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# CAMBRIDGE CITY COUNCIL

David P. Maher
City Councillor

February 21, 2013

Donna Lopez
Interim City Clerk
City Hall
Cambridge, MA 02139

Dear Donna:

As Chair of the Ordinance Committee, I hereby transmit the following:

- Amendment to the Forest City Zoning Petition; and,
- Letter of Commitment as revised by Forest City to be accepted and incorporated into and made part of the Zoning Ordinance.

Please include this as part of the record for the upcoming meeting on Monday, February 25, 2013 under the heading of Communications and Reports for City Officers.

Thank you.

Sincerely,

David P. Maher
City Councillor

enclosure

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CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139
(617) 349-4280 FAX (617) 349-4287 TTY/TDD (617) 349-4242 EMAIL: dmaher@cambridgema.gov

I recommend that the Petition be revised by the Council by amending Section 15.100 "Consistency With Letter of Commitment" as follows:

Delete Section 15.100 and replace with the following:

"Section 15.100 CONSISTENCY WITH LETTER OF COMMITMENT

The Letter of Commitment dated February 25, 2013 by Forest City Commercial Group shall be binding upon Forest City Commercial Group and its successors and assigns. The issuance of any building permit or certificate of occupancy for new development occurring after January 1, 2012 shall be conditioned upon certification by the Community Development Department and all other relevant City departments to the Inspectional Services Department that all portions of the Letter of Commitment dated February 25, 2013 by Forest City Commercial Group are continuing to be met."

FORESTCITY | Boston

February 25, 2013

2013 FEB 25 PM 4 20
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

VIA HAND DELIVERY

David Maher
Chair of the Ordinance Committee
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

Re: Zoning Petition for 300 Massachusetts Avenue

Dear Chairman Maher:

Enclosed please find a revised Letter of Commitment signed by Forest City on behalf of Mass Ave 300 Block West LLC, concerning the revised Forest City Zoning Petition for the redevelopment of 300 Massachusetts Avenue. Please note that the only change made from the version delivered to you on February 21st was in response to a comment from attorney Susan Hegel from Cambridge and Somerville Legal Services, and changes the word "Premises" (which was not defined in the document) to the word "Project" in two locations in Section III (E), as shown on the attached redlined copy of the Letter of Commitment.

In all other respects, the attached signed Letter of Commitment is identical to the most recent version delivered to you on February 21st.

Very truly yours,

Kathryn Lachelt Brown

38 Sidney Street Cambridge, MA 02139 T 617.225.0310 F 617.225.0311
fceboston.com

Forest City Commercial Group

38 Sidney Street, Suite 180

Cambridge, MA 02139

February 25, 2013

Mayor Henrietta Davis
Ordinance Committee Chair David Maher
Vice Mayor E. Denise Simmons
City Councilor Leland Cheung
City Councilor Marjorie C. Decker
City Councilor Craig A. Kelley
City Councilor Kenneth E. Reeves
City Councilor Timothy J. Toomey, Jr.
City Councilor Minka vanBeuzekom
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

**Re: Commitments and conditions accompanying the amended zoning petition for Cambridgeport Revitalization Development District (CRDD)attached hereto as Attachment A**

Dear Mayor Davis, Ordinance Committee Chair Maher and Councilors Cheung, Decker, Kelley, Reeves, Simmons, Toomey and vanBeuzekom:

The purpose of this letter is to describe commitments and benefits which Mass Ave 300 Block West, LLC ("Forest City") is prepared to offer the City of Cambridge, to facilitate and enable Forest City to construct a life science building at 300 Massachusetts Avenue (the "Project"), subject to the satisfaction of the "Conditions" set forth below.

Forest City's Commitments

I. Forest City will contribute $1,078,680 to the City of Cambridge (the "City"), which funds the City shall use, in its discretion, for purposes directed at mitigating the impact of the Project on the community, as follows:

A. Within ninety (90) days after the adoption of the Forest City Zoning Petition extending the CRDD District to 300 Massachusetts Avenue and authorizing an additional 107,868 square feet of gross floor area, Forest City will contribute $269,670.00 to the City of Cambridge (the "City").

B. Within ninety (90) days of the approval of Forest City's application for a Special Permit from the Cambridge Planning Board authorizing the construction of the Project, Forest City will contribute $269,670.00 to the City of Cambridge.

C. Upon the issuance of a building permit authorizing construction of the Project, Forest City will contribute $269,670.00 to the City of Cambridge.

D. Upon the issuance of a Certificate of Occupancy for the Project, Forest City will contribute $269,670.00 to the City of Cambridge.

