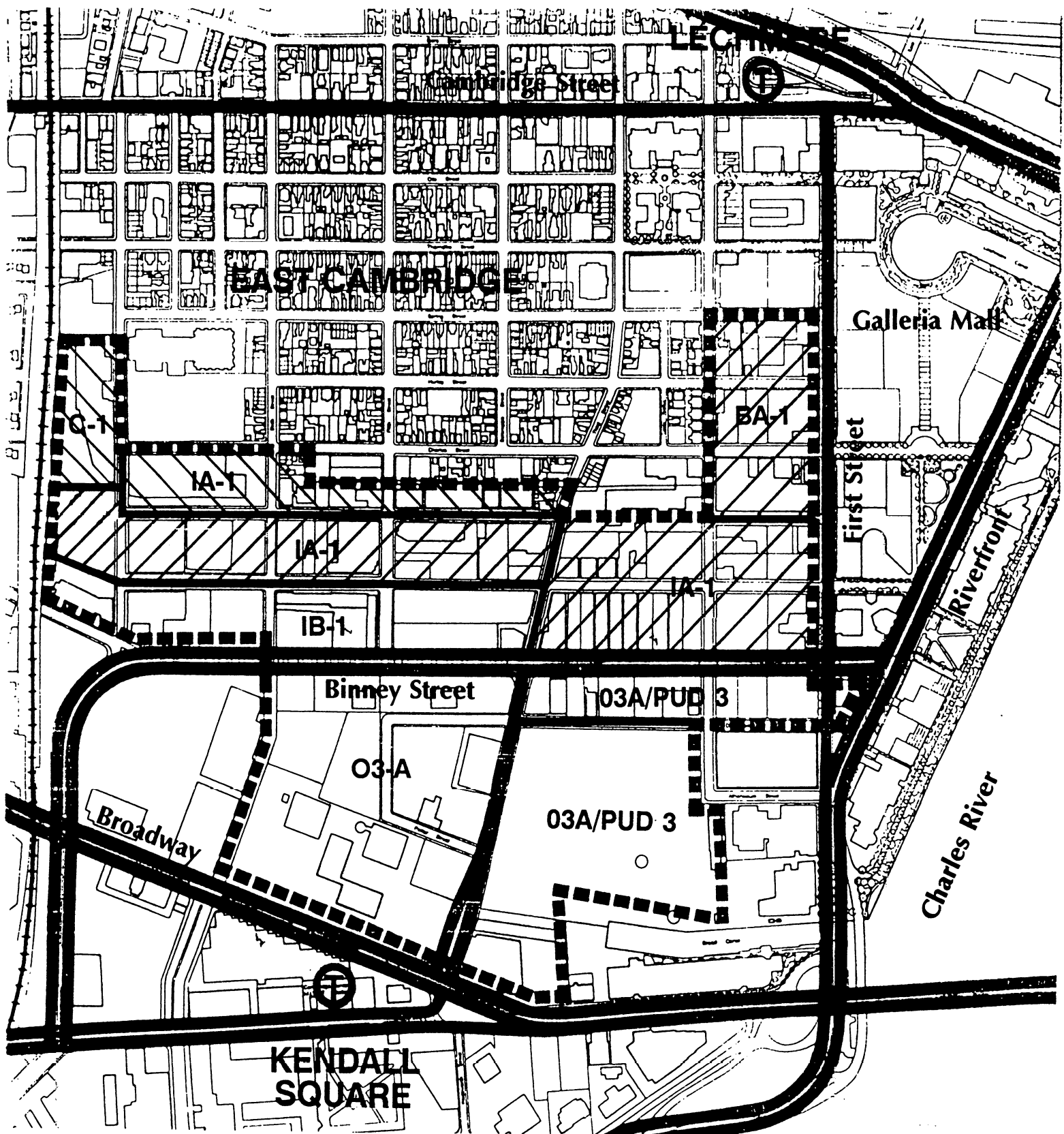
Section 11.405.4 Transfer of Development Rights, East
Cambridge Overlay District

Section 11.406.21 Additional Gross Floor Area, East
Cambridge Overlay District

F. Amend the Text of the Zoning Ordinance of the City of Cambridge by adding the following at the end of §12.32:

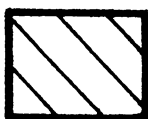
and, as to Planned Unit Developments in the East Cambridge Overlay District, the East Cambridge Advisory Committee.

/6309W

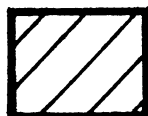


The Compromise Plan

Housing Incentive District



Incentive Overlay District



CHOATE, HALL & STEWART

EXCHANGE PLACE

53 STATE STREET

BOSTON, MASSACHUSETTS 02109

TELEPHONE (617) 227-5020

TELECOPIER (617) 227-7566

TELEX 289374

CHARLES F. CHOATE, JR.

1899-1927

JOHN L. HALL

1899-1960

RALPH A. STEWART

1904-1926

July 23, 1991

BY HAND

Mr. Joseph E. Connarton
City Clerk
City Hall
795 Massachusetts Avenue
Cambridge, MA

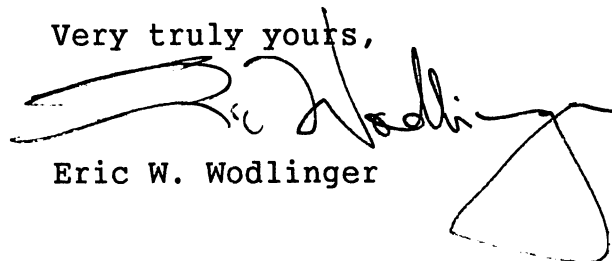
Re: East Cambridge Zoning Amendment and Petition

Dear Mr. Connarton:

Enclosed herewith please find petitions from four East Cambridge property owners together with the zoning amendment which they ask be placed before the city council pursuant to G.L.c. 40A §5. The petitioners are individuals owning land which would be affected by the zoning change incorporated in the proposed amendment. Also enclosed is a plan of East Cambridge showing the areas of the proposed zoning amendment.

