Office of the Executive Vice President and Treasurer

MIT Investment Management Company

Massachusetts Institute of Technology
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December 13, 2012

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OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Honorable Members of the Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mayor Davis, Vice Mayor Simmons, and Councillors Cheung, Decker, Kelley, Maher, Reeves, Toomey, and vanBeuzekom:

On behalf of MIT, we are delighted to submit the Institute's Kendall Square zoning petition for your conveyance and review. Our petition has evolved significantly since its original filing in April 2011 as a result of extensive and valuable inputs from the broader community.

We are particularly indebted to the City Council for its wisdom and guidance in calling for a community-based urban planning review of the Kendall Square area. That subsequent effort — the K2 process, as it came to be known — brought Kendall Square stakeholders together to envision a future that would best serve the neighborhood, business, and institutional communities for generations to come.

Our 2012 petition embraces the dimensional framework recommended through the K2 process, increases the number of housing units from 120 to as many as 300 (with a mix of low, moderate, market-rate, and micro units), provides for innovation space, sets LEED Gold as a standard for all commercial buildings, and establishes a community fund for open space, transportation, and workforce training.

As you know, we have also benefited tremendously from the work of a faculty task force appointed by MIT Provost Chris Kaiser. The task force ultimately recommended that MIT proceed with the Kendall Square zoning filing and implement two processes — a participative conceptual design process for the gateway/node area on Main Street, and a review of the Institute's housing needs.

We look forward to launching the formal public review process with you, and are eager for your engagement and input. We know that together we can achieve great success in making Kendall Square the world-class center of innovation that it deserves to be.

Sincerely,

Israel Ruiz
Executive Vice President and Treasurer
MIT

Steven Marsh
Managing Director, Real Estate
MIT Investment Management Company

The undersigned hereby petition the City Council of the City of Cambridge to amend the Cambridge Zoning Ordinance and Cambridge Zoning Map, both as most recently amended, as follows:

Add a new Section 13.80 to the Zoning Ordinance of the City of Cambridge as set forth in the attached document.

Amend the Zoning Map of the City of Cambridge to add a new PUD-5 District the parcels in the Kendall Square area labeled as "PUD-5" and shaded on the attached map entitled "Proposed PUD-5 District."

13.80 PUD-5 DISTRICT

13.81 *Purpose*. The PUD-5 District is intended to provide for Kendall Square's continued prominence as a world-renowned center of innovation and a vibrant neighborhood through the creation of a mixed-use district of high quality general and technical office and laboratory uses with significant retail activity proximate to the MBTA station. The PUD-5 District helps organize placement of commercial and institutional buildings and establishes an additional mixed-use development containing a significant residential component to support the burgeoning residential corridor along Third Street and the strong links to existing neighborhoods and the riverfront. The PUD-5 District allows for continued support of the academic mission at MIT and encourages connective links, physical and otherwise, between the Institute and adjacent neighborhoods.

The PUD-5 District responds to the Kendall Square planning process and is intended to be a smart-growth, transit-oriented district and therefore allows for replacing surface parking lots with larger scale development in Kendall Square and the major public transit services located there. The PUD-5 District encourages low parking ratios, shared parking strategies, the use of public transportation and improved pedestrian and bicycle environments. The PUD-5 District furthers the City's goals for sustainable development through buildings and sites that are planned, designed and constructed in a sustainable way so as to minimize adverse environmental impacts as they are initially constructed and as they are occupied and operated over the course of their useful lives.

The PUD-5 District promotes the creation of a strong retail corridor along Main Street and the enhancement of Broad Canal Way. Combined, this new public crossroads will have broad appeal as a desirable destination during and beyond the traditional workday by providing a critical mass of diverse restaurants, shops, entertainment and programming. The ground floor space will engage pedestrians and provide a variety of indoor and outdoor gathering spaces, including retail that can address the needs and reflect the creativity of the local community.

13.81.1 *Establishment and Scope of Subdistricts within the PUD-5 District.*

The PUD-5 District shall be divided into a series of Subdistricts as described below for the purpose of defining requirements that may not apply to the District as a whole. All provisions of the PUD-5 shall apply equally to each Subdistrict, except as provided for elsewhere in Section 13.80.

13.81.2 *Description of the Subdistricts within the PUD-5 District.*

13.81.2.1 The Third Street Transition Subdistrict is the area bounded by the northern sideline of Lot # 31 on Assessor's Map 14 running to the centerline of Third Street, then the centerline of Third Street running southerly to the centerline of Broadway, then the centerline of Broadway and Main Street running from Third Street to a point in the centerline of Main Street that is consistent with the point of intersection

that the eastern sideline of the above-referenced Parcel would have with the centerline of Main Street if such sideline continued in a straight line to the centerline of Main Street, then the eastern sideline of the above-reference Parcel northerly from the centerline of Main Street to the northern sideline of the above-referenced Parcel.