II. Section 15.32.2 of the Zoning Ordinance includes a minimum requirement of 150 affordable housing units within the CRDD District, which shall be made available to families of certain income limits for a period of at least thirty years. In a 1988 "Commitment to Housing Development" letter and its companion Housing Plan submitted by Forest City and MIT, we agreed that before the expiration of the thirty year affordability period set forth in the zoning, we would seek government subsidies (including subsidized financing) that would enable the affordable units to remain affordable for the full term of our leasehold interest. At the present time, University Park has a total of 168 units of affordable housing, 18 more than are required by zoning. As part of our community benefits package for 300 Massachusetts Avenue, Forest City commits that, regardless of whether or not we are able to obtain government subsidies as set forth in the Housing Plan, we will cause all affordable units, including the 18 that are in excess of zoning, to be maintained as affordable in accordance with their current use as either low income or moderate income units for the full term of our leasehold interests. All affordable units controlled by Forest City entities shall be deed-restricted and administered using the same rent and other requirements, policies, and procedures used for units subject to Section 11.200, provided, however, that the requirements of Section 15.32 shall govern with respect to income requirements.

III. Forest City will provide or cause to be provided a minimum of 25 affordable low-income deed-restricted dwelling units ("Affordable Housing" or "25 Affordable Units"), on a site or multiple sites to be determined in the future to be located within the City of Cambridge. It is understood and agreed by the undersigned and the City that the requirement herein for the 25 Affordable Units is based on the number of

affordable units that would have been created at the project previously proposed in the zoning petition by Forest City on the parcel adjacent to the Central Square Fire Station. Such Affordable Housing will meet the following standards:

A. Affordability: The Affordable low-income Housing will be available to households whose incomes do not exceed 80% of the area median income for the Boston area, and shall otherwise conform to the definition of Affordable Units as set forth in Section 11.201 of the Zoning Ordinance. Forest City agrees that it will cause the 25 Affordable Units to be provided by some means set forth in this Section, that the marketing and selection process for the 25 Affordable Units shall utilize the guidelines customarily employed by the Community Development Department in other housing assistance programs, and that the 25 Affordable Units shall be administered using the same rent and other requirements, policies, and procedures used for units subject to Section 11.200.

B. Location and Development: The Affordable Housing will be provided through one or more of the following means:

   (i) Construction of new housing on a site that has not been used for affordable housing subsequent to January 1, 2007.

   (ii) Conversion of an existing non-residential structure to residential use, subject to any applicable requirements and approvals set forth in the Zoning Ordinance.

   (iii) Construction of additional housing units on a site that currently contains housing, in which case the existing residential GFA and number of dwelling units on the site shall be maintained or replaced in addition to construction of the Affordable Housing referenced in this Section.

   (iv) Conversion of existing market-rate units within Cambridge to 25 Affordable Units provided that such units will otherwise meet the requirements of this Section.

   (v) Investment in and sponsorship of a project that will cause the production of 25 Affordable Units pursuant to the above description.

C. Zoning and Approvals: All development shall conform to applicable zoning requirements, including any provisions requiring the issuance of a special permit. The provisions of Section 11.200 shall also apply, which would allow an increase in density for projects meeting the definition of an Inclusionary Housing project. In the event that a special permit is not approved for an identified housing site, Forest City agrees to either seek an alternative site or to adhere to the Alternative Payment requirements set forth in Subparagraph "E" below. Any Affordable Units constructed by Forest City as part of a residential or mixed use project within the City and otherwise complying with the requirements herein and the requirements of section 11.200 of the zoning ordinance shall be deemed to satisfy the commitments expressed herein.

D. Phasing: Within seven (7) years of obtaining a Certificate of Occupancy for any new non-residential development at 300 Massachusetts Avenue, Forest City will have either (i) received a building permit authorizing the development of the Affordable Housing referenced in this Section or (ii) satisfied its commitment to provide 25 Affordable Units as set forth in paragraph (B) above. In the event that neither of the above conditions has been achieved, Forest City agrees to adhere to the Alternative Payment requirements set forth in Subparagraph "E" below.

E. Alternative Payment: If the Affordable Housing referenced in this Section is not provided in accordance with the phasing requirements set forth above for any reason, which may include inability of the developer to identify a feasible site, denial by the City of necessary permits required to develop housing on an identified site, or any other reason, then Forest City agrees to make a contribution to the Affordable Housing Trust in the amount of Five Million Dollars ($5,000,000) (the "Alternative Payment"); provided, however, that if a portion of the 25 Affordable Units is provided, then this Alternative Payment shall be reduced by amount equal to $200,000 per Affordable Unit provided by Forest City; provided further, however, that the amount of the Alternative Payment contribution shall be increased by the greater of (i) the CPI adjustment, as defined below, or (ii) a compounded rate of three percent (3%) per year, in either case as measured between the date of issuance of a Certificate of Occupancy for the Project and the date the payment is delivered to the City. The "CPI Adjustment" shall be equal to the percentage increase in the Consumer Price Index, All Urban Consumers (CPI-U) All Cities Average, All Items Index as published by the Bureau of Labor Statistics, United States Department of Labor (the "CPI") between the CPI that is published immediately prior to the date of issuance of a Certificate of Occupancy for the Project, and the CPI that is published immediately prior to the date the Alternative Payment is delivered to the City.

