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2010 APR -1 P 4: 27

OFFICE OF THE CITY CLERK
CITY OF CAMBRIDGE

April 1, 2010

VIA HAND DELIVERY

Ms. Margaret Drury
City Clerk
City of Cambridge
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, Massachusetts 02139

BOSTON, MA
NEW YORK, NY
PRINCETON, NJ
SAN FRANCISCO, CA
WASHINGTON, D.C.

Re: Mixed Use Development District, Cambridge, MA

Dear Ms. Drury:

On behalf of the landowners referenced in the attached document, enclosed please find a Zoning Petition pursuant to Chapter 40A, Section 5 of the Massachusetts General Laws relating to the Mixed Use Development District. Also enclosed is a check in the amount of \$150.00 for the filing fee.

We would respectfully request that this petition be placed on the agenda for the City Council's upcoming meeting on April 5, 2010.

Thank you for your attention and assistance, and please do not hesitate to contact me should you require any additional information.

Very truly yours,

Madeleine C. Timin
Senior Vice President,
Regional General Counsel

Enclosures

Ms. Margaret Drury
April 1, 2010
Page 2 of 2

cc: James J. Rafferty, Esq. (*via e-mail*) (w/encl.)
Mr. Michael A. Cantalupa (w/encl.)
Mr. Richard T. Monopoli (w/encl.)

Zoning Petition

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

2020 APR -1 P 4:27

1. To see if the City Council will vote to amend the Zoning Map of the City of Cambridge to identify the portion of the MXD District located between Main Street and Broadway shown on the attached sketch as "Smart Growth/Underutilized Area."

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2. To see if the City Council will vote to amend Sections 14.32.1 and 14.32.2 of the Cambridge Zoning Ordinance, which currently read as follows:

14.32.1

The aggregate gross floor area (GFA) of development in the District shall not exceed two million, seven hundred and seventy three thousand (2,773,000) square feet plus two hundred thousand (200,000) square feet that shall be limited to residential uses as permitted in Section 14.21.4(1). The two hundred thousand (200,000) square feet of GFA restricted to housing use, however, may only be used in that portion of the MXD district located between Main Street and Broadway. Aggregate GFA of development in the District is at any time the sum of the GFA (as defined in Article 2.000 of this Ordinance) of all buildings (i) which are then located in the District, (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits, and (iii) which, pursuant to then outstanding contracts (including options) with Cambridge Redevelopment Authority and so stated in certificates from the Authority to the Superintendent of Buildings, may be constructed in the District in the future. Notwithstanding the definition in Article 2.000 for Gross Floor Area and the provisions of Section 5.25, parking garages and accessory parking facilities shall be exempt from the requirements as to Floor Area Ratio and shall not be included in the calculation for Gross Floor Area on a lot.

14.32.2

In addition to the aggregate GFA limitation establishment in Section 14.32.1, the cumulative GFA for each of the use groups shall not exceed the respective amounts stated below, except as provided in Subsection 14.32.2(5). Cumulative GFA for a use group is at any time the sum of GFA (as defined in Article 2.000 of this Ordinance) of all portions, occupied or to be occupied by uses within such use group, of all building (i) which are then located in the District, (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits, and (iii) which pursuant to then outstanding contracts (including options) with Cambridge Redevelopment Authority and so stated in certificates from the Authority and so stated in certificates from the Authority to the Superintendent of Buildings, may be constructed in the District in the future.

(1) Industrial uses permitted by Section 14.21.1 of this Article: Cumulative GFA = 770,000 square feet.

- (2) Office Uses and Biotechnology Manufacturing Uses permitted by Section 14.21.2 of this Article: Cumulative GFA = 1,305,000 square feet.
- (3) Retail and consumer service uses permitted by Section 14.21.3 of this Article: Cumulative GFA = 150,000 square feet.
- (4) Residential uses permitted by Section 14.21.4 of this Article:
 - (a) Multifamily housing: Cumulative GFA=300,000 square feet
 - (b) Hotel/Motel: Cumulative GFA=440,000 square feet
- (5) Entertainment, recreation, institutional, transportation, communication and utility uses permitted by Sections 14.21.5, 14.21.6 and 14.21.7 and additional development of industrial, office and biotechnology manufacturing uses, retail, consumer service and hotel/motel uses exceeding the cumulative GFA limitations of paragraphs (1), (2), (3), and (4b) above: Cumulative GFA=973,000 square feet.

by deleting the language shown in [*italics and brackets*] below and adding the language shown in **bold face and underlined** below:

14.32.1

The aggregate gross floor area (GFA) of development in the District shall not exceed [*two million, seven hundred and seventy three thousand (2,773,000)*] **three million, seventy-three thousand (3,073,000)** square feet, **provided that any development in excess of two million seven-hundred and seventy three thousand (2,773,000) shall occur only within the area designated on the Zoning Map as “Smart Growth/Underutilized Area.”** plus two hundred thousand (200,000) square feet that shall be limited to residential uses as permitted in Section 14.21.4(1). The two hundred thousand (200,000) square feet of GFA restricted to housing use, however, may only be used in that portion of the MXD district located between Main Street and Broadway. Aggregate GFA of development in the District is at any time the sum of the GFA (as defined in Article 2.000 of this Ordinance) of all buildings (i) which are then located in the District, (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits, and (iii) which, pursuant to then outstanding contracts (including options) with Cambridge Redevelopment Authority and so stated in certificates from the Authority to the Superintendent of Buildings, may be constructed in the District in the future. Notwithstanding the definition in Article 2.000 for Gross Floor Area and the provisions of Section 5.25, parking garages and accessory parking facilities shall be exempt from the requirements as to Floor Area Ratio and shall not be included in the calculation for Gross Floor Area on a lot.