13.81.2.2 The Main Street Subdistrict is the area bounded by the point in the centerline of Main Street that is consistent with the point of intersection that the eastern sideline of Lot #15 on Assessor's Map 46 would have with said centerline if said eastern sideline were continued in a straight line to said centerline, then southerly by the eastern boundary of said Parcel to a line 150 feet north of and parallel to the property lines of lots abutting the northern sideline of Memorial Drive, then westerly by said to the centerline of Wadsworth Street, then the centerline of Wadsworth Street running north from Memorial Drive, then the centerline of Amherst Street running west from Wadsworth Street, then the centerline of Hayward Street running north from Amherst Street to its intersection with a line 400 feet to the south of and parallel to the Main Street front property lines of lots abutting Main Street and located between Ames and Hayward Streets, then centerline of Ames Street from the parallel line to Main Street, then the centerline of Main Street, but excluding Lot #14 on Assessor's Map 48 (and the portion of Main Street immediately abutting the northern sideline of Lot #14 on Assessor's Map 48).

13.81.2.3 The Transitional Height Subdistrict is the area bounded by the centerline of Ames Street running northerly from the intersection with Amherst Street to a line 400 feet to the south and parallel to the Main Street front lot lines of properties abutting Main Street and located between Ames and Hayward Streets, then the centerline of Hayward Street running south toward Amherst Street and then the centerline of Amherst Street running west to Ames Street.

13.81.2.4 The Memorial Drive Height Subdistrict is the area bounded by the centerline of Ames Street running northerly from the northern sideline of Memorial Drive, then the centerline of Amherst Street running east toward Wadsworth Street, then the centerline of Wadsworth Street running south to its intersection with a line 150 feet north of and parallel to the lot lines of the parcels abutting the northerly boundary of Memorial Drive, then easterly along said line to the easterly boundary of Lot #15 on Assessor's Map 46, then southerly along said easterly boundary to the northern edge of the DCR right of way along Memorial Drive, then westerly by the northern sideline of Memorial Drive.

13.82 *Uses Allowed in the PUD-5 District.* The uses listed in this Section 13.82, alone or in combination with each other, shall be allowed upon permission of the Planning Board.

13.82.1 Residential Uses. All uses listed in Section 4.31(d-g) and (i)(2).

13.82.2 Transportation, Communication and Utility Uses. All uses listed in Sections 4.32, except for railroad freight terminal, railroad yard and shops (4.32c), truck or bus terminal yard or building for storage or servicing of trucks, trailers or buses, or parking lot for trucks (4.32d), and helipad or airport (4.32h).

13.82.3 Institutional Uses. All uses listed in Section 4.33.

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

13.82.5 Retail Business and Consumer Service Establishments. All uses listed in Section 4.35.

13.82.6 Open Air or Drive in Retail & Service. All uses listed in Sections 4.36a. (Sales place for flowers, garden supplies agricultural produce conducted partly or wholly outdoors, commercial greenhouse or garden) and 4.36e. (Open air theatre or other open air place of entertainment), but not including drive in theatres.

13.82.7 Light Industry, Wholesale Business and Storage. All uses listed in Sections 4.37(a), (b), (c) and (f).

13.82.8 Other Uses. Any use not listed in subsections 13.82.1 - 13.82.7 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-5 District and is consistent with the predominant uses in the PUD-5 District.

13.83 *Floor Area Ratio; Gross Floor Area.*

13.83.1 Maximum Floor Area Ratio. The maximum total Floor Area Ratio (FAR) of the PUD-5 District shall be 3.9 for all permitted uses. The FAR of any given Development Parcel may exceed the limitation set forth above as long as the overall FAR in the PUD-5 District for such uses does not at any time exceed the limitation set forth above.

13.83.2 Floor Area Ratio and Gross Floor Area Exemptions. Notwithstanding anything appearing in this Section 13.83 or otherwise contained in the Zoning Ordinance to the contrary, the following shall not be counted as Gross Floor Area for the purposes of calculating the allowable FAR for the PUD-5 District or the Gross Floor Area limitations set forth further below:

a. The Gross Floor Area devoted to the retail uses identified in Sections 13.82.5 and 13.82.6, constructed or, if located in an existing building, substantially renovated, after the adoption of Section 13.80.

b. The area of any public transportation facility directly providing public transportation services that is owned or controlled by a public transportation agency.

13.83.3 Gross Floor Area Limitations.

a. Definition of New Gross Floor Area. For purposes of this Section 13.80, "New Gross Floor Area" shall mean an amount of square feet of Gross Floor Area in excess of the amount of Gross Floor Area in existence in the PUD-5 District as of January 1, 2012. For example, if an existing building in the PUD-5 District containing 50,000 square feet of Gross Floor Area is demolished and a building containing 55,000 square feet of Gross Floor Area is constructed in its place, 5,000 square feet of Gross Floor Area would be considered New Gross Floor Area.

b. Plan Requirement. As part of the first application for a PUD special permit under the provisions of this Section 13.80, such existing Gross Floor Area for the entire PUD-5 District shall be identified as to quantity, type of use and location and such enumeration shall thereafter serve as the basis from which to administer this Section 13.83.3.

c. Commercial Limitation. No more than an aggregate of 980,000 square feet of New Gross Floor Area of the types of uses listed in Sections 13.82.4-13.82.7 shall be permitted in the PUD-5 District.