Please present this proposed amendment to the zoning ordinance to the city council for their submission to the planning board for review. Thank you for your attention. Kindly notify me when the city council or the ordinance committee will conduct a public hearing on this proposed amendment.

Very truly yours,



Eric W. Wodlinger

EWV/vsb/7775W

Enclosure

cc: Paul Casey, Esq.
Charles Adams, Esq.
John Kelley
Dan O'Connell, Esq.
Albert W. Brown, Trustee

CONSENT COMM. # 35

Comm. received from Commonwealth Energy System and three other property owners in the area affected filing a petition to amend the Zoning Ordinances regarding the industrial and commercial areas in East Cambridge .

In City Council,

August 7, 1991

*Referred to the
Ordinance Committee &
Planning Board.
Copy sent to P. B. & Ord
Committee 8/12/91 (all)*

Cambridge, Massachusetts
July 10, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption the proposed amendment, and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.


Owner of the premises located at
See Attached Schedule A

Michael P. Sullivan
Vice President, Secretary and General
Attorney

SCHEDULE A

COMMONWEALTH ENERGY SYSTEM

**Cambridge Land Holdings Impacted
by the
Proposed Zoning Petition**

Land parcels located within the Proposed Zoning Petition Area.

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

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

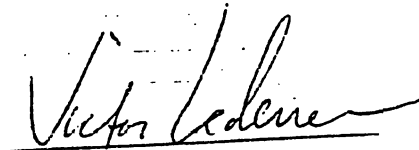
<u>Address</u>	<u>Owner</u>	<u>Square Ft.</u>
273 First Street	Cambridge Electric Light Co.	168,000
364R Third Street	Cambridge Electric Light Co.	84,784
One Main Street	Darvel Realty Trust	68,520
101 Main Street	Darvel Realty Trust	83,904
209 Otis Street	Cambridge Electric Light Co.	<u>13,899</u>
SUBTOTAL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

TOTAL AFFECTED LAND HOLDINGS 972,952

Cambridge, Massachusetts
July 12, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption of the proposed amendment and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.



Victor Lederer
Manhasset Bay Associates

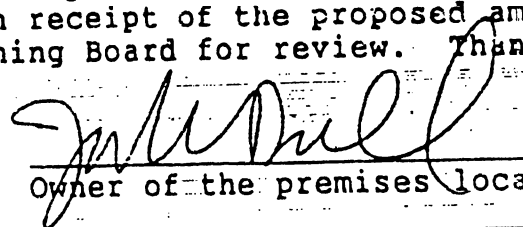
Owner of the premises located at:

301 Binney Street
Cambridge, Massachusetts

Cambridge, Massachusetts
July 15, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption the proposed amendment, and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.


Owner of the premises located at

111 Sixth Street, Cambridge,
Massachusetts comprised of the
entire block bounded by
Sixth, Charles, Fulkerson and
Bent Streets
Joseph O'Donnell

Cambridge, Massachusetts
July 17, 1991

To The Honorable City Council
of the City of Cambridge:

The undersigned respectfully petitions that the City Council adopt the amendments to the Zoning Ordinance of the City of Cambridge attached hereto which concern the industrial and commercial areas of East Cambridge in which the petitioner's property is located. As a petitioner, I am an individual owning land which would be affected by the adoption the proposed amendment, and I am filing this petition to the City Council under M.G.L. c.40A, §5. Upon receipt of the proposed amendment, kindly submit it to the Planning Board for review. Thank you for your attention.

Albert W. Brown Trustee

Owner of the premises located at
Binney & Fulkerson Streets

Albert W. Brown, Trustee
Canal Realty Trust
303 Binney Street
Cambridge, MA 02142

- 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 B-1 to Industry A-1 an area of land circumscribed by a line, said line beginning at a point at the intersection of the centerlines of Bent Street and Fulkerson Street;
 - 1.1 Thence proceeding westerly approximately 280 feet along a course extending the centerline of Bent Street to the easterly sideline of the Boston and Albany railroad tracks;
 - 1.2 Thence turning and proceeding southerly along the easterly sideline of the Boston and Albany Railroad Tracks 40 feet;
 - 1.3 Thence turning and proceeding southeasterly along a straight line parallel to Binney Street approximately 360 feet to the intersection of the easterly sideline of Fulkerson Street and the northerly sideline of Rogers Street;
 - 1.4 Thence turning and proceeding easterly along the northerly sideline of Rogers Street to the centerline of Third Street for a distance of approximately 1,650 feet;
 - 1.5 Thence turning and proceeding northeasterly along the centerline of Third Street to the intersection with the centerline of Bent Street, a distance of approximately 265 feet;
 - 1.6 Thence turning and proceeding westerly along the centerline of Bent Street back to the point of beginning, approximately 1,700 feet.

- 2.0 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;
- 2.1 Thence running southerly along the centerline of Second Street to the centerline of Bent Street approximately 750 feet;
- 2.2 Thence turning and proceeding easterly along the centerline of Bent Street to the centerline of First Street approximately 450 feet;
- 2.3 Thence turning and running northerly along the centerline of First Street to the centerline of Spring Street approximately 750 feet;
- 2.4 Thence turning and proceeding westerly along the centerline of Spring Street to the point of beginning.

