

ATTACHMENT A



CITY OF CAMBRIDGE
COMMUNITY DEVELOPMENT DEPARTMENT

BRIAN MURPHY
Assistant City Manager for
Community Development

SUSAN GLAZER
Deputy Director for
Community Development

To: Ordinance Committee of the City Council
From: CDD Staff
Date: July 20, 2012
Re: Forest City Zoning Petition

Included are proposed modifications to the zoning text of the Forest City Zoning Petition, addressing the following points as raised at the Ordinance Committee hearing on June 27, 2012.

- Requiring the provision of retail on the ground floor of new buildings along Massachusetts Avenue.
- Limiting the height on the proposed Mass Ave building site to 95' (comparable to the height of the former NECCO factory building, excluding rooftop mechanical equipment).
- Clarifying that the project review requirements for new development are updated to the current citywide standards.

Staff will be available at the July 25 hearing to address any questions.

**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

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by ~~bold italicized~~.

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.

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by **highlighted font**.

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.

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by **bold highlighted**.

- (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 Requirement for Retail Uses on Massachusetts Avenue. For any building directly facing or abutting Massachusetts Avenue a minimum of seventy-five percent (75%) of the total 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 (Market District) set forth in Subsection 10.104.5.

This new suggested language would require a minimum retail frontage for new buildings along Massachusetts Avenue.

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by **bold in highlighted font**.

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) ~~1,900,000~~ 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, to the extent provided in Subsection 15.32.1 and 15.32.2, dwelling units) and (ii) ~~four hundred (400) dwelling units which in no event shall contain more than four hundred thousand (400,000) square feet of GFA~~ seven hundred twenty-five thousand (725,000) square feet of GFA in residential buildings. ~~(Should the existing building or a portion of the building on the block bounded by Sidney, Franklin, Brookline, and Green Streets, commonly known as the Fenton Shoe Building, be renovated substantially for residential purposes, the GFA of the residential portion of the building shall be assumed for the purpose of this Subsection 15.32.1, to be one thousand (1,000) square feet for each dwelling unit constructed up to a maximum of one hundred and thirteen (113) units, notwithstanding the fact that the actual GFA of the residential units constructed may be greater.~~

~~Notwithstanding the limitation on the number of dwelling units allowed in the District as provided in this Subsection 15.32.1 there shall be no limitation on the number of dwelling units in the District so long as the number of dwelling units in excess of four hundred (400) is deemed to be the equivalent of the GFA in such nonresidential buildings and treated as such when calculating the aggregate GFA of Nonresidential buildings in the District. To the extent that the dwelling units required in the District in this Subsection 15.32.1 and Subsection 15.32.2 exceed 400,000 square feet in GFA, the additional residential GFA shall be permitted provided~~

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by ~~bold, highlighted, and~~.

~~the GFA permitted for nonresidential buildings pursuant to this Subsection 15.32.1 shall be reduced by the residential GFA above four hundred thousand (400,000) square feet.~~

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

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by ~~bold highlighted font~~.

thousand (150,000) gross square feet. ~~Such uses that are regulated 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 be 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

The additional language here would prevent any potential conflict between the maximum limitation on retail GFA and the minimum requirement established in Section 15.24 above.

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by ~~bold highlight~~.

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.

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by ~~highlighted font~~.

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;

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by **bold/highlight/red font**.

- (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. ~~provided, however, the maximum building height north of Green Street and east of Sidney Street shall be one hundred fifteen (115) feet, and that east of Blanton 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 upper portions of the building shall step back at least twenty (20) 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

This change is intended to maintain a general height of 80' along Mass Ave, but allows an increase to 95' (about the height of the former NECCO factory, excluding rooftop mechanicals) if the height is reduced to 65' within a twenty-foot step-back from Mass Ave for at least two-thirds of the frontage. The desired effect of this provision is to allow large buildings to be broken up into different massing elements, avoiding a monolithic appearance.

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by **bold, highlighted font**.

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 ~~eight hundred and fifty thousand~~ one million ninety thousand (850,000 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. ~~Any lot within the District containing less than 14,000 square feet shall have a maximum ratio of floor area to lot area of 1.0 and a minimum lot area for each dwelling unit of 1,000 square feet.~~ There shall

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by **bold, highlighted font**.

be no requirement with respect to minimum lot widths or minimum front, side or rear yards in the District.

15.36

~~Project Review Area of Special Planning Concern. All development occurring after January 1, 2012 within the Cambridgeport Revitalization Development District shall comply with 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 19.21. All development within the District must comply with the Development Consultation Procedures as currently in effect at the adoption of this Article 19, specified in Section 19.40 and 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 19.44 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 ~~Large Project~~ Submittal Requirements ~~for any project review procedure~~ shall, in addition to those detailed in ~~Section 19.43.2 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;

The original project review procedures for the CRDD were created prior to the establishment of Article 19, which sets the current standards for project review throughout the city. These changes are intended to clarify that the applicable requirements in Article 19, including the Project Review Special Permit, should apply equally in the CRDD.

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by **bold, highlighted** text.

- (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.:

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by **bold, highlighted font**.

- 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.

Notes on Included Changes

- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by **bold highlight font**.

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.

Since the proposed amendments create additional requirements that were not contemplated in the original CRDD zoning, it should be clarified that all applicable zoning requirements should apply. Otherwise, this paragraph might be construed to exempt a developer from zoning requirements that would otherwise apply to new development, such as Inclusionary and Incentive housing requirements.