Notwithstanding anything in this Ordinance to the contrary, a building shall not be considered to be a "commercial building" if institutional uses occupy in excess of seventy-five percent (75%) of the Gross Floor Area of the building, excluding the Gross Floor Area of any first floor retail contained therein.

d. Floor Plate Limitations. For the purposes of this Section, a "Floor Plate" shall be considered to be the cross-sectional area of a building, taken across a level horizontal plane at a specified height above the mean grade of the ground adjoining said building, measured to the interior planes of the exterior walls of the building. Spaces that are exempt from Gross Floor Area shall not be considered to be part of the Floor Plate. In addition, the Gross Floor Area of Pedestrian Bridges approved by the Planning Board pursuant to Section 13.85.2, connecting Floor Plates shall not be considered to be part of the Floor Plate.

i. Within a new commercial building, the following restrictions shall apply to Floor Plates containing the types of uses listed in Sections 13.82.4-13.82.7:

a. There shall be no limitation on the size of a Floor Plate from the ground level to a height of 85 feet.

b. Between 85 feet and 125 feet in height, a Floor Plate shall not exceed 42,000 square feet of Gross Floor Area; and

c. Between 125 feet and 250 feet in height, a Floor Plate shall not exceed 30,600 square feet.

ii. Within a new institutional structure:

a. There shall be no limitation on the size of a Floor Plate from the ground level to a height of 125 feet; and

b. Between 125 feet and 250 feet in height, a Floor Plate shall not exceed 30,600 square feet.

iii. Within any new building, any Floor Plate above 250 feet in height shall not exceed 10,400 square feet and shall be limited to residential and institutional dormitory uses, excluding hotel and motel uses.

13.84 *Parcel and Lot Requirements*

13.84.1 *Parcel and Lot Size.* The minimum size for a Development Parcel for a PUD in the PUD-5 District shall be 25,000 square feet. There shall be no minimum lot size for lots within a Development Parcel in the PUD-5 District.

13.84.2 *Lot Width.* There shall be no minimum width for a Development Parcel and no minimum width for lots located within a Development Parcel.

13.84.3 *Minimum Lot Area Per Dwelling Unit.* There shall be no required minimum Lot Area per dwelling unit in the PUD-5.

13.85 *Setbacks.* Except as provided below, there shall be no minimum required front, rear and side yard requirements for a Development Parcel or for lots located within a Development Parcel.

13.85.1 New commercial buildings along Main Street, Third Street and Broadway containing uses set forth in Sections 13.82.4 -13.82.7 above in the PUD-5 District must be set back sixteen (16) feet from the Street Line of Main Street, Third Street and Broadway at and above a point eighty-five (85) feet above mean grade. Up to one-third of the façade length on such a street, on a cumulative basis, may be exempt from this requirement.

13.85.2 The Planning Board may approve the construction of Pedestrian Bridges, which shall mean open or enclosed above-grade pedestrian passageways connecting buildings located within the PUD-5 District to each other, provided that such pedestrian bridge provides a minimum clearance height of fourteen (14) feet above any pedestrian or vehicular rights of way over which the same passes. Pedestrian Bridges shall not be exempt from Gross Floor Area where they would otherwise meet the definition contained in Article 2.000 of this Zoning Ordinance.

13.86 *Height.*

13.86.1 In the Third Street Transition and the Main Street Subdistricts, the maximum height of any building shall be 250 feet, except as permitted by Sections 13.86.1.1 and 13.86.1.2.

13.86.1.1 The Planning Board may approve Final Development Plans that result in no more than one new building exceeding 250 feet up to 300 feet in height in the Third Street Transition Subdistrict and one additional building up to 300 feet in height in the Main Street Subdistrict; provided that:

(a) the use of any occupiable space situated above 250 feet in height shall be limited to residential and/or institutional dormitory uses, and

(b) within a residential building, Middle Income Units (as defined below) shall be occupy aggregate Gross Floor Area equal to at least twenty-five percent (25%) of the total residential Gross Floor Area (excluding any Gross Floor Area occupied by institutional dormitory uses) in the portions of the building that exceed 250 feet in height. Such Middle Income Units shall be evenly distributed throughout the portion of the residential building situated below 250 feet in height in a manner approved by the Planning Board in the Final Development Plan for a Development Parcel, in order to ensure that the Middle Income Units are of an appropriate location, size, configuration and quality for households intended to occupy such units. The residential units situated above 250 feet shall not be subject to the provisions of Sections 11.203.2 or 11.204(b).

For the purposes of this Section 13.86.1.1, Middle Income Units shall be defined as residential dwelling units for which:

(i) the occupancy is restricted to households whose total income exceeds 80% but does not exceed 120% of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund; and

(ii) the rent (including utilities) does not exceed thirty percent (30%) of the income of the renting household or, in the instance of home ownership units, the monthly mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty percent (30%) of the income of the purchasing household, or such other equivalent standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund.

13.86.1.2 In evaluating a proposed building that has a height in excess of two hundred fifty (250) feet, the Planning Board shall give consideration to evidence presented on the following:

(a) that the building has been designed in such a way as to minimize the casting of shadows and the alteration of air currents in, on and around adjacent buildings or outdoor open spaces, plazas or sidewalks meant to serve as active gathering spaces;

(b) that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space, and monotonous development, or would facilitate the preservation of historic structures;

(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; and

(d) that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the Development Parcel.

13.86.2 In the Transitional Height Subdistrict, the maximum height of any building shall be 200 feet. Notwithstanding the above, if at least 50% of the area of the ground floor footprint of a building is located within the Main Street Subdistrict, a portion of the building at the higher height may extend into the Transition Height Subdistrict, but by no more than 50 feet.