Conditions to Forest City's Commitment

For purposes of clarification, Forest City's commitments set forth above are offered if the following conditions (the "Conditions") are met:

1. The amendments to the Cambridge Zoning Ordinance set forth in Attachment A are duly adopted in the form attached hereto as Attachment A, and no challenge to the validity of the same shall have been made (or in the event of any challenge, such challenge shall have been finally resolved in favor of such validity.)

2. Forest City's application for a Special Permit from the Cambridge Planning Board authorizing the construction of the Project is granted, including but not limited to, approvals pursuant to Sections 19.20.

3. The appeal periods for the zoning approvals and permits necessary for the buildings authorized by such a Special Permit shall have expired without appeal having been made, or in the event that any appeal does occur, the outcome of said appeal shall not result in a change in the validity, or reduction in the development rights set forth in, the permits and approvals. All time periods specified in this Letter of Commitment shall be tolled during the resolution of any appeal.

4. So long as Forest City, its successors and assigns, is proceeding with development in accordance with the Special Permit and until the building is completed, the City shall not have initiated or supported any rezoning or other ordinance changes that would have the effect of adversely affecting any of the uses or development authorized by this zoning amendment to the CRDD District or by such an approved Special Permit.

In addition to meeting the requirements and conditions of any required permits for the Project, Forest City is making these payments to provide the City with resources should it become necessary to mitigate any impacts which might result from the Project which it will build at 300 Massachusetts Avenue as a result of the rezoning, special permit and issuance of the building permit. Should such impacts arise, these payments will enable the City to take appropriate steps to mitigate those impacts in the manner and at the times deemed most appropriate by the City.

As Forest City's duly authorized representative, I am pleased to make these commitments on Forest City's behalf.

Sincerely,

MASS AVE 300 BLOCK WEST LLC,
a Delaware limited liability company

By: FC Mass Ave 300 Block West LLC,
Its Manager

By: Forest City Commercial Group, Inc.
an Ohio corporation
Its Sole Member

By: _____
Name: Peter B. Calkins
Title: Vice President

Attachment A: Zoning Petition

**ORDINANCE NUMBER 1354**

**Final Publication Number 3300. First Publication in the Chronicle on February 14, 2013.**

**City of Cambridge**

**In the Year Two Thousand and Thirteen**

**AN ORDINANCE**

**In amendment to the Ordinance entitled "Zoning Ordinances of the City of Cambridge"**

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

Amend the Zoning Map by extending the Cambridgeport Revitalization Development District (CRDD) from Green Street to Massachusetts Avenue in the area adjacent to Blanche Street, and to amend Article 15.000 of the Zoning Ordinance of the City of Cambridge to increase the total allowed development in the CRDD Zoning District and to increase allowed building heights in specific areas of the district north of Green Street.

Amend text changes to Article 15.000, including the following substantive changes: changes regarding required retail use on Massachusetts Avenue, changes regarding the applicability of Section 11.200; changes regarding the applicability of Large Project Review procedures and established Design Guidelines; changes regarding the applicability of Section 19.59 Open Space; clarification of the applicability of Bicycle Parking requirements; and additional requirements for sustainable building design. Included with the petition is an amended revised Letter of Commitment incorporated into and made part of the Zoning Ordinance describing the commitments and conditions Forest City will make, upon ratification of the zoning petition, with respect to (a) monetary contributions for public benefits that will mitigate the impact of the project on the community, (b) preservation of existing affordable housing, and (c) the creation of 25 new units of affordable housing.

In City Council February 25, 2013.
Passed to be ordained as amended by a yea and nay vote:-
Yeas 9; Nays 0; Absent 0; Present 0.
Attest:- Donna P. Lopez, Interim City Clerk.

A true copy;

ATTEST:- Donna P. Lopez

Donna P. Lopez
Interim City Clerk

# ARTICLE 15.000 CAMBRIDGEPORT REVITALIZATION DEVELOPMENT DISTRICT

15.10 SCOPE AND INTENT
15.20 USE REGULATIONS
15.30 INTENSITY OF DEVELOPMENT REQUIREMENTS
15.40 OPEN SPACE REQUIREMENTS
15.50 PARKING AND LOADING REQUIREMENTS
15.60 SIGNS
15.70 INAPPLICABILITY OF CERTAIN OTHER REGULATIONS
15.80 PUBLIC BENEFITS

## 15.10 SCOPE AND INTENT

**15.11** *Scope.* This Article regulates development within the Cambridgeport Revitalization Development District, located as shown on the Zoning Map as amended.