- 3.0 Amend the Zoning Map of the City of Cambridge by creating the East Cambridge Overlay District, an area of land circumscribed by a line, said line beginning at the intersection of the centerlines of Spring Street and First Street;
- 3.1 Thence proceeding westerly along the centerline of Spring Street approximately 450 feet to the centerline of Second Street;
- 3.2 Thence turning and proceeding southerly along the centerline of Second Street approximately 750 feet to the intersection of said centerline and the centerline of Bent Street;
- 3.3 Thence turning and proceeding westerly approximately 580 feet to the intersection of the centerlines of Bent Street and Third Street;
- 3.4 Thence turning and proceeding northerly along the centerline of Third Street approximately 135 feet to a point on the centerline of Third Street;
- 3.5 Thence continuing westerly along a line parallel to and approximately 125 feet equidistant from the centerline of Bent Street running approximately 1,000 feet to a point on said line;
- 3.6 Thence turning and proceeding northerly along a line parallel to and equidistant from the centerline of Sixth Street approximately 125 feet to the centerline of Charles Street;
- 3.7 Thence turning and proceeding westerly approximately 750 feet to the intersection of the centerlines of Fulkerson and Charles Streets;
- 3.8 Thence turning and proceeding northerly along the centerline of Fulkerson Street 440 feet;
- 3.9 Thence turning and proceeding westerly along the line perpendicular to the centerline of Fulkerson Street 260 feet to the Boston and Albany Railroad tracks;
- 3.10 Thence turning and proceeding southerly by the line of the Boston and Albany Railroad tracks approximately 1,050 feet to the centerline of Binney Street;

- 3.11 Thence turning and proceeding southeasterly along the centerline of Binney Street approximately 450 feet;
- 3.12 Thence turning and proceeding easterly along the centerline of Binney Street approximately 470 feet to the intersection of the centerlines of Binney and Sixth Streets;
- 3.13 Thence turning and proceeding southerly along the centerline of the pedestrian way (which extends from the southerly end of Sixth Street to Broadway) approximately 875 feet to its intersection with the centerline of Broadway;
- 3.14 Thence turning and proceeding southeasterly along the centerline of Broadway approximately 1300 feet to its intersection with the centerline of Main Street;
- 3.15 Thence turning and proceeding easterly along the centerline of Main Street 200 feet to a point;
- 3.16 Thence turning and proceeding northeasterly on a line perpendicular to the centerline of Main Street 410 feet to a point;
- 3.17 Thence turning and proceeding southeasterly in a straight line 650 feet to a point at the intersection of said line and the northerly sideline of the Broad Canal;
- 3.18 Thence turning and proceeding northerly by a line parallel to the centerline of First Street, approximately 480 feet to the centerline of Athenaeum Street;
- 3.19 Thence turning and proceeding northwesterly along the centerline of Athenaeum Street 75 feet to its intersection with the centerline of Second Street;
- 3.20 Thence turning and proceeding northeasterly along the centerline of Second Street 250 feet to its intersection with the centerline of Doc Linsky Way;
- 3.21 Thence turning and proceeding easterly along the centerline of Doc Linsky Way approximately 600 feet to the intersection of the centerlines of Doc Linsky Way and Commercial Avenue;

- 3.22 Thence turning and proceeding northeasterly along the centerline of Commercial Avenue approximately 280 feet to the intersection of the centerlines of Binney Street and Commercial Avenue;
- 3.23 Thence turning and proceeding westerly along the centerline of Binney Street approximately 250 feet to the intersection of the centerlines of Binney and First Streets;
- 3.24 Thence turning and proceeding northerly along the centerline of First Street approximately 1,000 feet to the intersection of the centerlines of First Street and Spring Street.

- 4.0 Amend the Zoning Map of the City of Cambridge by creating a housing incentive district within the East Cambridge Overlay District, an area of land within:
- 4.1 that portion of the Industrial A-1 Zone in East Cambridge bounded on the south by Bent Street, on the west by Fulkerson Street, on the north by the existing northerly boundary of the Industrial A-1 Zone and on the east by Third Street, and
- 4.2 that portion of the Residential C-1 Zone in East Cambridge bounded on the east by the centerline of Fulkerson Street; on the south by a line parallel to and 125 feet north of the westerly extension of the centerline of Bent Street past the centerline of Fulkerson Street to the Boston and Albany Railroad tracks; on the west by said tracks; and on the north by a line beginning at a point on the centerline of Fulkerson Street 60 feet south of the intersection of the centerlines of Fulkerson and Spring Streets, thence proceeding westerly, perpendicular to Fulkerson Street to said railway tracks.
- 4.3 Within the housing incentive district, the areas described in Sections 4.1 and 4.2 shall be known as the I-A1 subdistrict and the C-1 subdistrict respectively.

- 5.0 Amend the Zoning Map of the City of Cambridge by rezoning from Industrial A-1 and Industrial B-1 to Office 3-A and Planned Unit Development 3 an area of land circumscribed by a line, said line beginning at the intersection of the centerline of Third Street and the centerline of Binney Street;
- 5.1 Thence running southerly along the centerline of Third Street to the centerline of Doc Linsky Way approximately 225 feet;
- 5.2 Thence turning and proceeding easterly along the centerline of Doc Linsky Way approximately 1200 feet to the centerline of First Street;
- 5.3 Thence turning and proceeding northerly along the centerline of First Street approximately 240 feet to the centerline of Binney Street;
- 5.4 Thence turning and proceeding westerly along the centerline of Binney Street approximately 1,170 feet to the point of beginning.