13.86.3 In the Memorial Drive Height Subdistrict, the maximum height of any building shall be 150 feet.

13.87 *Minimum Open Space*. The minimum overall percentage of Publicly Beneficial Open Space of the total area of the PUD-5 District shall be fifteen percent (15%). The percentage of Publicly Beneficial Open Space provided in any given Final Development Plan may be less than 15% as long as the overall ratio in the PUD-5 District is not less than 15%.

13.88 *Parking and Loading Requirements.* Development in the PUD-5 district shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.88.

13.88.1 With regard to uses contained within new commercial buildings, provided that the requirements of Section 6.23 of the Ordinance are met, the parking requirements of this Section 13.88 may be satisfied (a) anywhere in the PUD-5 District or, if located outside of the PUD-5 District, within 2,000 feet of the use being served, notwithstanding anything to the contrary contained in Article 6.000 and (b) in total or in part by a lease agreement between the developer and the City, other public entity or private owner or consortium for use of parking spaces in the public or pooled private parking facilities within said area.

13.88.2 All parking provided within an approved PUD shall be considered collectively accessory to all approved uses within the PUD, including any uses outside of the Development Parcel that may be approved by the Planning Board. Notwithstanding anything to the contrary in Article 6.000, this Ordinance shall not restrict the management and assignment of parking spaces in a way that will most efficiently utilize the existing and proposed parking spaces to serve all approved uses. As an exception to this rule, all parking spaces (whether existing or proposed) to be included within an institutional parking pool shall be distinctly identified, and shall not be used for any other uses except in ways that are explicitly approved by the Planning Board in issuing a PUD Special Permit Decision.

13.88.3 *Minimum Parking.* In approving a Final Development Plan for a Development Parcel, the Planning Board may waive any minimum parking requirements applicable in the zoning district, with the exception that parking for residential uses shall not be less than 0.5 parking spaces per dwelling unit. The Planning Board may approve arrangements for shared parking of such residential parking spaces with commercial spaces. The Planning Board shall specify a minimum parking requirement for a PUD based on review and analysis of Transportation Impact Studies and other relevant information on parking demand provided in application documents, including the Shared Parking Study as required further below, and with the guidance of City agencies.

13.88.4 *Maximum Parking.* Maximum allowed parking for a PUD shall be limited by applying the rates set forth below to each use within the PUD and taking the summation of the result for all uses. Exceeding the maximum allowed parking shall require a waiver of maximum parking is requested under the general provisions of Article 6.000.

a. Maximum of 0.9 spaces per 1,000 square feet of Gross Floor Area for office uses, excluding technical office (Section 4.34(a-e)).

b. Maximum of 0.8 spaces per 1,000 square feet of Gross Floor Area for laboratory use and technical office uses (Section 4.34(f)).

c. Maximum of 0.75 spaces per residential dwelling unit (Section 4.31(d-g)).

d. Maximum of 0.5 spaces per 1,000 square feet of retail (Sections 4.35 and 4.36).

e. Maximum of 1 space per 4 sleeping rooms for hotel use (Section 4.31(i)(2)).

13.88.5 *Shared Parking Study.* A Development Proposal for development in the PUD-5 District shall include an analysis of anticipated parking demand for all uses in the development throughout the course of a typical day and week. This analysis may identify opportunities for reducing the total amount of parking required to serve all uses through the sharing of parking spaces by multiple uses. Based on this analysis, the Planning Board may approve a reduced minimum or maximum parking requirement upon finding that the approved amount of parking will be sufficient to serve all permitted uses.

13.88.6 *Design, Dimensional, and Other Requirements of Provided Parking and Loading Facilities*

a. Except as provided herein, all parking for new non-residential and non-institutional uses shall be underground structured parking. Notwithstanding this underground parking requirement, parking for all uses in the Third Street Transition Subdistrict may be in above-ground structured parking provided such structured parking is consistent with the existing structured parking in the Subdistrict.

b. A Development Parcel may contain on-grade parking equal in number to 5% of the parking otherwise required for the uses in the Final Development Plan for that Development Parcel.

c. In its approval of a Final Development Plan, the Planning Board, in consultation with City staff, may approve the location, layout and design of parking spaces that deviate from the requirements of Article 6.000.

d. In its approval of a Final Development Plan, the Planning Board, in consultation with City staff, may approve the location, width and layout of curb cuts serving the Development Parcel that deviate from the requirements of Section 6.43.

13.88.7 *Temporary On-Grade Open Parking for Commercial Uses*

On an interim basis in anticipation of later construction of underground or other structured parking sufficient to meet all parking requirements of a new commercial use constructed on a Development Parcel, on-grade open parking shall be allowed on within the PUD-5 District to serve such a use subject to the following conditions:

a. The future underground parking structure will be constructed within the PUD-5 District, but it may be located either on or off of the lot which it will serve;

b. Construction of the replacement subsurface parking structure is anticipated to commence within four (4) years of the date of certificate of occupancy for the building initially served by on grade parking;

c. The future subsurface parking structure will contain sufficient spaces for users of the building initially served by on grade open parking so as to meet the parking requirements for such building; and

d. Binding commitments shall exist to establish, to the reasonable satisfaction of the Planning Board, that requirements (a) through (c) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, or comparable legal instrument.