**15.12** *Purpose.* The purpose of the District is to implement the Blue Ribbon Committee Report dated December, 1986 adopted by the Cambridge City Council February 9, 1987; to allow a diversity of land uses in close proximity within a limited area; to provide a transition from the existing Cambridgeport residential neighborhoods to the business oriented uses in the District; and to encourage interaction among activities located within the District; to provide for mixed income residential uses as an extension of the existing Cambridgeport residential neighborhood.

**15.13** *Approach.* This Article is designed to fulfill the above purpose of the Cambridgeport Revitalization Development District by establishing controls which will facilitate development while protecting the public interest; by setting regulations which limit the aggregate amount of development within the District by setting other district wide requirements while permitting flexible development scale and configuration on individual lots within the District; by requiring a minimum of residential development and encouraging additional residential development within the District and by allowing mixed uses within the District.

## 15.20 USE REGULATIONS

**15.21** *Permitted Uses.* The following uses are allowed in the Cambridgeport Revitalization Development District. All uses not listed within one of the use groups in this section shall be prohibited. All uses within the District shall comply with the environmental protection standards of Section 15.23.

**15.21.1** Light Industry

(1) Manufacturing and fabrication, assembly, finishing work (including packaging and bottling, but only as an accessory use) as permitted in Section 4.37 a and b.

(2) Wholesale business, as permitted in Section 4.37; only if affiliated with and accessory to another use or located on the same lot as other nonwholesale uses. Development on any lot in the district shall not be devoted exclusively to wholesale uses.

(3) Printing, binding, or related establishment, as permitted in Section 4.37f.

(4) Storage warehouse, cold storage building, as permitted in Section 4.37k, but as an accessory use only and not exceeding twenty thousand (20,000) square feet, (GFA), but not including storage or bailing of junk, scrap metal, rages, paper or other waste materials and not including outside storage of products or materials.

(5) Automotive repair garage as permitted in Section 4.37h, provided the use is contained within a building having other uses (including among other uses permitted, accessory parking) and further provided that the garage occupy no more than twenty percent (20%) of the area of the building.

**15.21.2** Office Uses

(1) All uses permitted in Section 4.34.

(2) Radio or television studio as permitted in Section 4.32f.

**15.21.3** Retail and Consumer Service Establishments

(1) Store for retail sale of merchandise.

(2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including restaurant, bar, lunchroom, cafeteria and food commissary.

(3) Fast order food establishment subject to the Special Permit requirements of Section 11.30, unless such use is enclosed in a structure principally containing other uses and is included in a "food court" or similar specialized area.

(4) Consumer service establishment, including but not limited to hairdresser, barber shop, laundry or dry cleaning pickup establishment, self service laundry, and shoe repair or tailoring shop, or photography studio.

(5) Rental agency for autos or other products, but not including taxi companies. Such agencies shall be operated entirely within a building and no major automobile repairs shall be made on the premises.

(6) Automobile service stations where no major repairs are made.

**15.21.4 Residential Uses**

(1) One and two family dwellings.

(2) Townhouse development.

(3) Multifamily dwelling.

(4) Hotel or motel.

**15.21.5** Entertainment and Recreational Uses

(1) Indoor commercial entertainment establishments including but not limited to cinema, theater, concert hall, cabaret and night club.

(2) Recreation facilities including bowling alley, indoor or outdoor tennis courts, public recreation building, health club, or skating rink. Such recreation facilities shall be allowed only if they are located in or attached to structures containing other principal uses.

(3) Hall, auditoriums and similar spaces used for public gatherings.

(4) Park or playground.

**15.22** *Multiple Uses in the Same Structure.* Within the District there shall be no restriction on combining different categories of use within the same building other than those imposed by the State Building Code or other federal, state or local regulations other than the Zoning Ordinance.

**15.23** *Environmental Protection Standards.* No activity shall be permitted in the District unless it shall be in conformity with the following standards for environmental protection:

**15.23.1** All dust, fumes, odors, smoke or vapor shall be effectively confined to the premises or so disposed of as to avoid air pollution.

**15.23.2** Any noise, vibration or flashing shall not be normally perceptible without instruments at a distance of one hundred (100) feet from the premises.

**15.23.3** All development proposals shall comply with Federal and State air pollution and water pollution control regulations, the City of Cambridge Ordinances, and other applicable environmental laws.

**15.23.4** Except during construction activity on the lot, all refuse and other waste materials shall be stored within buildings prior to collection and disposal.