Notes on Included Changes

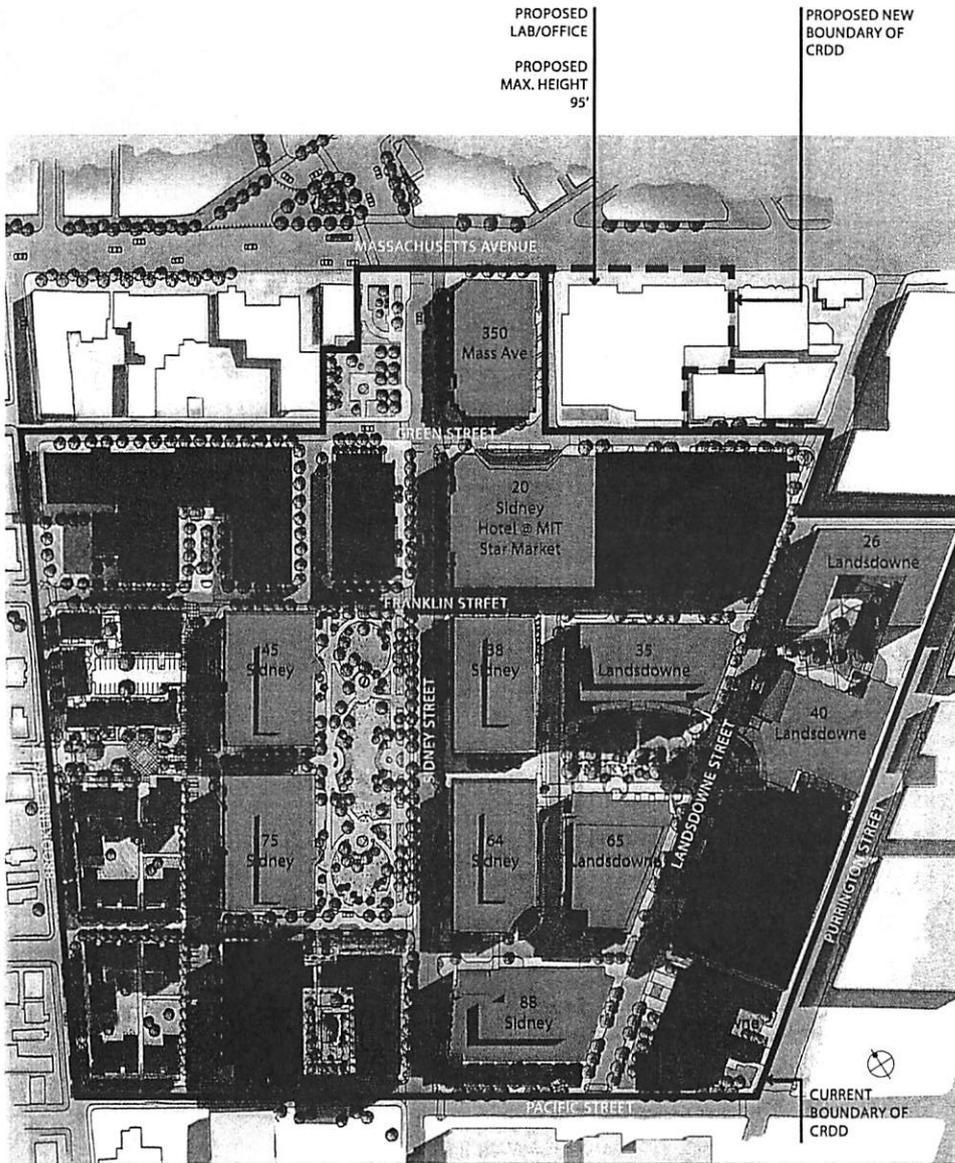
- Current zoning text is in normal font. Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.
- Included Changes: Forest City Petition, as amended by City Council on 6/11/12.
- Suggested revisions by CDD (July, 2012) are denoted by **bold, highlighted font**.

**ECONOMIC BENEFITS
OF
300 MASS AVE PROJECT**

Community Benefit Mitigation Payment equal to
\$10 per square of additional zoning entitled: **\$ 1,078,680**

Incentive Zoning Payment based on \$4.44 per
square foot of building (less 2,500 rsf); anticipated
payment based on a building of approximately 246,716 rsf: **\$ 1,084,319**

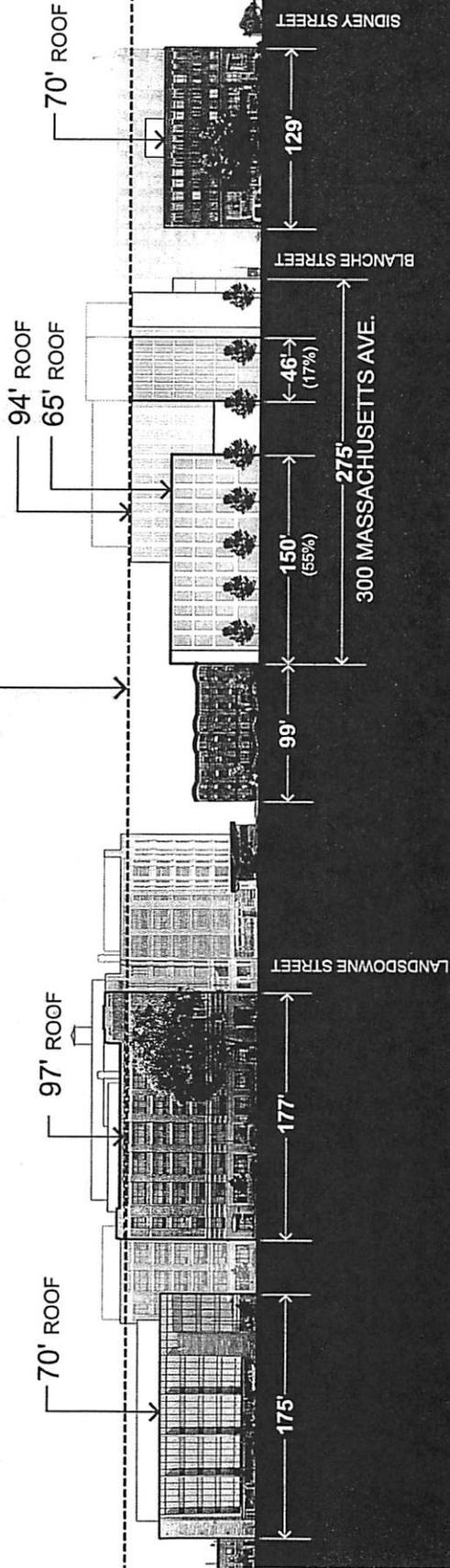
Real Estate Taxes (current annual real estate taxes for subject
property equal \$54,984; first year real estate taxes
estimated to be approximately \$2,400,00 per year): **Approximately \$44 Million**
(real estate taxes due for the
initial 15 year term of the
tenant lease)



Zoning Petition Summary

	<u>RESIDENTIAL</u>	<u>COMMERCIAL</u>
CRDD as Currently Established		
Original Entitlements	400 Units	1,900,000 SF
As Currently Built Out	674 Units	1,573,284 SF
Current vs Original	274 Units	(326,716) SF
300 Mass Ave Site		
Current As-of-Right Floor Area		138,848 SF
Requested Floor Area		246,716 SF
Increase in Floor Area		107,868 SF
CRDD As Revised with 300	674 Units	1,820,000 SF

95' PROPOSED MAXIMUM PERMITTED HEIGHT



Att D

Forest City Commercial Group

38 Sidney Street, Suite 180

Cambridge, MA 02139

July 24, 2012

Mayor Henrietta Davis
Ordinance Committee Chair David Maher
City Councilor Leland Cheung
City Councilor Marjorie C. Decker
City Councilor Craig A. Kelley
City Councilor Kenneth E. Reeves
City Councilor E. Denise Simmons
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 Forest City (hereinafter defined) is prepared to offer the City of Cambridge, to facilitate and enable Forest City to construct a life science building at 300 Massachusetts Avenue, subject to the satisfaction of the "Conditions" set forth below. All capitalized terms used herein and not otherwise defined herein shall be used with the meanings as set forth in Attachment A.

A. Forest City's Commitments

1. Within ninety (90) days after the adoption of the Forest City Zoning Petition extending the CRDD District to this location 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").

2. 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 proposed building at 300 Massachusetts Avenue, Forest City will contribute \$269,670.00 to the City of Cambridge.
3. Upon the issuance of a building permit authorizing construction of the building at 300 Massachusetts Avenue, Forest City will contribute \$269,670.00 to the City of Cambridge.
4. Upon the issuance of a Certificate of Occupancy for the building at 300 Massachusetts Avenue, Forest City will contribute \$269,670.00 to the City of Cambridge.

B. 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 a building at 300 Massachusetts Avenue 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 the zoning amendments 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: _____
Title: _____

Attachment A: Zoning Petition

ATTACHMENT A

Handwritten scribble

Zoning is not a singular matter. It involves fitting together groups of elements to function in a coordinated way for societal health and financial success

This zoning issue you have before you should not be allowed to go forward until Forest City Development corrects certain intentional derailments it perpetuated within the U Park development years ago.