13.88.8 *Pre-Existing Parking Spaces*

a. The Planning Board, after consultation with City staff, may approve in a Final Development Plan, underground structured parking spaces as replacements for pre-existing commercial spaces that will be displaced by improvements contemplated by such Final Development Plan. Notwithstanding the above, the Planning Board shall not be permitted to deny or otherwise prohibit the inclusion of such displaced commercial spaces in the underground parking structure in the Final Development Plan, if the Developer is required to provide such commercial spaces to a third party by virtue of the terms of a duly executed lease, license or other legally binding written agreement.

b. Where any pre-existing accessory off-street parking spaces located in a Development Parcel that are serving a pre-existing use located outside the Development Parcel (whether within or outside the PUD-5 District) are proposed to be eliminated or displaced in accordance with the Final Development Plan for that Development Parcel, such pre-existing off-street parking may be relocated to a Parcel other than the Development Parcel by Special Permit granted by the Planning Board to the owner of the off-site use after consultation with City staff. In granting such Special Permit, the Planning Board may grant deviations from the requirements of Article 6.000

of this Ordinance for the number, location, layout and design of the relocated parking spaces.

c. Such replacement or relocated spaces shall not count toward the maximum parking permitted under this Section 13.88.

13.88.9 The Planning Board, in its approval of a Final Development Plan for a Development Parcel, may waive any requirements for the amount, location and design of loading facilities within a Development Parcel, and may permit loading facilities to be shared across various uses and lots within the PUD-5 District.

13.88.10 The quantity, design and location of bicycle parking shall comply with the provisions set forth in Article 6.000 of this Ordinance.

13.89 *Special Requirements, Conditions and Standards Applicable to Certain Development Authorized by the Planning Board in the PUD-5 District.* The Planning Board shall approve a Final Development Plan only after finding that in addition to all other applicable requirements the following requirements have been met. The Planning Board shall, in addition, include conditions in the approval of a Final Development Plan that will ensure ongoing compliance with these requirements.

13.89.1 Rooftop Mechanical Equipment Noise Mitigation. Sound emanating from rooftop mechanical equipment on all new structures in an approved Final Development Plan shall be minimized by the adoption of best available and feasible practices regarding the location and sizing of equipment, the selection of equipment and sound attenuation measures. Any noise or vibration emanating from new commercial buildings shall comply with the provisions of the City of Cambridge Noise Ordinance applicable to Commercial Areas (as such term is defined in the Noise Ordinance).

13.89.2 Required Housing.

At least 240,000 square feet of New Gross Floor Area in the aggregate must be devoted to residential uses in the PUD-5 District. Prior to the issuance of a building permit allowing construction of New Gross Floor Area for commercial uses in excess of 600,000 square feet in the aggregate, the Developer must demonstrate that construction of a minimum of 240,000 square feet of New Gross Floor Area of residential use has commenced, a full building permit has been issued for the construction of such residential use and that the construction of such square footage is being continuously and diligently pursued. The required residential Gross Floor Area shall be subject to the provisions of Section 11.200 of the Zoning Ordinance. Except as otherwise set forth herein, a Final Development Plan shall be subject to the requirements of Section 11.203.1 (Requirements for Incentive Zoning Contributions) and 11.203.2 of the Zoning Ordinance (Requirements for Inclusionary Housing).

13.89.3 Innovation Space.

13.89.3.1 *Required Space*. Buildings within the PUD-5 District shall include Innovation Space that occupies Gross Floor Area equal to, or in excess of, the amount of Gross Floor Area that is five percent (5%) of the New Gross Floor Area approved in the Final Development Plans for commercial uses other than residential and Active Uses. Existing Gross Floor Area within the PUD-5 District may be used to meet this requirement.

13.89.3.2 *Characteristics*. For the purposes of this Section 13.89.3, Innovation Space shall have the following characteristics:

(a) small business incubators, small research laboratories, office space for investors and entrepreneurs, facilities for teaching and for theoretical, basic and applied research, product development and testing and prototype fabrication or production of experimental products;

(b) Innovation Space shall be available on short-term flexible leases (or other similar agreement) of small Gross Floor Areas; and

(c) Innovation Space shall provide resources (i.e., conference space, office equipment and supplies) that are shared among the various companies and entities occupying the Innovation Space.

Commencing on the date that is five (5) years from the approval of the first Final Development Plan for a Development Parcel and periodically thereafter, the Developer may request a review by the Planning Board to determine the progress of the use of Innovation Space within the PUD-5 District and whether a requirement for a minimum amount of Innovation Space remains appropriate given then-prevailing market forces and the mix of uses in and around Kendall Square. Subsequently, the Planning Board, in consultation with City staff, shall have the right to (a) amend existing Special Permits issued for PUD's containing commercial uses other than residential and Active Uses that waives or otherwise reduces the minimum requirements of this Section 13.89.3 applicable to the PUD-5 District and (b) waive or otherwise reduce prospectively the applicability of the minimum requirements of this Section 13.89.3 applicable to the PUD-5 District for future Development Proposals.

13.89.4 *Sustainability*.