**15.24** *Required Retail Uses on Massachusetts Avenue.* For any building directly facing or abutting Massachusetts Avenue, a minimum of seventy-five percent (75%) of the linear ground floor frontage along Massachusetts Avenue, to a minimum average depth of forty (40) feet from the Massachusetts Avenue building facade, shall be occupied by Retail and Consumer Service uses as permitted by Subsection 15.21.3 or Entertainment and Recreational Uses as permitted by Subsection 15.21.5. This requirement shall apply in addition to the Use Limitations and Restrictions for the Central Square Overlay District set forth in Subsection 20.304.5.

**15.24.1** *Marketing of Required Retail Space.* As of January 1, 2012, where it is proposed to create new retail space as required in Section 15.24, the proponent shall include a marketing plan for such retail space as a part of the Submittal for any Project Review procedure that may be required in accordance with Section 15.36. At a minimum, such a marketing plan shall (1) set forth target

uses and users (and shall particularly target local and/or independent retailers), (2) designate an individual responsible for implementing the plan who shall serve as a point of contact with the Community Development Department (through its Economic Development Division), and (3) describe the types of economic incentives which may be offered to tenants such as rental and fit-up allowances. Subsequent to completing all project review procedures, the proponent shall periodically consult with the Economic Development Division on the implementation of the marketing plan and shall, at a minimum, submit any further modifications or clarifications of the plan to the Economic Development Division for review. The Community Development Department shall certify to the Inspectional Services Department that this requirement has been met prior to issuance of a Certificate of Occupancy for the required retail space.

**15.30 INTENSITY OF DEVELOPMENT REQUIREMENTS**

**15.31** *Applicability.* The amount and density of development within the Cambridgeport Revitalization Development District shall be governed by the provisions of this Section 15.30.

**15.32** *District Development Limitations.* There shall be a limitation on the amount of all development within the District and a minimum requirement of residential (excluding hotel and motel uses) development within the District, both as specified below.

**15.32.1** The aggregate of all development in the District shall not exceed (i) one million eight hundred twenty thousand (1,820,000) square feet of gross floor area (GFA) in nonresidential buildings (which term for the purpose of this Article shall exclude parking facilities and portions of the buildings containing parking facilities and shall include buildings and portions of buildings containing hotel and motel uses) and (ii) seven hundred twenty-five thousand (725,000) square feet of GFA in residential buildings.

Aggregate GFA development in the District is at any time the sum of the GFA (as defined in Article 2.000 of this Ordinance) of all such nonresidential buildings (i) which are then located in the District and (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits.

**15.32.2** As an incentive for the maximum allowable density as provided in Subsection 15.32.1 there is a minimum requirement of residential (excluding hotel and motel uses) development within the District of four hundred (400) dwelling units as set forth in Section 15.32.5. One hundred (100) dwelling units shall be made available for a period not less than thirty (30) years for families having an income of eighty percent (80%) or less of the median family income for the Metropolitan Boston Statistical Area adjusted for family size (hereinafter identified as low income units) and an additional fifty (50) units shall be made available for a period not less than thirty (30) years for occupants meeting the income limits established from time to time by the Massachusetts Housing Finance Agency for first time homebuyers, adjusted for family size (hereinafter identified as moderate income units). A minimum of two hundred and fifty (250) of the required dwelling units shall be located West of Sidney Street.

Notwithstanding the exclusion set forth in Section 11.202.2, the provisions of Section 11.200 of this Ordinance shall apply to any development in the District that is approved after January 1, 2012, except for those provisions that relate to authorizations for an increase in permissible density or intensity of use in Sections 11.203.2(b) and (c), which shall not be available beyond the overall limitations for GFA established for the District by this Section 15.000.

**15.32.3** Retail and consumer service establishments as permitted in Section 15.21.3 (excluding uses accessory to and within hotels and other accessory uses such as newsstands and cafeterias serving primarily occupants of the development within the District) and entertainment uses as permitted in Section 15.21.5(1) shall be limited to a maximum of one hundred and fifty thousand (150,000) gross square feet. Any such uses that are required by Section 15.24 shall be exempt from this limitation.

**15.32.4** Any construction or change of use within the District which would cause aggregate or cumulative GFA or dwelling unit limitations of Subsections 15.32.1, 15.32.2, and 15.32.3 to exceeded shall not be allowed.

(1) Compliance with this Section 15.32.4 shall be determined by the Superintendent of Buildings at all times including at the time of issuance of a certificate of occupancy under Section 9.20 of this Ordinance.

(2) The Superintendent of Buildings shall maintain a record of the aggregate GFA of nonresidential buildings within the District, a record of the cumulative number of dwelling units in the District, the GFA of such dwelling units and a list of the units designated to satisfy the requirements of Section 15.32.2. These records shall be updated as appropriate, from time to time, including upon issuance, revocation or expiration of a building permit or certificate of occupancy and may relied on by any interested party to determine compliance with the provisions and requirements of this Article.