PROPOSED ARTICLE 11.400
EAST CAMBRIDGE OVERLAY DISTRICT

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

11.400 East Cambridge Overlay District

11.401 ESTABLISHMENT AND SCOPE. There is hereby established the East Cambridge Overlay District, 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 Waterfront 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.

11.403 APPLICABILITY. The East Cambridge Overlay District shall be an Overlay District on the Zoning Map established by Section 3.20 (Zoning Map).

11.403.1 The use of land within said district 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.

11.403.2 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 by the Cambridge Historical Commission. However, a building shall no longer be considered a contributing building as defined in this Subsection 11.403b 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.

11.403.3 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 fulfill the following purposes.

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

b. Responsibilities. The Committee shall undertake all Large East Cambridge Project reviews and shall receive all applications for variances and special permits for activities within the East

Cambridge Overlay District 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. As used in this Section 11.400, Large East Cambridge Projects ("LECP") shall mean any of the following types of development occurring within the East Cambridge Overlay District:

- (1) Construction of any new building with a gross floor area greater than 30,000 square feet;
- (2) Alteration of any existing building with a gross floor area greater than 30,000 square feet in such a manner as to increase its gross floor area by more than 25%;
- (3) Any combination of new construction and alteration of an existing building or buildings which shall result in a building or combination of buildings on a lot with a gross floor area greater than 40,000 square feet; or
- (4) Any new construction and/or conversion of an existing building in the Housing Incentive District which (a) will have a total gross floor area in excess of 5,000 square feet, and (b) will exceed a 1.25 maximum ratio of floor area to lot area in the IA-1 subdistrict or a .75 ratio in the C-1 subdistrict.

d. Procedures.

- (1) Within the six (6) months preceding any application for (1) a building permit for any project subject to a LECP review or (2) a special permit or variance for any project within the East Cambridge Overlay District, the applicant shall submit the graphic and other material required in Section 11.45 - Large Project Submittal Requirements to the East Cambridge Advisory Committee for their review and comment. As to any LECP filed as a PUD, these procedures shall not apply. Instead, the East Cambridge Advisory Committee shall serve as a review authority in accordance with the PUD review procedures of Article 12.

- (2) Within thirty (30) days from 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 special permit or variance.
 - (5) It is expected that, in making decisions regarding special permits and variances within the Overlay District, 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 District.
- a. One member having recognized qualifications as architect or landscape architect who shall also serve as chair of the Committee.
 - b. Three (3) members representing the business community in the East Cambridge Overlay District.
 - 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 THE OVERLAY DISTRICT

11.405.1 Uses. The buildings and land uses within the East Cambridge Overlay District 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 4.32b (automobile parking lot or parking garage for private passenger cars) is prohibited, except in the PUD district, where such uses may be allowed by special permit by the Planning Board under Article 12.

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.

a. The minimum parking requirement for residential uses, Section 4.31a-h, shall be one parking space for each dwelling unit.

b. The minimum parking requirement for all non-residential uses shall be either (i) one parking space for each 2,000 square feet of gross floor area or (ii) one parking space for each 6,000 feet of gross floor area, provided that the Director of the Traffic and Parking Department finds that sufficient parking mitigation and diversion measures have been planned to permit such a reduction in parking including, for example, participation in a transportation management organization and subsidies for mass transit, and that such measures are made conditions of the certificate of occupancy for such non-residential uses.

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 4.31a-h (Residential Uses), there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permitted, notwithstanding 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 11.405.22 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 the 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 District. 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) streets the provision of this subsection shall not apply to that street directly opposite the principal street.

11.405.4 Transfer of Development Rights.

- a. Notwithstanding the limitations imposed by the definition of lot in Article 2.000, an owner of land may transfer part or all of the permitted gross floor area on one lot (Donating Lot) to one or more other lots (Receiving Lots),
- (1) if such lots are held in common ownership at the time of the transfer;
 - (2) if all of the lots involved in the transfer are located within the East Cambridge Overlay District; and
 - (3) if the reduction in permitted gross floor area on the Donating Lot is documented by the recording of a binding legal restriction enforceable by the Receiving Lots and the City of Cambridge, which will be in effect for so long as the Receiving Lots have the benefit of and use the transfer of development rights.

This transfer of development rights may occur without regard to the FAR limitations normally applicable to the Receiving Lots, however, all other dimensional limitations applicable to the Receiving Lot(s) shall continue to apply. Any transfer of development rights may only transfer the difference in FAR between the maximum as-of-right FAR on the Donating Lot and the actual built FAR on the Donating Lot.

- b. 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 of one lot (Donating Lot) to one or more other lots (Receiving Lots) regardless of whether the lots are held in common ownership, within the East Cambridge Overlay District, without regard to the FAR limitations normally applicable to the Receiving Lots, provided however, that all other dimensional limitations applicable to the Receiving Lots shall continue to apply. In the case of the transfer of development rights under this subsection for the purpose of construction of residential development, the Planning Board may allow by special permit the exceedance of the dimensional limitations normally applicable to the Receiving Lots, provided that the total number of units or gross floor area of the Receiving Lot(s) is increased by no more than twenty percent (20%) above that which would otherwise be permitted by the base zoning applicable to the lot(s). A transfer hereunder shall also comply with Section 11.405.4(a)(3).