New buildings constructed within the PUD-5 District shall comply with the provisions of Section 22.20 of the Ordinance. Notwithstanding the above, new commercial laboratory and office buildings containing uses identified in Sections 13.82.4 and 13.82.7 shall comply with LEED Gold level criteria. New buildings in the PUD-5 District must incorporate an integrated design

approach and incorporate the best practices for meeting sustainability in the following five (5) areas:

a. Energy and Emissions. Each new building must conserve building energy and, to the extent applicable, reduce carbon/GHG emissions. The Developer, with each Development within the PUD-5 District, must evaluate the potential for on-site energy generation or the construction of co-generation facilities within the PUD-5 District that will serve the new building and other buildings located within the PUD-5 District.

b. Urban Site and Landscaping; Water Management. The Developer, for each new building, must explore opportunities for (i) potable water use reductions, (ii) storm water management using open spaces, (iii) the incorporation of indigenous vegetation and (iv) storm water for irrigation purposes. At a minimum, all new commercial buildings within the PUD-5 District must meet the Department of Public Works' standards for water quality management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph.

c. Healthy Living & Working. Each new building must provide people with access to daylight and enhance the visual and thermal comfort of people living and working within the PUD-5 District.

d. Transportation. The Final Development Plan for the PUD-5 District must encourage multimodal transportation, provide facilities for cyclists and provide an infrastructure to support alternative energy vehicles.

e. Promotion of Sustainability Awareness. New buildings within the PUD-5 must be designed to incorporate features that demonstrate other sustainability strategies.

In connection with the approval of a Final Development Plan or in connection with the granting of a Special Permit pursuant to Article 19 of the Ordinance, the Planning Board may grant dimensional and other zoning relief in order to permit the construction of a co-generation facility or other energy systems that allow developments to develop shared solutions to minimize energy usage.

13.810 *Other Provisions.*

13.810.1 Signs. The sign regulations of Article 7.000 applicable to Business, Office and Industrial Districts shall be applicable to new buildings in the PUD-5 District.

13.810.2 Active Uses and Pedestrian Activity.

Final Development Plans for commercial uses shall enhance the public pedestrian usage of the sidewalks and create a sense of neighborhood continuity by providing an interesting, lively and active presence at street level. Accordingly, portions of the first floors of commercial buildings in locations enumerated below shall generally be planned, designed, constructed and used for Active Uses (defined below). At a minimum, a total of at least seventy-five percent (75%) of the aggregate New Gross Floor Area of the Activation Space situated within a commercial building in the PUD-5 District shall be devoted to Active Uses. For the purposes of this Section 13.810.2, the term "Activation Space" shall mean the portions of the first floors of commercial buildings immediately abutting Main Street, Broadway and the Broad Canal, situated between the Principal Front Wall Plane of such building along said Main Street and Broadway and along the northerly and easterly boundaries of the Third Street Transition Subdistrict along Broad Canal Way and the line that is situated twenty (20) feet from said Principal Front Wall Plane. Notwithstanding the above, the Planning Board, in approving a Final Development Plan for a new building, may, in consultation with City staff, grant a reduction of the required minimum total area of Active Uses within the Activation Space of the new building, where such reduction is necessitated by site conditions or other complications.

Definition of Active Uses. For purposes of this Section 13.810.2, "Active Uses" means:

(1) Retail business and consumer service establishments listed in Section 4.35;

(2) Institutional uses that are generally open to the public, such as museums and exhibition spaces;

(3) Uses listed in Section 13.82.6; and

(4) Other uses which the Planning Board determines meet the goals of this Section 13.810.2.

The definition of "Active Uses" shall specifically exclude lobbies or other spaces that serve an accessory function to upper-story office or laboratory uses.

Building and Site Design Requirements for Active Uses and Open Spaces.

(1) Active Uses shall have one or more entrance(s) from the sidewalk or plaza separate from the principal entrance of the building for non-retail uses.

(2) Outdoor courtyards, delineated gathering space, or sitting areas are encouraged throughout each Development Parcel in any approved Final Development Plan.

Prior to submitting any application for a special permit in the PUD-5 District, the applicant shall engage the services of a consultant or other party with retail expertise to advise the applicant in connection with retail and other Active Uses to be included in the applicable Development Parcel. The recommendations of that consultant shall be included in the applicable special permit application.

13.810.3 Contribution to Community Fund.

Upon the Planning Board's approval of the first Final Development Plan for a Development Parcel within the PUD-5, the City Manager shall establish a Community Fund, which Fund shall be administered by a committee appointed by the City Manager and approved by the City Council, which committee (the "Community Fund Committee") shall contain no more than seven (7) members, with at least one (1) member from each of the following: East Cambridge Planning Team, the Kendall Square Association, Area IV Neighborhood Coalition, Wellington-Harrington Neighborhood Association and the Massachusetts Institute of Technology. Said members shall be selected by their respective organizations.

Subject to the provisions of this Section 13.810.3, upon the issuance of a Final Certificate of Occupancy for a new commercial building in the PUD-5 District, the Developer shall be required to make a payment to the Community Fund in an amount equal to $10.00 multiplied by the number of square feet of New Gross Floor Area for the commercial uses identified in Section 13.82.4 and 13.82.7 that are the subject of such Final Certificate of Occupancy (such amount, a "Fund Contribution Payment"). The City shall use the funds contributed by the Developer pursuant to this Section 13.810.3 for

(a) the establishment and betterment of Publicly Beneficial Open Spaces located in the PUD-5 District and within 500 feet of the boundaries of the District and shall include, without limitation, improvements to Broad Canal, Broad Canal Way, Point Park and other Publicly Beneficial Open Space abutting streets within the PUD-5 District;

(b) transportation improvements and services to benefit the Kendall Square Neighborhood and adjacent neighborhoods; and

(c) workforce development and training.