On behalf of the citizens of Cambridge I charge Forest City Development with intentionally denying the citizens of Cambridge certain necessary elements in the U Park development for their own selfish profit.

Large scale city developments are not toys. They seriously affect a city's well being and the health of its citizens.

The U Park Urban Design Guidelines were formulated by highly qualified academic, gov't, citizen and business people.

It is clearly stated in the design Guidelines that quote "outdoor spaces are to be accessible to the public.

Forest City's open space for activities to the public is located as far away from Mass. Ave as possible hidden behind trees.

2

Forest City has engaged in design that keeps the public out of U Park.

The main open space for the public is to be centrally located in the commons.

It is ^{to} ~~to~~ be able to allow " a wide variety of uses passive recreation, festivals, concerts, community gathering events, exhibitions, kiosk retail, citizen and family relaxation.

These public activities require a flat surface for the purpose of easy casual safe movement. Instead, Forest City built a corporate park with mounds, bushes and cul-di-sacs for quiet secluded meetings and relaxation.

In the space next to Kennedy Lofts in U Park there was supposed to be a building for retail, cafes and such which would be as a connecting point between Central Sq. into U Park and its main common open space. Instead it built an apartment building which in affect shut off U Park from Mass. Ave. Central Sq.

Forest City engaged in a subterfuge. Leading the public and the government to believe that the kind of open space indicated in the guidelines was a fact.

It was accomplished by not building on the lot where the retail was supposed to be built for 7 years and leaving that as

an open space as described in the guidelines. But at the end of the 7 years they instead built an apartment complex. And then claimed that the corporate park they had built was the open space. So in affect they took the whole common open space for their self.

As indicated in the recent Central Square Advisor Committee meeting circumstances have changed and now due to intense development, there is great threat of over crowding.

One way to counteract overcrowding isto release tensions of it is by implementing appropriate open space.

So now the open public space promised at the beginning is a vitally important health issue.

New retail in U Park is no longer an issue because it will be built in new spaces in Central Sq. and in new parts of U Park.

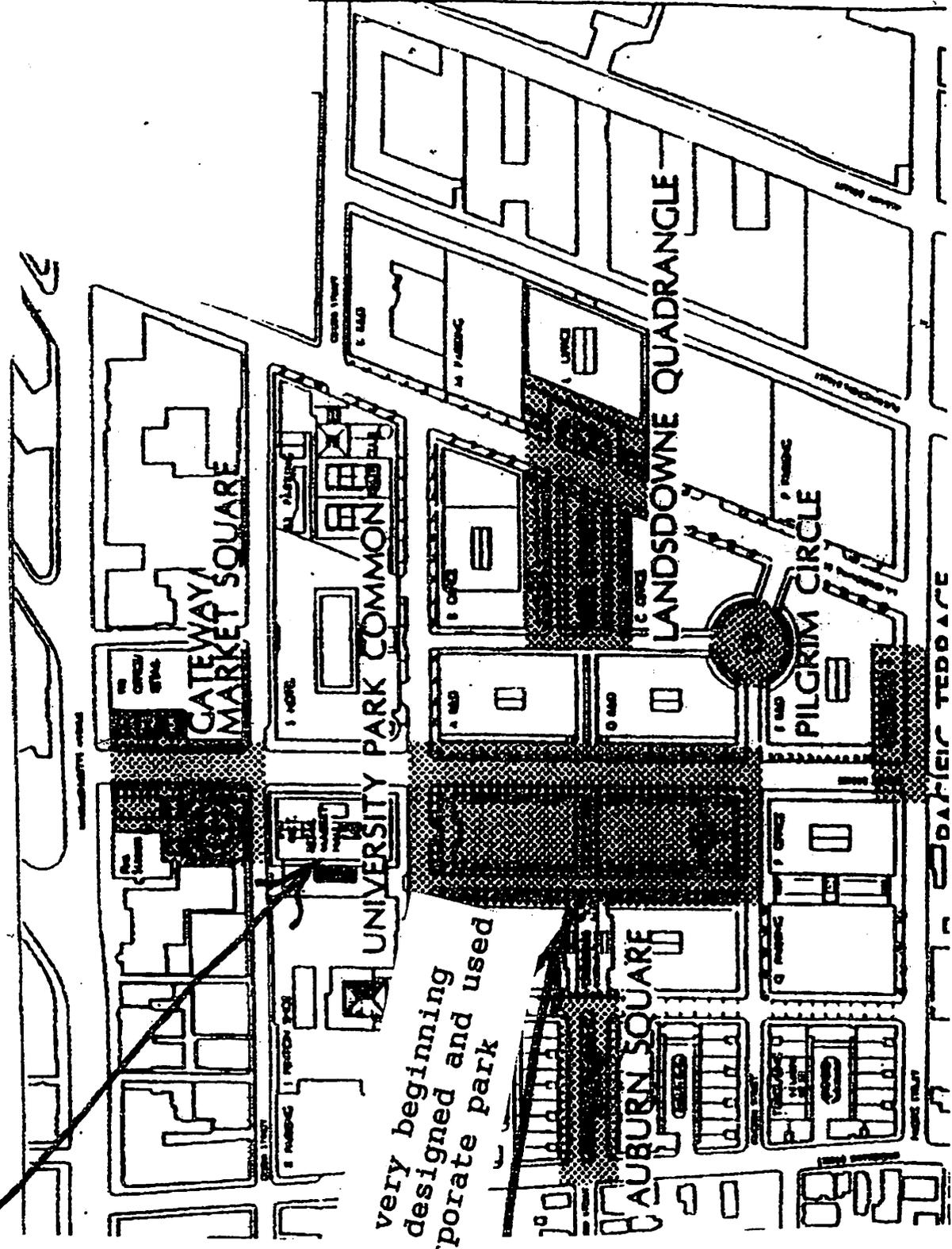
But this committee must recommend that the open space as described from the very beginning must be implimented.

And the way to do that is, to take down the apartment building at 23 Sidney and bring back the public open space that was there successfully for 7 years.

*Robert Valente
7/25/2000*

This space next to Kennedy Lofts was supposed to be used for retail. But it wasn't and instead left open and was used by the people for a public open space for approximately 10 years. Then that activity ceased and the apartment building built, shutting of U Park from Central Sq. and ending the Central Sq Public Activities open space connection.