11.405.41 The Planning Board shall grant a special permit under this Section 11.405.4(b) if it finds the transfer will result in more desirable development in the neighborhoods of the Donating and Receiving Lots in light of one or more of the following factors:

- (1) The transfer results in a superior site development.
- (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 HEIGHT REDUCTION ADJACENT TO MUNICIPALLY OWNED PARKS AND SCHOOLS WITHIN THE EAST CAMBRIDGE OVERLAY DISTRICT. All portions of a building or any lots adjacent to or directly across a street from a municipal park or a public school exceeding a height of thirty-five (35) feet shall be set back a minimum of twenty (20) feet from the property line closest to a public park or public school. The Planning Board shall grant a special permit to exceed the height limit otherwise applicable to such a lot to compensate for any loss of gross floor area required to comply with the foregoing height limitation. The special permit shall allow the minimum additional height necessary to compensate for the lost gross floor area.

11.407 HOUSING BONUS

11.407.1 Additional Gross Floor Area - Housing Incentive District. The permitted gross floor area on any lot or lots in the Housing Incentive District of the East Cambridge Overlay District may as of right be increased in the case of new construction and/or the conversion of an existing structure where the lot will be used entirely for residential purposes, excluding hotels and motels, provided, however, (a) that, in the IA-1 subdistrict, the maximum ratio of the maximum ratio of floor area to lot area shall not exceed 1.75 and the dimensional controls otherwise applicable to a Residential C-2B District shall apply*, and (b) that,

* Informational Note: C-2B dimensions limit height to 45 feet, require 600 square feet per dwelling unit, 15% usable open space, front and rear yards of $\frac{H+L}{4}$, side yards of $\frac{H+L}{5}$, and 15% usable open space.

in the C-1 subdistrict, the maximum ratio of floor area to lot area shall not exceed 1.25, and the dimensional controls otherwise applicable to a Residential C-2A District shall apply.

11.407.2 Additional Gross Floor Area - Industrial A-1 and Business A-1 Districts in the East Cambridge Overlay District. By special permit from the Planning Board the permitted height and gross floor area on any lot or lots in the Industrial A-1 and Business A-1 Districts in the East Cambridge Overlay District may be increased as provided below:

- a. In the Industrial A-1 District not included in the Housing Incentive District, a special permit shall be granted to increase the height to sixty (60) feet and the maximum ratio of floor area to lot area ("FAR") to 1.75 if the applicant seeks either of the following:
 - (1) for every square foot of a permitted use in excess of a 1.25 FAR up to a 1.5 FAR, the applicant shall build a square foot for residential use, excluding hotels and motels, however, the incremental additional square footage so provided shall not cause the total FAR of the building to exceed 1.75; or
 - (2) an applicant for a special permit who seeks to build square footage in excess of 1.25 FAR which will not be used for residential purposes shall make a monetary contribution in the amount of \$10.00 for every square foot of gross floor area by which the project exceeds a 1.25 FAR.
- b. In a Business A-1 District a special permit shall be granted for the construction of additional height not to exceed sixty (60) feet and additional square footage in excess of a 1.0 FAR up to a maximum FAR of 1.75, provided that for every 2 square feet by which a non-residential use, including hotels and motels, exceeds the base 1.0 FAR, the applicant shall:
 - (1) build 1 square foot for residential purposes, excluding hotels and motels; or

- (2) making a monetary contribution in the amount of \$10.00 for every square foot of gross floor area by which the project exceeds an FAR of 1.25.
- c. The housing to be constructed under this Section 11.407 may be constructed on the lot which is the subject of the special permit or on any other lot within East Cambridge.
- d. Construction of all required housing development or the payment of the Incentive Zoning Contribution shall be completed before issuance of any occupancy permit for the non-residential development exceeding the FAR limit permitted in the base district.
- e. (1) A minimum of seven and one-half (7-1/2%) 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.
- (2) An additional seven and one-half (7-1/2%) 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 further obligations to the City of Cambridge.

11.407.3 Incentive Zoning Provisions. All non-residential development authorized by Special Permit for (a) additional FAR or (b) transfer of development rights shall be subject to the provisions of the incentive zoning requirements of Section 11.200. Compliance with the contribution requirements of Section 11.203 may be offset against the requirements of Section 11.407, such that the contributions are not cumulative.

11.407.4 Application of Incentive Zoning Contributions in East Cambridge. Any monetary contributions generated under this Section 11.407 in excess of the amounts paid pursuant to Section 11.200 shall be paid over to the Treasurer to be held as a separate account in the name of the East Cambridge Neighborhood Trust. Funds from this account, including both principal and interest, shall be appropriated from time to time for the acquisition and improvement of public schools, parks, housing and/or facilities in East Cambridge. The East Cambridge Stabilization Committee shall submit an annual report to the City Council recommending projects for appropriations from the trust account.

11.408 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.

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

11.410 STANDARDS FOR ISSUANCE OF SPECIAL PERMITS. A special permit will normally be granted pursuant to Section 11.407.2 in accordance with the criteria of Section 10.43, provided that the Planning Board also finds that:

- a. 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
- b. 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 at Article 13.40, PUD 3 District: Development Controls as follows:

Repeal Section 13.40 and substitute in its place new Section 13.40 as follows:

13.40 PUD-3 DISTRICT: DEVELOPMENT CONTROLS

13.41 PURPOSE. The PUD-3 district is intended to provide for the creation of a quality general and technical office uses, which permits larger scale development and supporting commercial activities and which encourages strong linkages between new development at Kendall Square and along the East Cambridge riverfront.

13.42 USES ALLOWED IN A PUD-3 DISTRICT. The uses listed in this Section 13.42, alone or in combination with each other, shall be allowed upon permission of the Planning Board.

13.42.1 Residential Uses.

(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-3 district.

(2) Multi-family dwellings.

(3) Hotels or motels.

13.42.2 Transportation, Communication, Utility Uses 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.

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

13.42.4 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 use.

- (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.

13.42.5 Other Uses. Any use not listed in Subsection 13.42.1 - 13.42.5 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-3 district and is necessary to support the predominant uses in the district.