The Developer shall have the right to obtain credits for actual, out-of-pocket costs incurred by the Developer in creating or implementing, or contributing to a third party's creation or implementation of, any of (a), (b) or (c) above (each such cost or contribution, a "Qualified Contribution"). Ninety (90) days prior to commencing any of the above or making any such contribution, the Developer shall notify the Community Fund Committee, in writing, of its intention to credit the Qualified Contribution against future Fund Contribution Payments (the "Credit Notice"). The Credit Notice shall provide a reasonably detailed description of Qualified Contribution and the estimated amount and/or value of the same.

Within thirty (30) days of its receipt of such notice, the Community Fund Committee shall either approve or deny the requested credit in writing to the Developer, provided, however, the Community Fund Committee's approval of such a credit request shall not be unreasonably withheld or conditioned. In the event that the Community Fund Committee fails to provide a written approval or denial of a credit request within said thirty (30) days period, the credit shall be deemed approved. With regard to an approved (or deemed approved) Qualified Contribution, the Developer shall provide a certification to the Community Fund Committee detailing the actual amount of the Qualified Contribution within thirty (30) days of Developer's completion of or contribution to the associated work or conveyance. Provided that the amount of the Qualified Contribution contained in the certification is materially consistent with the estimated amount of the same contained in the Credit Notice, the Developer shall thereafter have the right to apply the actual amount of the Qualified Contribution against any future Fund Contribution Payment(s) that it desires.

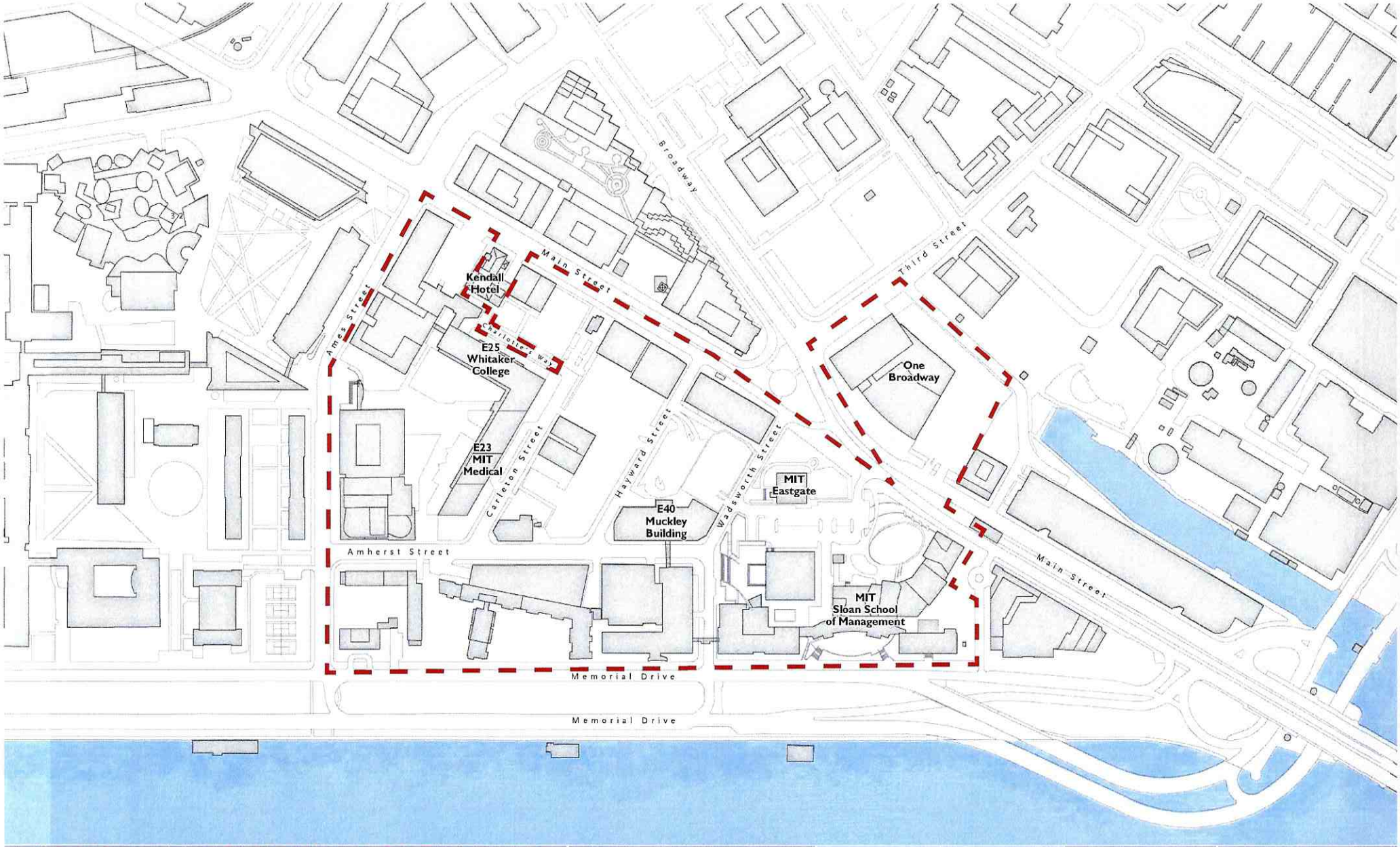
The Developer and the Community Fund Committee shall maintain a written record of all approved (and deemed approved) Qualified Contributions and the Developer's application of such credits to Fund Contribution Payments.