(3) Prior to the issuance of any building permits the Superintendent of Buildings shall on the basis of information submitted with the building permit application determine whether the minimum required residential development and the minimum required publicly beneficial open space are capable of being developed within the District.

In no case, however, shall the Superintendent of Buildings issue a building permit increasing the aggregate gross floor area of all buildings in the District beyond 1,000,000 square feet unless there exists at least one hundred ten (110) dwelling units of which at least twenty-seven (27) are low income dwelling units, and at least sixty thousand (60,000) square feet of area have been reserved or designated as publicly beneficial open space in partial satisfaction of the requirements of Section 15.40; nor shall the Superintendent of Buildings issue a building permit increasing the aggregate gross floor area of nonresidential buildings in the District beyond 1,850,000 square feet unless there exist at least four hundred (400) dwelling units of which at least one hundred (100) are low income units and at least fifty (50) are moderate income units.

(4) The application for a building permit or a certificate of occupancy shall be accompanied with the following information submitted to the Superintendent of Buildings, as appropriate to the application, in order to determine compliance with this Section 15.32.

(a) measurement of total gross floor area of the new nonresidential buildings or building additions to nonresidential buildings;

(b) measurement of gross floor areas of renovations or use changes within existing buildings;

(c) the total number of dwelling units in the new building, building addition or renovated building, the gross floor area of such units, and the number of such units being dedicated to families having an income maximum specified in Section 15.32.2;

(d) the aggregate or cumulative gross floor area of all nonresidential buildings located within the District;

(e) the aggregate or cumulative number of dwelling units located within the District, the aggregate or cumulative gross floor area of units and the aggregate or cumulative number of such units dedicated to families having an income maximum specified in Section 15.32.2;

(f) the development site(s) set aside for compliance with minimum residential development required pursuant to Section 15.32.2;

(g) the aggregate or cumulative gross floor area devoted to retail and consumer service establishments as permitted in Section 15.21.3 (but excluding accessory uses such as newsstands and cafeterias serving primarily occupants of the development within the District) and entertainment uses as permitted in Section 15.21.5(1);

(h) the aggregate total publicly beneficial open space provided in conformance with the requirements of Section 15.40.

**15.32.5** Notwithstanding the provisions of Subsection 15.32.1, development in the District shall not exceed one million and seven hundred and fifty thousand (1,750,000) square feet of GFA in nonresidential buildings and four hundred (400) dwelling units, without first submitting a development plan of the District to the Planning Board and obtaining the approval of the Planning Board of the further proposed development within the District or any portion thereof. The development plan shall show the approximate location of all existing and proposed buildings, the aggregate GFA thereof, and the uses thereof; and all streets, parking facilities, the number of parking spaces thereof, curb cuts, offstreet loading areas and publicly beneficial open spaces within the District. There shall be submitted with the development plan sufficient additional information to enable the Planning Board to determine whether the existing improvements and uses thereof comply within the requirements of this Article at the time that

such development plan is submitted. The development plan shall be accompanied by a traffic report containing such information as may be necessary to determine whether or not the provisions of subparagraph (v) of this Subsection 15.23.5 have been satisfied. In considering the development plan the Planning Board shall conform to all requirements of procedure applicable to requests for special permits (including requirements for public hearing and notice) pursuant to this Ordinance. The Planning Board shall approve any development plan under the provisions of this Subsection 15.32.5 if the following requirements are met:

(i) The improvements and the uses thereof existing at the time of the submittal of any development plan and the proposed improvements and uses thereof as depicted on the development plan shall be in conformity with the provisions of this Article;

(ii) There shall have been constructed a minimum of two hundred (200) dwelling units conforming to the provisions of Subsection 15.32.2 which include seventy-five (75) low income dwelling units;

(iii) There shall have been dedicated and installed at least one hundred thousand (100,000) square feet of publicly beneficial open space conforming to the provisions of Subsection 15.41;

(iv) The improvements existing at the time of the submittal of any development plan shall have been constructed substantially in accordance with design guidelines (including without limitation any restrictions on building heights) agreed to between the City and owner as may be amended pursuant to the Development Consultation Procedure; and

(v) Implementation of traffic mitigation measures which have as a standard the maximum generation of one thousand seven hundred (1,700) two way (inbound and outbound) vehicular trips at PM peak hour from all development within the District measured in accordance with the traffic mitigation agreement between Cambridge Community Development Department and owner as may be amended pursuant to the Development Consultation Procedure; to the extent that the total PM peak hour two way vehicle trip generation for all development with the District measured at the time of the submission of development plan pursuant to this Subsection 15.32.5 exceeds one thousand five hundred (1,500) trips but is less than the maximum one thousand seven hundred (1,700) trips,

additional gross floor area shall be permitted up to the maximum limit of one hundred and fifty thousand (150,000) square feet pursuant to such traffic mitigation agreement.