13.43 DISTRICT DIMENSIONAL REGULATIONS.

13.43.1 The maximum ratio of floor area of the development parcel shall be 3.0. A portion or portions of the existing or former Broad Canal, without reference to ownership, may be counted in calculating the area of the development parcel. Each portion so counted shall be included in computing the development parcel area for one planned unit development.

13.43.2 The minimum size of the development parcel for PUD shall be two (2) acres. A development parcel within the PUD-3 may contain non-contiguous 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.

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

13.43.4 There shall be no minimum width for the development parcel and no minimum width for lots located within the development parcel. There shall be no other minimum required front, rear and side yard requirements for a development parcel, or for lots

located within a development parcel. The Planning Board shall approve all such building setbacks. Any buildings on a parcel abutting the Broad Canal should be set back or so designed as to provide a pedestrian pathway along the canal's edge.

13.44 HEIGHT.

- 13.44.1 In the area between Binney Street and Doc Linsky Way, no building shall exceed 120 feet in height. Elsewhere in the PUD, the maximum heights of any building shall be 230 feet, except as modified in Section 13.44.2.
- 13.44.2 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 heights 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 eight (180) feet in height, but no more than two hundred 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 13.44.2, 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. Lower buildings, or building elements, are encouraged closer to Binney Street, while taller buildings, or building elements, are encouraged closer to Kendall Square.
- 13.44.3 In evaluating a Development Proposal providing building height in excess of one hundred twenty (120) 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 to a significantly greater extent than if the building height did not exceed one hundred twenty (120) feet;

- (b) that increased height would mitigate detrimental environmental impacts, such as excessive ground coverages, diminution of open space, and monotonous development;
- (c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristic of the particular location through more harmonious relationships to the terrain and to the proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building;
- (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.

13.45

USABLE OPEN SPACE. The minimum ratio of usable open space to the total area of the development parcel, as defined in Article 2.000 and Section 5.22 shall be twenty (20) percent, except as modified below.

13.45.1

The Planning Board may reduce the usable open space requirement if the development is located adjacent to a public open space and if the development is physically and functionally integrated with the open space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors.

13.45.2

Usable open space shall include parks, plazas, landscaped areas open to the sky, playground, balconies, roofs developed for recreational or leisure usage, and pedestrian ways, such as bridges, decks, arcades, loggias, and galleries, as specified by the Planning Board.

13.46

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. Developments in the PUD-3 districts should provide integrated pedestrian circulation

systems, particularly strong linkages between the riverfront and Kendall Square.

13.47 PARKING AND LOADING REQUIREMENTS. Development of the PUD-3 district shall conform to the off-street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.47.

13.47.1 Minimum Parking Requirement.

- (a) The minimum parking requirement for residential uses, Section 4.31 a-h, shall be one parking space for each dwelling unit.
- (b) The minimum parking requirement for all non-residential uses shall be either (i) one parking space for each 2,000 square feet of gross floor area or (ii) one parking space for each 6,000 square feet of gross floor area, provided that the Director of the Traffic and Parking Department finds that sufficient parking mitigation and diversion measures have been planned to permit such a reduction in parking, including, for example, participation in a transportation management organization and subsidies for mass transit.

13.47.2 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 4.321 a-h (Residential Uses), there shall be no maximum accessory parking. No parking shall be provided which exceeds the maximum parking permits, notwithstanding 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 13.47.2, 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.

13.47.3 No special permit shall be issued in a PUD-3 district which permits the total number of parking spaces on a lot to exceed that permitted in this Section 13.47 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 times 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 exceed 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 13.47.3.

13.48 RELATED SUPPLEMENTAL REQUIREMENTS.

- 13.48.1 Incentive Zoning Requirement. All non-residential development authorized shall be subject to the incentive zoning requirements of Section 11.200. The Board of Trustees of the Affordable Housing Trust specified in Section 11.200 shall give preference when dispersing Affordable Housing Trust Funds generated under this Section 13.48.1 to East Cambridge projects. The East Cambridge Stabilization Committee or its successor shall submit an annual report to the Board of Trustees recommending projects for appropriation from the trust account.
- 13.48.2 Traffic Mitigation Requirements. A traffic mitigation plan shall be required as a condition of approval of any Final Development Plan in the PUD-3 district, as outlined in Article 18.000.
- 13.48.3 Construction Management Program. The application shall submit a construction management program detailing the construction period impacts and a program for their mitigation, as outlined in Article 18.000.

- D. Amend the text of the Zoning Ordinance of the City of Cambridge by creating a new Article 18.00 as follows:

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 Computer 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.

E. Amend the Text of the Zoning Ordinance of the City of Cambridge in Section 10.48 and 11.202 add the following after the last line in the list.