OPEN SPACES AND STREETSCAPE



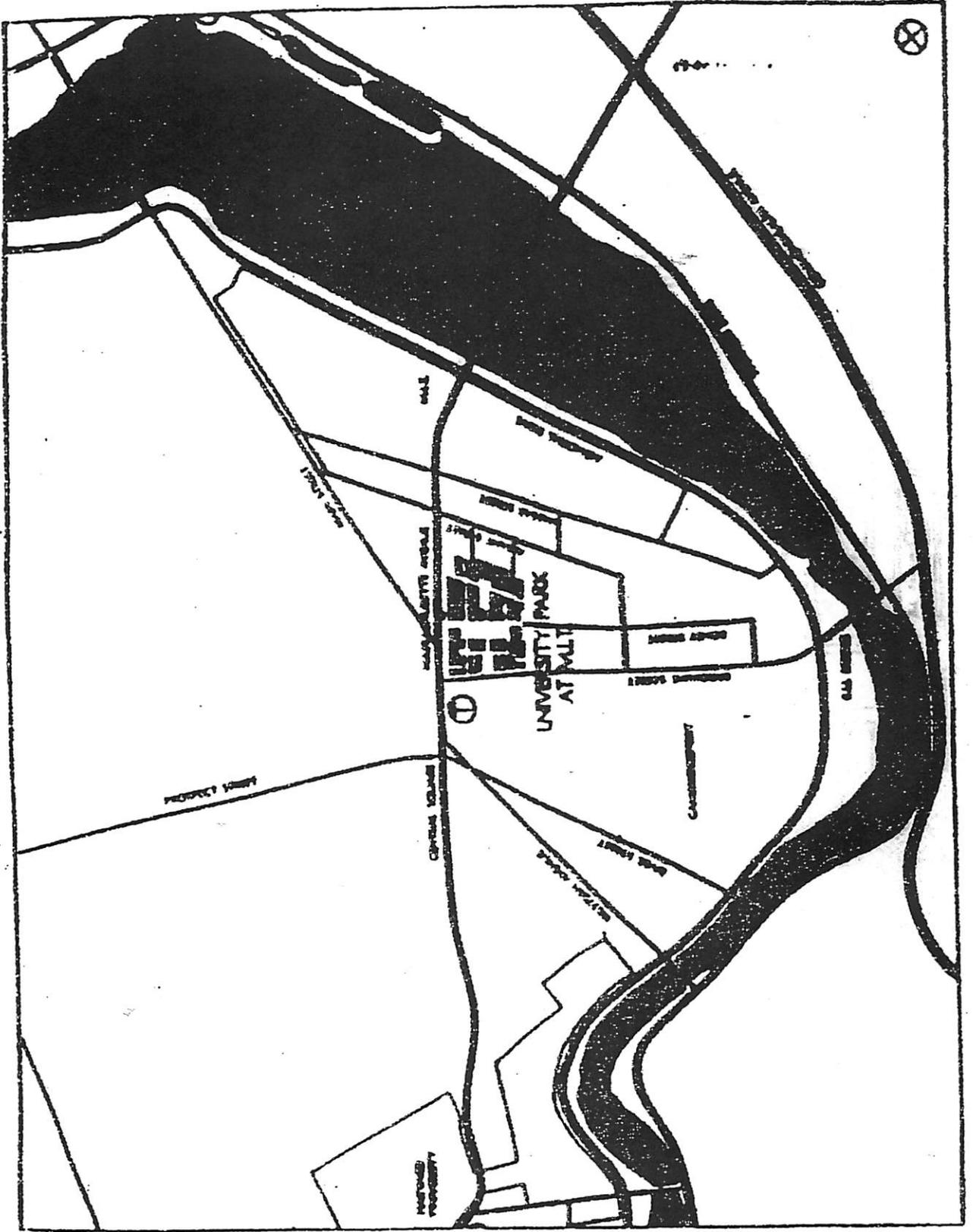
From the very beginning this was designed and used for a corporate park

Excerpts from the U Park Design Guidelines
and Final Comment:

EXHIBIT A

TO

AGREEMENT FOR DESIGN REVIEW GUIDELINES



A. PRIMARY USE PATTERNS AND GENERAL PLAN

COMMENTARY & OBJECTIVES

The development of University Park at M.I.T. offers a rare opportunity to create a new working and living environment in Cambridge which achieves its own unique identity while, at the same time, becomes a vital and integral part of the Cambridge community. In general, the achievement of these two goals involves:

1. An Emphasis on Street Oriented Development.

The urban street network -- the building defined pedestrian and vehicular spaces of the city -- is recognized as a primary element of urban structure and organization. The street focuses activities, defines circulation and provides continuity with the surrounding city.

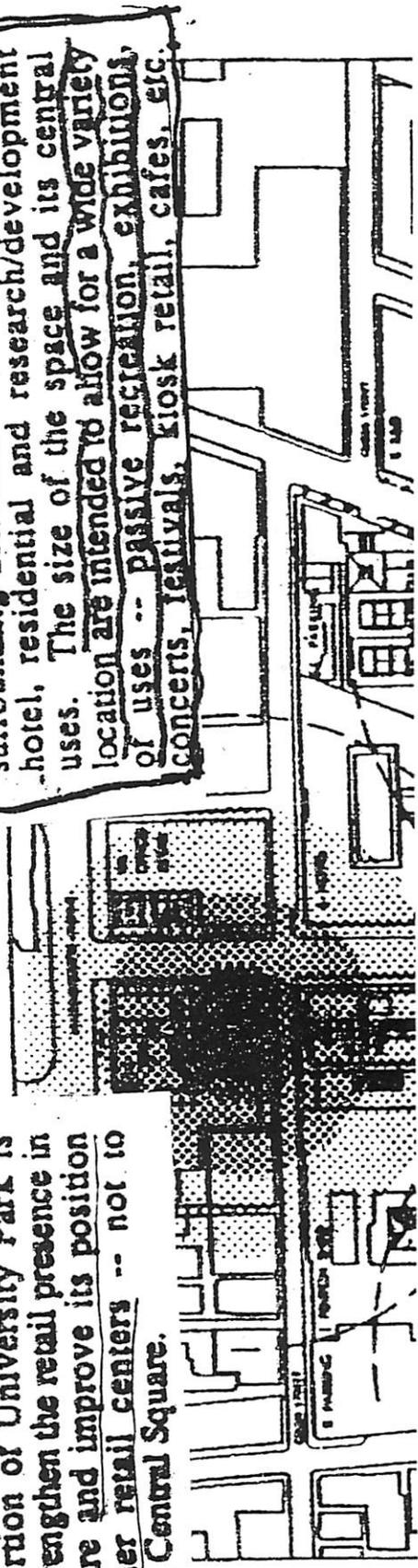
★ The retail portion of University Park is intended to strengthen the retail presence in Central Square and improve its position vis-a-vis other retail centers -- not to compete with Central Square.