**15.33** *Building Height Limitation.* The maximum building height within one hundred (100) feet of the easterly sideline of Brookline Street south of Franklin Street shall be forty (40) feet. The maximum building height within two hundred twenty-five (225) feet of the easterly sideline of Brookline Street north of Franklin Street shall be eighty (80) feet. The maximum building height north of Green Street shall be eighty (80) feet, except that east of Blanche Street the height may be increased to ninety-five (95) feet provided that for at least two-thirds of the Massachusetts Avenue frontage of any building, there shall be a cornice line at or below sixty-five (65) feet, above which any taller portions of the building shall step back at least fifteen (15) feet from the Massachusetts Avenue façade. The maximum building height within two hundred (200) feet westerly of the westerly sideline of Sidney Street and within two hundred (200) feet northerly of the northerly sideline of Pacific Street shall be one hundred and five (105) feet. The remaining portion of the District shall have a maximum building height of seventy (70) feet except that buildings or portions thereof shall be allowed to exceed such seventy (70) feet maximum building height to the following extent. Easterly of Sidney Street up to one million ninety thousand (1,090,000) gross square feet of building area within not more than five (5) buildings or portions thereof may exceed the seventy (70) feet height limitation to the maximum building height of one hundred and sixty (160) feet and one of such buildings or portions thereof shall be permitted to the maximum building height of two hundred and five (205) feet if it is located easterly of Landsdowne Street.

**15.34** *Maximum Floor Area Ratio Requirements*

For the area west of Sidney Street the following aggregate FAR limitations shall be in effect:

(1) For the subarea bounded by Sidney, Franklin, Brookline, and Pacific Streets, the maximum aggregate FAR shall be 3.0 except that for the portion of the subarea within one hundred and seventy-five (175) feet of the easterly sideline of Brookline Street the maximum aggregate FAR shall be 1.5.

(2) For the subarea bounded by Sidney, Green, Brookline, and Franklin Streets the maximum aggregate FAR shall be 3.0 with the following exceptions:

(a) for the portion of the subarea within 100 feet of the easterly sideline of Brookline Street, the maximum aggregate FAR shall be 2.0.

(b) renovation of the existing building in the block (commonly known as the Fenton Shoe Building) shall be permitted to exceed the 3.0 aggregate FAR limitation, to no more than 4.4.

As used herein, the term "aggregate FAR" shall mean the ratio of Gross Floor Area of all structures within the applicable subarea (or portion thereof) to the total area of all lots within the applicable subarea (or portion thereof).

**15.35** *Dimensional Requirements.* There shall be no minimum lot size in the District. There shall be no requirement with respect to minimum lot widths or minimum front, side or rear yards in the District.

**15.36** *Project Review.* All development occurring after January 1, 2012 within the Cambridgeport Revitalization Development District shall comply with the applicable project review requirements set forth in Article 19.000 of the Zoning Ordinance. The Cambridgeport Revitalization Development District shall be considered an area of special planning concern and a district in which the Project Review Special Permit provisions set forth in Section 19.20 are applicable, notwithstanding anything to the contrary in Section 19.22. All development within the District must comply with the Procedures specified in Article 19.000 except as herein modified:

(1) the Planning Board shall conduct the Development Consultation Procedure in lieu of the Community Development Department;

(2) the Large Project Procedure (Section 19.43.3) shall be modified so that the required consultation session shall occur within fourteen (14) days of the submission of the required documents and the required written comments shall be issued within fourteen (14) days of that session;

(3) the Submittal Requirements for any project review procedure shall, in addition to those detailed in the applicable Sections of Article 19.000, include the following:

(a) a schematic master development plan of the entire district with anticipated phasing as it is known at the time of submission;

(b) details of the design of at least sixty thousand (60,000) square feet of publicly beneficial open space, to be provided for review prior to the issuance of building permits for nonresidential development exceeding nine hundred and fifty thousand (950,000) square feet;

(c) details of the design of the one hundred thousand (100,000) square feet of publicly beneficial open space required under Section 15.32.5, to be provided or reserved prior to the issuance of building permits for nonresidential development exceeding one million five hundred thousand (1,500,000) square feet;

(d) a status report on the implementation of and effectiveness of the traffic mitigation measures in place including those counts of traffic generated within the District at intervals required under the Traffic Mitigation Agreement.

**15.37** For those portions of the District along Massachusetts Avenue located within the Central Square Overlay District, notwithstanding anything set forth in Section 20.300, the Large Project Review shall be undertaken by the Planning Board. Where applicable, the Planning Board shall be guided by the objectives and criteria contained in the publications "Central Square Action Plan", City of Cambridge, November 1987, and "Central Square Development Guidelines", June 1989, and by any additional relevant zoning or planning studies subsequently undertaken by or on behalf of the City. To the extent any provision in these documents is in conflict with the Design Guidelines for the Cambridgeport Revitalization Development District ("CRDD"), the Planning Board shall determine which guideline is most appropriate to be considered in the Large Project Development Consultation.