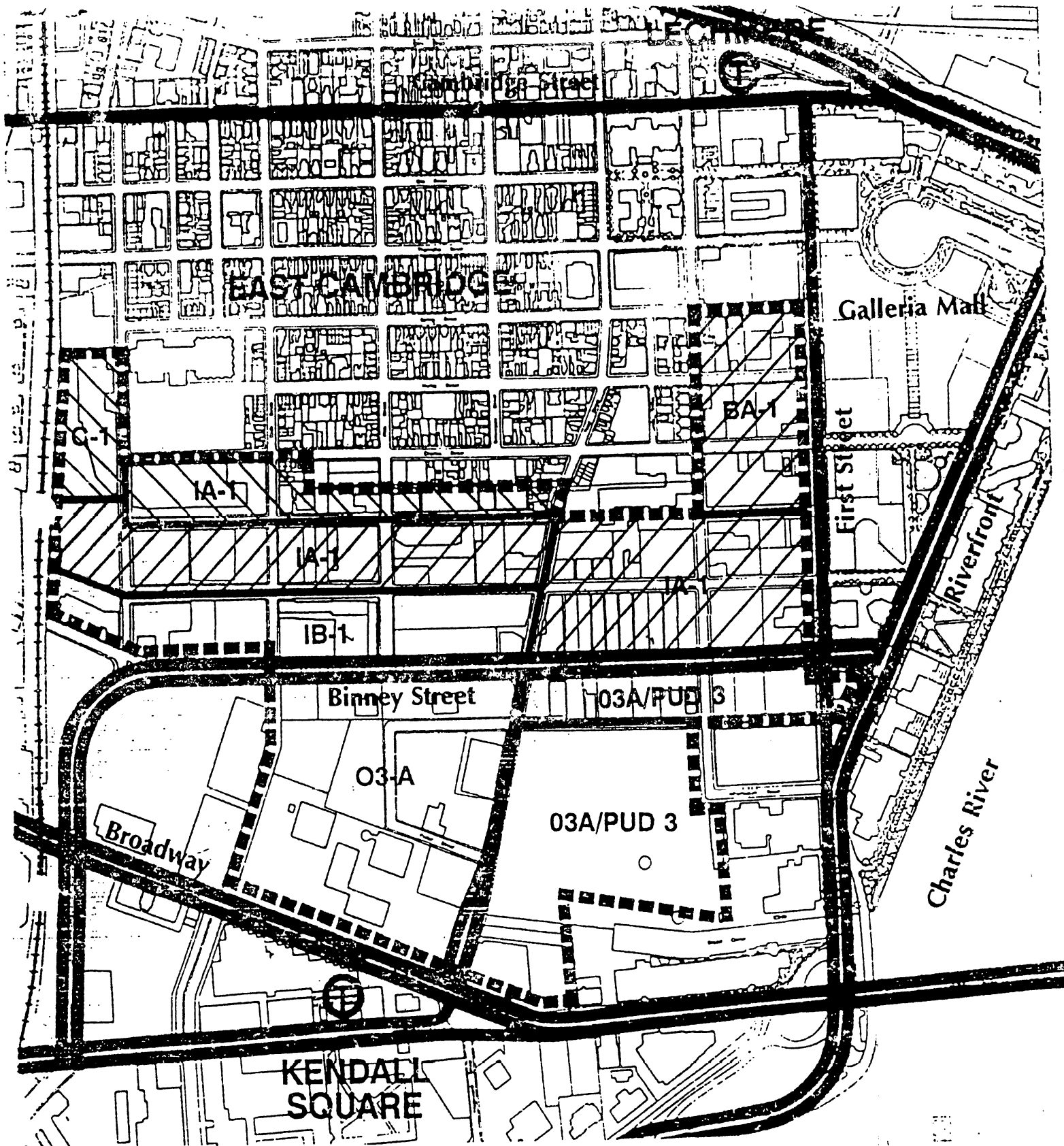
Section 11.405.4 Transfer of Development Rights, East
Cambridge Overlay District

Section 11.406.21 Additional Gross Floor Area, East
Cambridge Overlay District

F. Amend the Text of the Zoning Ordinance of the City of Cambridge by adding the following at the end of §12.32:

and, as to Planned Unit Developments in the East Cambridge Overlay District, the East Cambridge Advisory Committee.

/6309W

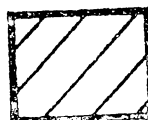


The Compromise Plan

Housing Incentive District



Incentive Overlay District



MAP DATE: 02-11-03
 MAP SCALE: 1" = 100'



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

November 12, 1991

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

RE: Commonwealth Energy, et al Zoning Petition for East Cambridge

Dear Joe:

Statements were made at the October 21st City Council meeting that one landowner has consistently refused to budge on its position with regard to the rezoning of East Cambridge. If such statements were in fact directed at COM/energy Research Park Realty, I'd like to take this opportunity to set the record straight.

While we have expressed our 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, we did propose two alternatives to the Planning Board's petition to rezone East Cambridge and attempted to resolve the differences that existed between us and the neighborhood with regard to the East Cambridge Planning Team's Neighborhood Plan dated April 16, 1990. All such proposals were rejected by the neighborhood representatives and/or Planning Board.

I'd like to remind you once again that no substantive planning has ever been presented to substantiate reducing the current zoning, which is required to initiate a downzoning proceeding. The Community Development's East Cambridge Neighborhood Study, the precursor of this downzoning, is an attitudinal study, which doesn't qualify as a substantive planning analysis sufficient to warrant mandating a downzoning. Furthermore, it should be noted that the study reveals that much of what has happened in East Cambridge is viewed positively by the neighborhood at large. Despite this fact, the landowners and businesses have voluntarily come forward with The Compromise Plan, which balances the interests of all parties and makes good planning sense.

The Compromise Plan impacts COM/energy Research Park Realty's land in the following way:

- the open space requirement has been increased by 33% from 15% of the total land area to 20%;

- the parking allocation ratio is now fixed at a maximum rate of not more than one (1) parking space per one thousand square feet (1000 s.f.) commercial development. The previous base zoning had a maximum allocation of one (1) parking space per six hundred seventy square feet (670 s.f.), the equivalent if 1.5 cars; whereas, PUD requirements only specify that a minimum of not less than one (1) parking space per eighteen hundred square feet (1800 s.f.) be available on site;
- the heights are stepped down as one moves away from Kendall Square toward the neighborhood. The language outlined in the Planning Board's November 30, 1990 draft zoning amendment was incorporated in The Compromise Plan;
- there is a mandatory Traffic Mitigation Requirement and Construction Management Program called for in the plan; and
- linkage payments are required for approval of a PUD permit;
- design review is required for all large projects (30,000 + square feet) located within the East Cambridge Overlay District by the East Cambridge Advisory Committee.