This zoning petition for amendment of the Zoning Ordinance and Zoning Map of the City of Cambridge is respectfully submitted by the owner of the land to be affected by the changes, for consideration and adoption by the Cambridge City Council in accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 5.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

By: _____

Name: Israel Ruiz
Title: Executive Vice President & Treasurer



KENDALL SQUARE INITIATIVE
MASSACHUSETTS INSTITUTE OF TECHNOLOGY CAMBRIDGE, MASSACHUSETTS

MITIMCo Massachusetts Institute of Technology Investment Management Company

ELKUS | MANFREDI ARCHITECTS

CONFIDENTIAL PROPRIETARY

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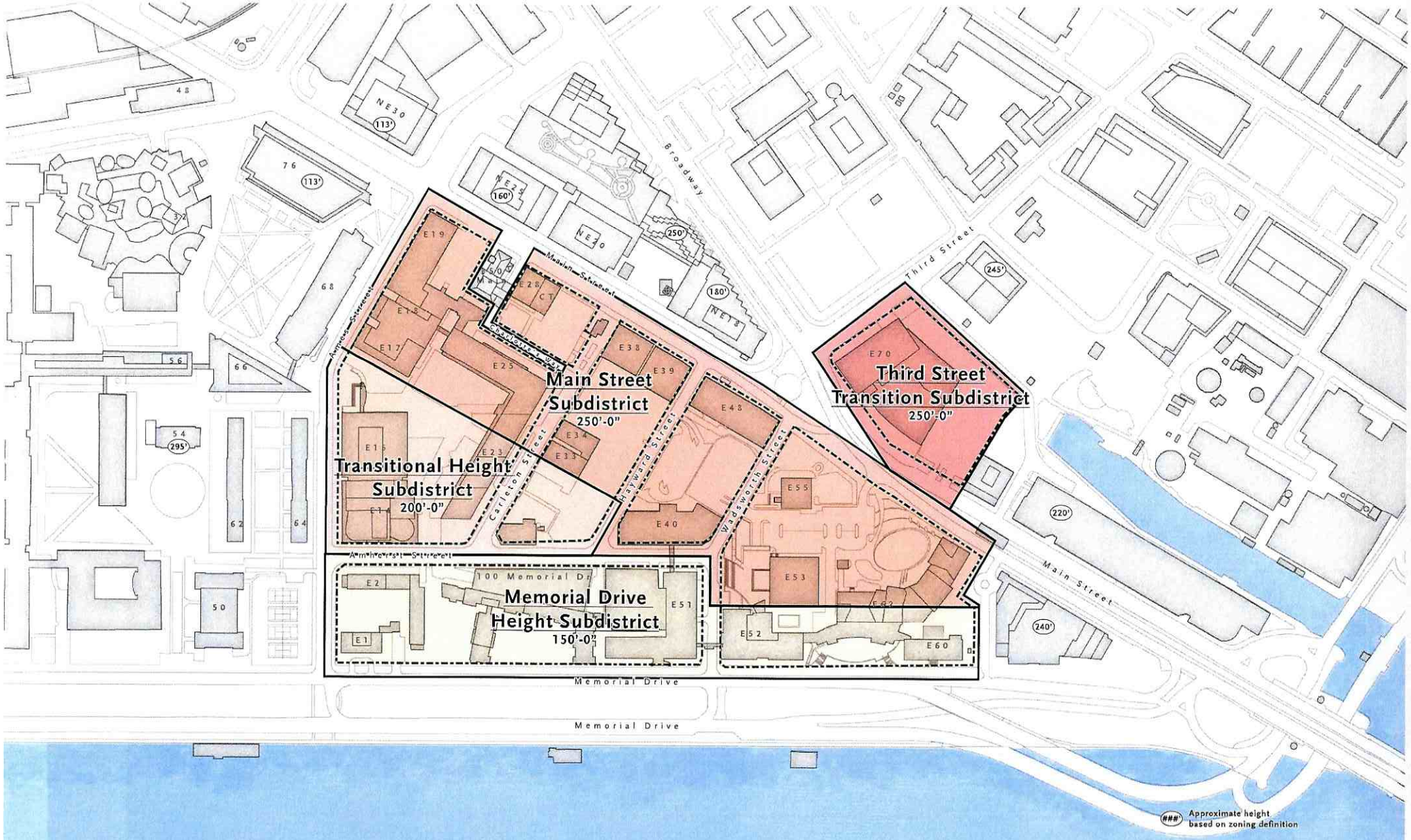
2012 Zoning Petition
Proposed PUD-5 District

December 2012



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2012 Zoning Petition
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