14.32.2

In addition to the aggregate GFA limitation establishment in Section 14.32.1, the cumulative GFA for each of the use groups shall not exceed the respective amounts stated below, except as provided in Subsection 14.32.2(5). Cumulative GFA for a use group is

at any time the sum of GFA (as defined in Article 2.000 of this Ordinance) of all portions, occupied or to be occupied by uses within such use group, of all building (i) which are then located in the District, (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits, and (iii) which pursuant to then outstanding contracts (including options) with Cambridge Redevelopment Authority and so stated in certificates from the Authority and so stated in certificates from the Authority to the Superintendent of Buildings, may be constructed in the District in the future.

(1) Industrial uses permitted by Section 14.21.1 of this Article: Cumulative GFA = 770,000 square feet.

(2) Office Uses and Biotechnology Manufacturing Uses permitted by Section 14.21.2 of this Article: Cumulative GFA = 1,3605,000 square feet.

(3) Retail and consumer service uses permitted by Section 14.21.3 of this Article: Cumulative GFA = 150,000 square feet.

(4) Residential uses permitted by Section 14.21.4 of this Article:

(a) Multifamily housing: Cumulative GFA=300,000 square feet

(b) Hotel/Motel: Cumulative GFA=440,000 square feet

(5) Entertainment, recreation, institutional, transportation, communication and utility uses permitted by Sections 14.21.5, 14.21.6 and 14.21.7 and additional development of industrial, office and biotechnology manufacturing uses, retail, consumer service and hotel/motel uses exceeding the cumulative GFA limitations of paragraphs (1), (2), (3), and (4b) above: Cumulative GFA=973,000 square feet.

3. To see if the City Council will vote to amend Section 14.32.3(2) of the Cambridge Zoning Ordinance by adding the sentence shown below in **bold face and underlined**:

Aggregate GFA within the District authorized by a variance issued by the Board of Zoning Appeal to exceed the District Development Limitations of Section 14.32 shall not be counted by the Superintendent of Buildings for any purpose in determining the aggregate GFA within the District or compliance with the intensity of development requirements of Article 14. The Superintendent of Buildings shall maintain a separate record of any development within the area of the MXD district designated on the Zoning Map as "Smart Growth/Underutilized Area." Development after September 30, 2010, within the area of the MXD district designated on the Zoning Map as "Smart Growth/Underutilized Area" shall be allocated first to the increment of allowable GFA in the MXD district between two million, seven hundred and seventy three thousand (2,773,000) and three million, seventy-three thousand (3,073,000) square feet, and then to any remaining GFA under two million, seven hundred and seventy three thousand (2,773,000) as authorized by the District Development Limitations of Section 14.32.

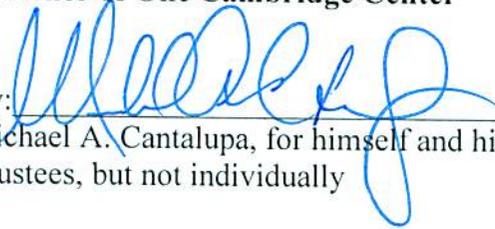
4. To see if the City Council will vote to amend the Cambridge Zoning Ordinance by adding Section 14.44.3 to the Cambridge Zoning Ordinance to read as follows:

14.44.3 Public Open Space in Common Ownership Located Directly Across a Private Way. Public open space within the meaning of Section 14.42 held in common ownership with the lot for which open space is required, located within the District and directly across a private way from said lot, shall be counted toward satisfaction of the lot minimum open space requirements of Section 14.43. The perimeter of such public open space, less the boundary that abuts the private way, shall count toward the “total perimeter boundary of the lot” under Section 14.44.1 and “the length of the lot’s common boundary on the public open space” under Section 14.44.2. The perimeter of such public open space, including the boundary that abuts the private way, shall count toward the “total boundary of the public open space” under Section 14.44.2.

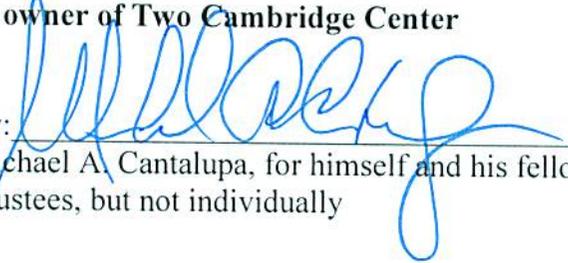
This zoning petition for amendment of the Cambridge Zoning Ordinance is respectfully submitted by the owner of the land to be affected by the change, for consideration and adoption by the Cambridge City Council in accordance with the provisions of Massachusetts General Laws Chapter 40A, § 6.