To state that one landowner has consistently refused to move on its position is a misstatement of the facts. Every landowner in the overlay area has been impacted in some way under The Compromise Plan. We believe that the concessions made on our part, with respect to our property, are significant. The concessions and our position is supported by the issues that we have consistently raised throughout the three-year process.

We have proposed a plan that we firmly believe strikes a balance between the neighborhood's concerns and our rights as landowners. The Compromise Plan is a good plan, based on sound economics and sound planning practice. It is a plan that should be evaluated with an open mind on its planning merits. We are a good corporate citizen, who contributes to the well-being of Cambridge, and we are committed to a process for development that is a balanced approach to orderly growth and development and which fosters community involvement.

Sincerely,



Paul B. Casey
Director of Real Estate

CERP
301/91J/bmc

Note: This letter was sent to Mayor Alice K. Wolf and all City Councillors.

Consent Comm. # 21

Comm. from Com/Energy regarding
rezoning in the East Cambridge area.

In City Council,

November 18, 1991

*Referred to Calendar
Item # 17*

City of Cambridge

October 21, 1991

The Committee on Ordinances conducted a public hearing on Thursday, October 10, 1991, beginning at 4:25 P.M. in the Sullivan Chamber, City Hall for the purpose of receiving public testimony relative to the proposed amendment to the Zoning Ordinances as submitted by Commonwealth Energy et al, regarding land in the East Cambridge area. Members present were: Councillor Francis Duehay, Councillor Jonathan Myers, Councillor Walter Sullivan, Councillor Ed Cyr, Councillor Sheila Russeil, Councillor William Walsh, Mayor Alice Wolf, Vice Mayor Kenneth Reeves and City Clerk Joseph Connarton.

Councillor Duehay opened the hearing by outlining the procedure by which testimony will be taken, with the Committee hearing from proponents first and opponents second.

The Committee then heard from Paul Casey, Director of Real Estate for Commonwealth Energy who stated that his company was the lead petitioner for the rezoning of the East Cambridge area, which he continued, is the companies attempt to reach a compromise with the residents and the Planning Board petition.

The Committee then heard from David Clem, 25 Arlington Street, Cambridge and a partner in the Athenaeum Group, who outlined the text and impact of the proposed amendment indicating this was a compromise plan presented by a group of property owners and small businesses who have collectively participated in dozens of meetings with City officials , neighborhood groups and interested East Cambridge citizens. Furthermore he stated that this plan was intended to balance the conflicting opinions that have surfaced in the City's attempt to rezone a portion of East Cambridge over the past two years. Mr. Clem further outlined the seven elements of the plan. He stated that the City Council should not render businesses as non-conforming uses. At this point Mr. Clem reviewed the document entitled The Compromise Plan.

Mayor Wolf stated that she had deep concern for over this plan because of its intense commercial development potential which in turn generates much to much traffic which raises some environmental concerns. She further stated she had questions regarding the employment of Cambridge people and that their is a strong

need for local employment plans.

Mr. Clem responded by stating that if the City adopts such a plan than^ξ the petitioners would consider the same.

Paul Casey speaking for both Commonwealth Gas and Commonwealth Energy stated both utilities support this plan.

Vice Mayor Reeves questioned what neighborhood groups and individuals were involved in the preparation of this plan.

Mr. Clem responded by stating that neighborhood residents and business people were contacted and worked on this proposal, but that there were some objections to the plan.

Speaking in favor of the petition were: John Kelley, Thypin Steel, Binney Street, Cambridge, Varney Hintlian, Tarvis Realty Trust, Spring Street, Cambridge, Joseph Armstrong, Boston Concessions Group, 111 Seventh Street, Cambridge, Paul Lindsey, Boston Concessions Group and Robert Jones, representing the Athenaeum Group. These individuals stated that the Compromise Plan would address many issues raised during the planning process two years ago and that it was important for stability to return to the zoning process.

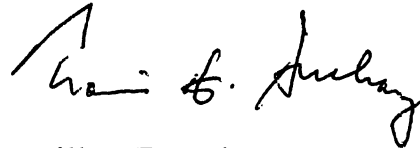
Speaking in opposition to the petition were: Joseph Baratta, 218 Thorndike Street, Cambridge, Richard Vendetti, President of the East Cambridge Planning Team and Hugo Salemme, 89 Third Street, Cambridge all of whom spoke in strong opposition to the petition stating that the City Council should be looking for ways to develop affordable housing for low income residents. The further stated that it would be preferred by the neighborhood that a solution be found to the non-conforming use issue.

Councillor Myers moved that the petition be forwarded to the full City Council without recommendation.

The motion carried.

The hearing was adjourned at 5:42 P.M.

For the Committee,

A handwritten signature in cursive script, appearing to read "Francis H. Duehay". The signature is written in dark ink and is positioned above the printed name.

Councillor Francis H. Duehay
Chairman

Cal #23

COMMITTEE REPORTS

0-51

2.

Report received from Councillor Duehay,
Chairman of the Ordinance Committee for
a hearing held October 10, 1991 relative
to a proposed amendment to the Zoning
Ordinances of the City of Cambridge to
rezoning land in the East Cambridge area
on the petition submitted by Commonwealth
Energy.

*12/9/91 Placed on file
without prejudice
see order #16 of 12/9/91*

In City Council,

October 21, 1991

*Tabled by
Councillor Duehay*