**15.40 PUBLICLY BENEFICIAL OPEN SPACE REQUIREMENT**

**15.41** *Public Open Space Requirement.* As an incentive for the maximum allowable density as provided in Subsection 15.32.1 there is a requirement that a minimum amount of one hundred thousand (100,000) square feet within the District be permanently reserved or designated (without reference to location) as publicly beneficial open space accessible at ground level as set forth in Section 15.32.5. No development shall be allowed which would permanently reduce publicly beneficial open space in the District below one hundred thousand (100,000) square feet. A minimum of fifty thousand (50,000) square feet of contiguous publicly beneficial open space shall be located west of Sidney Street. The initial location of the required publicly beneficial open space shall be guaranteed through one or more of the following.:

**15.41.1** Dedication to and acceptance by the City of Cambridge or other public entity;

**15.41.2** Easements or deed restrictions over such land sufficient or ensure that reservation for public open space purposes for at least seventy-five (75) years or longer to the the City or other public entity;

**15.41.3** Lease agreements of seventy-five (75) years or longer to the City or other public entity;

**15.41.4** Dedication, by covenant or comparable legal instrument, enforceable by the City and binding on the owner for seventy-five (75) years or longer.

**15.41.5** Compliance with this provision shall be deemed as satisfying the requirements of Section 19.59 of this Ordinance.

**15.50 PARKING AND LOADING REQUIREMENTS**

**15.51** *Parking and Loading requirements.* Off Street parking and loading requirements for the Cambridgeport Revitalization Development District shall be the same as set forth in Article 6.000 and in the Schedule of Parking and Loading Requirements applicable to Residence C-3, Office 3, Business B and Industry B Districts.

**15.51.2** The parking requirement may be satisfied in total or in part by a pooled private or public parking facility located anywhere within the District.

**15.51.3** For any development that is approved in the District after January 1, 2012, the provisions of Section 6.37 pertaining to Bicycle Parking requirements shall apply regardless of whether the automobile parking requirements for the development are fulfilled with newly-constructed or pre-existing parking spaces.

**15.60 SIGNS**

The sign regulations of Article 7.000 applicable to Office and Industrial Districts shall be applicable in the Cambridgeport Revitalization Development District.

**15.70 INAPPLICABILITY OF CERTAIN OTHER REGULATIONS**

Where this Article 15.000 specifies some standard or makes some other requirements contrary to a requirement or standard established elsewhere in this Ordinance including any dimensional limitations contained in Article 20.300, the provisions of this Article 15.000 shall control.

**15.80 PUBLIC BENEFITS**

The obligations to limit development to the aggregate gross floor area set forth in Section 15.32.1, to provide residential development pursuant to Section 15.32.2 and to create publicly beneficial open space pursuant to Section 15.41, and to conform to the requirements set forth in this Article 15.000 and all other applicable requirements set forth elsewhere in the Zoning Ordinance shall satisfy the obligations to provide public benefits, linkage payments or hereinafter required in the City of Cambridge.

**15.90 SUSTAINABILITY REQUIREMENTS**

**15.91** *Green Building Standards.* Any new building that is approved in the District after January 1, 2012 and that is subject to the provisions of Section 22.20 of the Ordinance shall required to meet the requirements of the most current applicable LEED building rating system at the level 'Gold' or better. Additionally, the submission requirements under Section 22.20 for each new building shall include a Statement of Energy Design Intent produced through the EnergyStar Target Finder tool, or comparable method.

**15.92** *Energy Monitoring.* All new buildings approved in the District after January 1, 2012 shall track and report energy use to the City using EnergyStar, Labs21, LEED-EBOM or a comparable mechanism. Such reporting shall occur on an annual basis beginning at initial building occupancy, then once every five (5) years thereafter.

**15.93** *Cool Roofs.* All new buildings approved in the District after January 1, 2012 must employ Functional Green Roofs (as such term is defined in Article 22.000 of this Zoning Ordinance) or high-albedo "white" roofs.

**15.100 CONSISTENCY WITH LETTER OF COMMITMENT**

The Letter of Commitment dated February 25, 2013 by Forest City Commercial Group shall be binding upon Forest City Commercial Group and its successors and assigns. The issuance of any building permit or certificate of occupancy for new development occurring after January 1, 2012 shall be conditioned upon certification by the Community Development Department and all other relevant City departments to the Inspectional Services Department that all portions of the Letter of Commitment dated February 25, 2013 by Forest City Commercial Group are continuing to be met.