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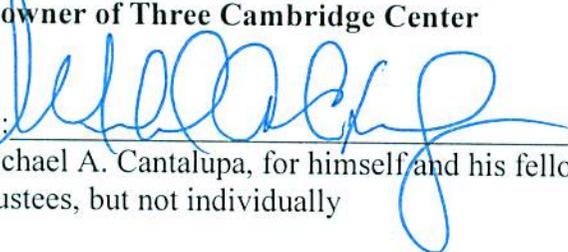
**THE TRUSTEES OF ONE CAMBRIDGE CENTER TRUST,
as owner of One Cambridge Center**

By: 
Michael A. Cantalupa, for himself and his fellow
Trustees, but not individually

**THE TRUSTEES OF TWO CAMBRIDGE CENTER TRUST,
as owner of Two Cambridge Center**

By: 
Michael A. Cantalupa, for himself and his fellow
Trustees, but not individually

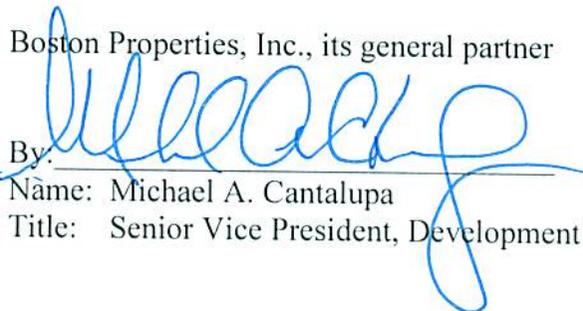
**THE TRUSTEES OF THREE CAMBRIDGE CENTER TRUST,
as owner of Three Cambridge Center**

By: 
Michael A. Cantalupa, for himself and his fellow
Trustees, but not individually

**BP FOUR CC LLC,
as owner of Four Cambridge Center**

By: Boston Properties Limited Partnership,
its sole member

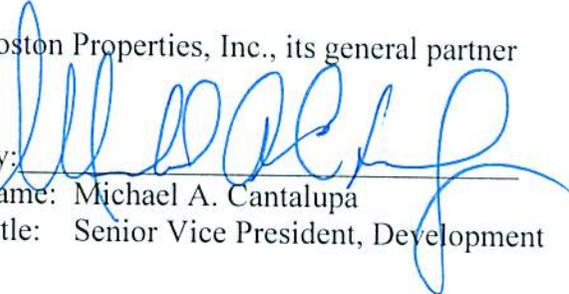
By: Boston Properties, Inc., its general partner

By: 
Name: Michael A. Cantalupa
Title: Senior Vice President, Development

**BP FIVE CC LLC,
as owner of Five Cambridge Center**

By: Boston Properties Limited Partnership,
its sole member

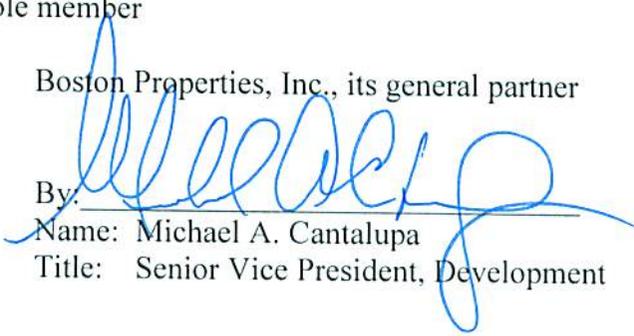
By: Boston Properties, Inc., its general partner

By: 
Name: Michael A. Cantalupa
Title: Senior Vice President, Development

**BP EAST GARAGE LLC,
as owner of Cambridge Center East Garage**

By: Boston Properties Limited Partnership,
its sole member

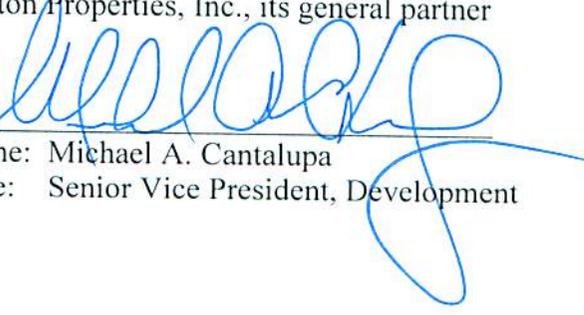
By: Boston Properties, Inc., its general partner

By: 
Name: Michael A. Cantalupa
Title: Senior Vice President, Development

**CAMBRIDGE CENTER WEST GARAGE LLC,
as owner of Cambridge Center West Garage and
75 Ames Street**

By: Boston Properties Limited Partnership,
its sole member

By: Boston Properties, Inc., its general partner

By: 
Name: Michael A. Cantalupa
Title: Senior Vice President, Development