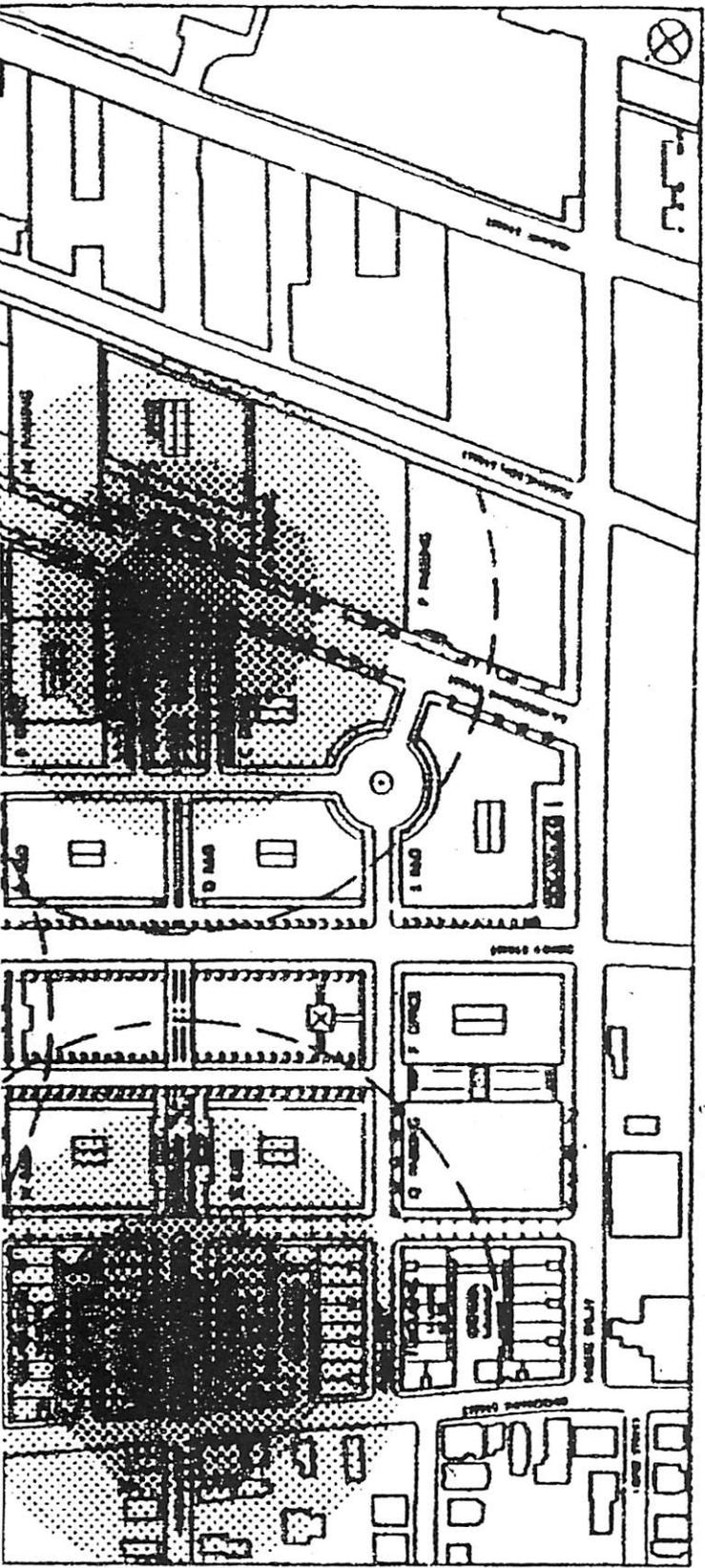
2. The Formation of Useful and Meaningful Public Use Space.

★ Outdoor spaces accessible to the public at University Park will become an integral part of Cambridge's public life and patterns of public activities, a number of public spaces, all different in configuration, identity and probable use patterns, will be located at University Park.

UNIVERSITY PARK COMMON

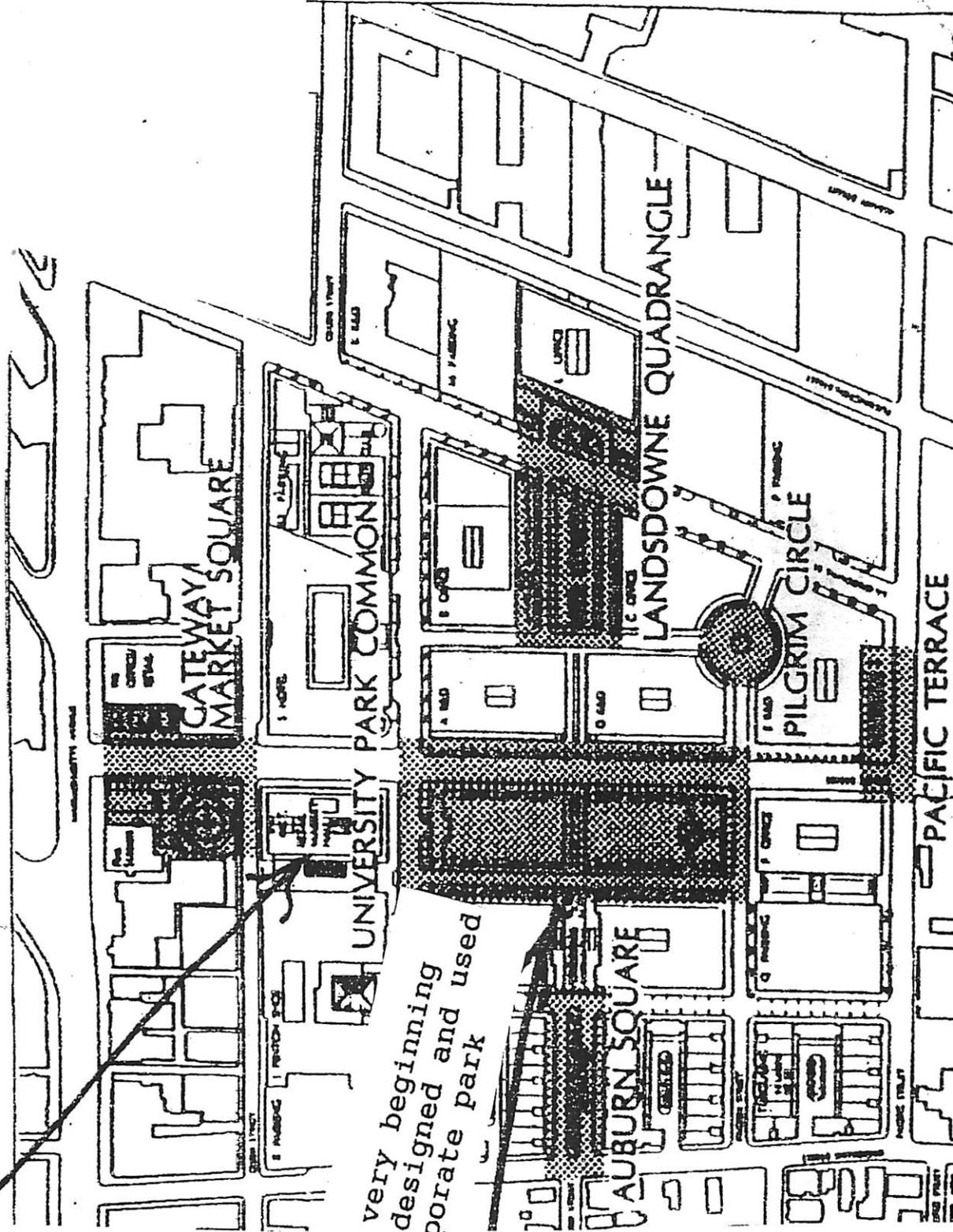
University Park Common will be constructed at the westerly side of Sidney Street between Franklin and Pilgrim Streets and is required to have a minimum size of one acre. This space is intended to be the centerpiece of the entire District and to act as a focus for all its surrounding activities -- such as retail, office, hotel, residential and research/development uses. The size of the space and its central location are intended to allow for a wide variety of uses -- passive recreation, exhibitions, concerts, festivals, kiosk retail, cafes, etc.





This space next to Kennedy Lofts was supposed to be used for retail. But it wasn't and instead left open and was used by the people for a public open space for approximately 10 years. Then that activity ceased and the apartment building built, shutting of U Park from Central Sq. and ending the Central Sq Public Activities open space connection.

OPEN SPACES AND STREETScape



From the very beginning this was designed and used for a corporate park

To Mayor Davis ATTACHMENT F

Ordinance Committee July 24, 2012

My name is Richard Goldberg. I live on Harvard Street and serve on the leadership of the Area Four Coalition.

I have reservations about the Goody-Clancy consultants and the way in which the meetings and agenda they have organized really allow for full community participation. I also have questions about the process by which the Central Square Committee was selected and whether it fairly represents all of the various groups in the community. But a lot of people have spent a lot of time thinking about Central Square, and their work ought to be recognized. You render meaningless the work of the Central Square Advisory Committee if you allow significant upzoning before the committee gets to make its recommendations. I think Councillor Decker said it best when she expressed the thought that those recommendations ought not to constitute an end of a process of planning, but rather the beginning of one, one in which the entire community gets to weigh the costs and benefits of development, not just in Central Square but in the whole city.

Absent from the discussion of Central Square and the Mass Avenue corridor is the fact that two projects—Pfizer/MTmco and Novartis have already broken ground and are far along—and all of this occurred without significant discussion with the community, particularly those most affected, the residents of Area 4. The Community group I represent awaits eagerly the details of the community benefits from these projects.

The selling point to the community for the Forest City petition—and indeed for the rest of Central Square's "development"—is that there will be significant community benefits—that term again—if projects can just build denser and higher. Few would argue that Cambridge doesn't need more affordable housing. But is this a likely result of ever denser commercial and business projects? Why not build housing above small business in the All-Asia block? Such a project could demonstrate what Central Square has been and should remain: an area of diversity, mixed use; eclectic, built on an urban but distinctly human scale.

What makes Cambridge unique is that each of its squares has its own personality. Will building a huge building on Mass Ave add or detract from the identity and personality of Central Square? Do we really want University Park on Mass Ave or do we want a buffer between Central Square and Big Pharma?

If passed, will the Forest City upzoning petition create a precedent? This isn't just my thinking; it's Forest City's. They point to the Necco/Novartis site as measure of what should be considered the new acceptable height. And won't this same fractured logic become the new normal as the rest of Central Square gets built out? Do we want Central to look like Kendall Square?

"Office parks suppress urban diversity in favor of order or uniformity. . . ."p. 27 of the Mayor's Red Ribbon Commission. Forest City is very good at building an office park. Is that the vision anyone has of Central Square? Let's not be seduced into thinking we can get what we want by giving the developers everything they want.

Thank you.

7/20/12 Richard Goldberg

Why We Need An Environmental Impact Study

1) What's going to happen when A HUGE biolab, 8-10 stories tall, encompassing an entire city block, requires A constant temperature OF 50 degrees in each lab? WE HAVE power outages in A 3-day heat wave. Our electric grid is totally inadequate to this massive use requirement. ^{such a} ^{new}

IF Forest City expects to be allowed to overload our power supply on a daily basis, let them pay to upgrade our electric grid, BEFORE they begin construction on their lab. Instead of overwhelming our infrastructure, for ~~their~~ ^{their} (own) private gain, prove to us that ~~they~~ ^{they} are willing to invest in our community.

2) Citizens ARE encouraged to take their expired prescriptions to the police for safe disposal instead of tossing chemical waste ^{into} (down) the sewers. A biolab won't go to the police. How do ^{ES} they propose to dispose of their toxic waste?

- What would happen to our water supply and/or our sewer system, if the waste from even one experiment leaked into them? Would our water become permanently toxic? Would our sewage become so tainted that it, in turn, pollutes our ground-water supply, our rivers, or God forbid, our oceans?

3) What about the demolition debris and the toxic dust it creates? No one wants to breathe that, and certainly, ~~not~~ people with asthma, emphysema or other bronchial disorders. And we certainly don't want our kids breathing it. That could actually give them asthma.

4) A modest estimate of the increase in traffic, just in Central Square, due to up zoning, is 30,000 extra cars ^{per} day. You think your commute is difficult now? Just wait till you have to share the road with 30,000 more people every day.

5) And what ~~will~~ ^{would} happen to the T? Without a massive infusion of cash and a complete overhaul, the T can't possibly keep up with the increased demand brought on by a sizeable increase in population. It's at capacity now, according to the GLOBE.
X → If New Balance is willing to pay for a commuter rail station in Brighton, and a commuter rail-line to get there, Forest City should be willing to upgrade the ^{Red Line} T. They could build a light-rail system → ^{Forest City} they need to demonstrate a willingness to invest in our community instead of over-loading our infrastructure.

6) Tenants at the Kennedy Biscuit Lofts have had their building, and surrounding streets, flooded out twice due to inadequate sewer infrastructure. Additional construction would only add to the problem. Damage has been so extensive that tenants' cars were totalled. Residents on the 1st Floor lost most of their possessions.

7) And let's not forget noise pollution. Noise from existing biotech labs at MIT, such as the one on Albany near Portland, are deafening. Add to that the noise from current construction projects like Novartis, in Area 4. Jackhammers, bulldozers and cranes begin with a jolt at 7am, and continue relentlessly until 10 or 11 pm - frequently, on weekends. There is no escape. Can you give us back our tranquility, or is that up for sale, along with our neighborhood?

Written anonymously
by a Central Square resident
Spoken by Mary Platt

Cambridge City Council Ordinance Committee -Testimony – 7/24/2012

Gerald Bergman
82 Elm Street



Today I am echoing the advice of the Cambridge Planning Board – **NO TO THE FOREST CITY UPZONING PETITION** - wait for the final report of the various committees and hired planners that are preparing their reports for Kendall and Central Square.

I wanted to focus my attention on what seemed to dominate the City Council the last time you met on this issue - **Community Benefits**.

Community benefits are offered by a developer in exchange for the profits they will realize by gaining greater height, density or other zoning privileges.

Various Council members referred to the recent Novartis up zoning in Area 4 as having a successful outcome - community benefits were received and the development appeared acceptable to the Council, even if the community had little input.

The Novartis development was referred to as a precedent. Their upzoning was approved before the completion of the Kendall and Central Square studies. As a result, because the forest City development is at a similar height, some Councilors seemed to feel that if community benefits could be arranged, then why not support the forest City Petition as a matter of fairness.

So what about the Novartis community benefits. They will give \$1M to the city in \$250,000 increments as their project proceeds, this coming from one of the wealthiest pharmaceutical companies in the world....some in the community have called this chump change. This coming from a company that in the last three years has had to pay court suits in excess of \$800M - \$99M in denied overtime pay, 422M to the Department of Justice because of kickbacks and other schemes used to promote their drugs, and 175M to settle a lost class action lawsuit regarding discrimination against 5,600 current and former female sales representatives in pay and promotions, the largest U.S. gender discrimination case ever to go to trial.

Novartis has been praised by many in the Cambridge community as a “great corporate citizen” – how do they make their money? In Cambridge last February aids activists and others joined with Doctors without Borders, and people in cities across the world, to protest the Novartis India patent lawsuit which will deny care to the broad mass of poor people in India while making hundreds of millions, perhaps billions, in profits for Novartis.

Not incidently, the most important benefit from the Novartis development that was promised to people in Area 4 was to be the increased open space that the development would generate. I received an email last week from Edward LeFlore, the Spokesman for Novartis, stating again that the open space would be locked to the general public on weekends and in the evening.

Up zoning without community guarantees and community controls that hold harsh penalties for delay or change deliver little.

Why talk about Novartis? Because Novartis is being used as a precedent and model going forward, and is being used to justify passage of the Forest City upzoning petition before final studies are complete and discussed by the full community.

Forest City has \$10.5 B in assets. They contribute thousands of dollars to City Council members. They have a track record around the country that speaks to broken promises when it comes to housing development, good jobs at good pay, and community benefits. This past June, 25 Brooklyn Congregations held a major protest against Forest City in Brooklyn – (go online to see the video) - The broken promises of the Ratner Forest City Development Company are well documented.

Of some interest: Each year the City of Cambridge dips into their free cash at an average of about \$10M to offset property tax payments. MIT, which leases land to Forest City, receives about \$1.2M of the total, and Novartis currently receives about \$150,000 each year, an amount which may double in future years, meaning that Novartis will receive more from Free Cash than they give in community benefits. The top 12 real estate developers receive more than one-third of the free cash distribution. (Boston Properties receives more than \$400,000 each year, so the payback on their recent \$2M community benefit agreement around the Google fiasco is less than five years.)

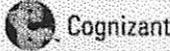
NO to the forest City upzoning petition.

attached:

Novartis lawsuit articles (3)
Novartis Patent Law and protest article (1)
Novartis email – locked open space (1)
Forest City Brooklyn Protest (1)



THE BAD NEWS:
YOU NEED TO KEEP UP.

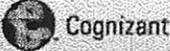



ARTICLE

COMMENTS (1)

Replay

THE FUTURE IS NOW.
LET'S PUT IT TO WORK.



Business, Application & Technology Services

Novartis in \$175 million gender bias settlement

Recommend 2 people recommend this. Be the first of your friends.

By Grant McCool and Jonathan Stempel
NEW YORK | Wed Jul 14, 2010 5:53pm EDT

(Reuters) - Novartis AG will pay \$175 million to settle a class-action lawsuit accusing the Swiss drugmaker of discriminating against 5,600 current and former female sales representatives in pay and promotions.

The settlement was announced less than two months after a Manhattan jury ordered on May 19 the company's U.S. unit Novartis Pharmaceuticals Corp to pay \$250 million in punitive damages, after a six-week trial.

That jury concluded Novartis engaged in a pattern of discrimination between 2002 and 2007.

Lawyers for the plaintiffs said it was the largest U.S. gender discrimination case ever to go to trial.

In a joint statement with the plaintiffs' lawyers, Novartis said it will pay up to \$152.5 million to class members, and an additional \$22.5 million to improve companywide complaint processes, personnel oversight and performance assessments.

Female employees contended Novartis' human resources division routinely ignored complaints about discrimination, including where pregnancies were involved.

Novartis spokeswoman Pamela McKinlay said in an email the accord resolves all gender bias claims in the 2004 lawsuit against the Basel-based company.

David Sanford, the plaintiff's lead lawyer, said in a statement the terms allow "full compensation" for the women, "ensuring that every woman who worked at Novartis over the past eight years has been compensated fairly."

Lawyers for the plaintiffs declined further comment.

LARGER AWARD AVOIDED

By settling, Novartis avoided the possibility of awarding large sums of compensatory damages.

Two days before setting punitive damages, the jury of five women and four men awarded an additional \$3.3 million of compensatory damages to 12 women who testified.

Tweet 0

Share

Share this

0

Email

Print

Related News

UPDATE 2-Novartis in \$175 mln gender bias settlement
Wed, Jul 14 2010

Analysis: Negative Avandia vote may bring new GSK legal woes
Wed, Jul 14 2010

UPDATE 3-Citigroup loses bid to dismiss big bondholder suit
Mon, Jul 12 2010

Goldman Sachs wants shareholder lawsuits combined
Thu, Jul 8 2010

UPDATE 2-Alcon directors take new step to protect minorities
Thu, Jul 8 2010

Related Topics

U.S. »

Pictures



Tragedy in Colorado
The aftermath of the horrific mass shooting.
Slideshow

MORE REUTERS RESULTS FOR:

"lawsuits against novartis"

US top court rules for Glaxo on overtime pay
Mon, Jun 18 2012

UPDATE 2-US top court rules for Glaxo on overtime pay
Mon, Jun 18 2012

UPDATE 1-Shire files lawsuits over Vyvanse against Sandoz
Fri, Jul 1 2011

Analysis: Discrimination case may not go all Wal-Mart's way
Mon, Apr 11 2011

Follow Reuters



READ

1 Syrian armored column closes in on Aleppo
 VIDEO
 11:16am EDT

DISCUSSED

239 Mexico urges U.S. to review gun laws after Colorado shooting

154 Fourteen killed in Denver movie theater shooting

102 Penn State hit with \$60 million fine, other penalties for Sandusky scandal

WATCHED

 Apple shares undervalued?
 Tue, Jul 24 2012

 Inflatable heat shield survives hypersonic stress test
 Tue, Jul 24 2012

 Too early to see Olympic UK growth boost: statistics office
 7:05am EDT

SPONSORED LINKS

 **DEM - WisdomTree Emerging Market ETF**
 DEM is the 1st Emerging Market ETF Built From Only Dividend Payers. See How!

 **Earn HR Master's Certificate Online**
 Villanova's Online Program Provides Top HR Training & Prep for Certifications.

 **Mortgage Rates Hit 2.90% APR**
 if you owe less than \$729k, you probably qualify for the Fed Refinance Program.

Ads by Marchex

PICTURES

Reuters Photojournalism

Our day's top images, in-depth photo essays and offbeat slices of life. See the best of Reuters photography. See more | Photo caption

That could have opened the door for thousands of other women covered by the lawsuit to claim such damages, likely to be awarded by a court-appointed special master.

The Novartis case is not the largest gender bias class-action pending in U.S. courts.

In April, the U.S. Ninth Circuit Court of Appeals in San Francisco, in a 6-5 ruling, said a lawsuit accusing Wal-Mart Stores Inc of discriminating against women in pay and promotions may proceed as a class action.

That case could affect more than 1 million current and former female workers. Analysts have estimated it could cost the world's largest retailer several billion dollars in damages if it remains a class-action. Wal-Mart has said it would appeal to the U.S. Supreme Court.

The Novartis settlement requires approval by U.S. District Judge Colleen McMahon. A hearing is scheduled for November 19.

Novartis' U.S.-listed shares closed up 63 cents, or 1.3 percent, at \$50.75 on the New York Stock Exchange. The company announced the settlement after U.S. markets closed.

The case is Velez et al v. Novartis Pharmaceuticals Corp, U.S. District Court, Southern District of New York, No. 04-9194.

(Reporting by Grant McCool and Jonathan Stempel in New York; editing by Andre Grenon)

U.S.

Related Quotes and News

COMPANY	PRICE	RELATED NEWS
Novartis AG NOVN.VX	CHF56.05 -0.10 -0.18%	FDA approves Novartis drug Afinitor for breast cancer UPDATE 2-US FDA approves Novartis drug Afinitor for breast cancer
More NOVN.VX News »		

Recommend

2 people recommend this. Be the first of your friends.

Tweet this

Link this

Share this

Digg this

Email

Reprints

More From Reuters

Sex dungeon details emerge in California death of deployed Marine's...

Millionaire Jailed After Son, 16, Gets Married in Vegas

Exclusive: Greece will need more debt restructuring - EU officials

US STOCKS-Apple drags on Nasdaq after revenue miss

Exclusive: Prosecutors, regulators close to making Libor arrests

From Around the Web

How Can Dishwashing Increase Your Chance Of Getting Sick (*Dishwashers Info*)

10 Cheapest U.S. Cities to Live in (*Kiplinger*)

How the World's Top Security Firm Bungled Olympic Security (*The Atlantic Cities*)

Ingenious Inventions Made by Middle Schoolers (*Qualcomm Spark*)

A World of Underwater Opportunities (*On Your GUARD*)

[?]

Videos From Reuters

 Shark kills surfer in Western Australia (1:15)


 Futuristic airport security measures unveiled at Farnborough


From Around the Web

 What you don't know about shale gas may surprise you (*ExxonMobil's Perspectives*)

 The Most-Spoiled Children in the U.S. Live in... (*Women&Co.*)

Advisen MSCAd Featured Case: Whistleblowers Seal Justice Department Cases Against Novartis

 [E-mail This Story](#)

 [Print This Story](#)

②

Publication Date:
Source:

04/21/2011
Advisen

Begman

Whistleblowers Seal Justice Department Cases Against Novartis

Advisen

MSCAd Featured Case: Whistleblowers Seal Justice Department Cases Against Novartis

The rising threat posed by generic drugs for branded drug makers, combined with the escalating costs of bringing a new drug successfully through U.S. Food and Drug Administration (FDA) trials, have left leaders in the pharmaceutical industry feeling squeezed. It has become tempting to wring out as much profit from newly approved drugs before their patents expire. Searching out such growth opportunities, however, is an ethical and regulatory minefield. Novartis, a Swiss drug maker, learned this lesson the hard way, to the tune of \$422.5 million and hit a public-relations sour-note, after a group of whistleblowers revealed how the company expanded the market for its epilepsy treatment drug Trileptal. Advisen's Master Significant Cases and Actions Database (MSCAd) has been tracking cases related to Novartis' Trileptal (see MSCAd related case ID 9019).

Pharmaceutical companies live by strict FDA regulations, running from rigorous drug approval processes, labeling requirements, to guidelines on marketing. Marketing drugs for uses other than those approved by the FDA, or off-label uses, violates the federal Food, Drug and Cosmetic Act. The U.S. Department of Justice (DOJ) alleged that Novartis sought FDA approval for Trileptal in 1995 as a treatment for bipolar disorder, for which the drug was not proven as effective in clinical trials. In January 2000, the FDA approved Trileptal for the uses of treating epileptic patients. After the company was disappointed with initial sales, according to whistleblowers, Novartis sought new ways to promote the drug.

In September 2010, Novartis Pharmaceuticals Corporation, the U.S. subsidiary of Novartis A.G., pleaded guilty to both criminal and civil charges in cases led by the DOJ. The charges claimed that from January 2000 through December 2001, Novartis created marketing materials promoting Trileptal for the off-label uses of neuropathic pain and bipolar disease. While doctors are allowed to prescribe drugs for such off-label uses, drug makers must stay clear of promoting their drugs in these ways. Novartis targeted psychiatrists and pain specialists who were known to prescribe anti-epileptic drugs for off-label uses. The company also directed its sales force to visit doctors who would not normally prescribe Trileptal.

Novartis persuaded doctors to promote Trileptal, and five other of its blockbuster drugs, for off-label uses through millions in "kickbacks" disguised as speaker fees at continuing medical education programs. The company implemented an aggressive recruitment effort in order to train up to 4,000 physicians to speak at these events. Furthermore, the speakers were not recruited based on professional credentials but rather targeted those based on prescription-writing volume potential. According to whistleblower Jeremy Garrity, "As long as they had a prescription pad and were willing to prescribe our products, they qualified as Novartis speakers." Once speakers were accepted on the speaker circuit, minimum prescription levels were required by some Novartis managers. According to Garrity, he was required to tell underperformers that they would be removed unless they raised prescriptions to a certain level. The company conducted return-on-investment analysis of its kickback scheme.

The DOJ claims that Novartis profited in the hundreds of millions of dollars from this off-label marketing plan. The financial impact was widespread at merely the government level, affecting payments by: Medicare, Medicaid in most states and D.C., TRICARE, the Federal Employees Health Benefits Program, Department of Veterans Affairs, Department of Defense, Defense Logistics Agency, and the Department of Labor.

Novartis settled its DOJ criminal case by pleading guilty and agreeing to a fine of \$185 million. The civil case led by the DOJ settled for \$237.5 million, plus interest, with the federal government receiving \$149.2 million and state Medicaid programs and the District of Columbia receiving \$88.3 million. The whistleblowers will receive \$25.7 million of the federal government's civil case settlement, with their share of the state's settlement yet to be determined.

Interestingly, federal prosecutors never alleged that any patient has been harmed by the off-label marketing plan. Nevertheless, in a highly regulated industry like pharmaceuticals, liability is assumed once the rules are broken. Strong internal controls, supported from the top of the organization, are critical for players in this industry.

Lawsuits and other major events tracking the pharmaceutical industry can be found by using Advisen's MSCAd events database.

This MSCAd Featured Case was written by John W. Molka III, CFA, Senior Industry Analyst and Editor, jmolka@advisen.com.

What is MSCAd?

MSCAd is Advisen's online Large Loss database. With 90,000 cases totaling over \$4.5 trillion in losses, MSCAd is the most comprehensive database of large and potentially significant losses, class actions, suits, cases, events, and fines.

Selling, buying and writing coverage is easier when you have thousands of loss examples at your fingertips. Advisen's loss database covers cases that are securities, recalls, product and services, employment, professional services, cyber and more. Justify higher limits by filtering our list to find the exact set that meets your criteria. Use this database to see which large losses might trip their new policy language. Identify uninsured and underinsured exposures for your company, your clients, and within your portfolio. Contact support@advisen.com for more info.

For each case, MSCAd displays both a snapshot of key information and a detailed description, including background details and recent developments. Additionally, MSCAd has a Related Cases feature that links all cases with the same root cause, such as Sub-Prime or Back-Dated Stock Options. This feature enables users to track how losses aggregate across all lines of business and across different companies. With MSCAd you can conduct layer penetration analyses to review the adequacy of insurance limits being considered and review clash coverage examples.

How to find MSCAd

MARKET SNAPSHOT

U.S.	EUROPE	ASIA		
DJIA	12,664.70	+47.41	0.38%	
S&P 500	1,334.87	-3.44	-0.26%	
NASDAQ	2,852.23	-10.76	-0.38%	

WARREN BUFFET BREAKS DOWN HIS BIGGEST BETS

WATCH NOW >

Bloomberg.com

Our Company | Professional | Anywhere

Search News, Quotes and Opinion 3

HOME QUICK NEWS OPINION MARKET DATA PERSONAL FINANCE TECH POLITICS SUSTAINABILITY TV VIDEO RADIO *Boyan*



Geithner Says U.K. Regulators Had Libor Responsibility
Q



Where D.C.'s Heaviest Hitters Settle Differences
Q



NRA Muscle Chills Gun-Control Talk After Shootings
Q

Novartis Will Pay \$99 Million To Settle Overtime Lawsuit

By David Vorsaco and Bob Van Voris - Jan 25, 2012 11:13 AM ET

0 COMMENTS

Q QUEUE

A unit of Novartis AG (NOVN), the Swiss drugmaker, won a judge's preliminary approval of a \$99 million settlement in a lawsuit brought by sales representatives who claimed they were denied overtime pay, court records show.

The class-action settlement, tentatively approved yesterday by U.S. District Judge Paul Crotty in Manhattan, covers more than 7,000 current and former sales representatives, according to a statement by the company and lawyers for the workers. Crotty will hold a final approval hearing on May 31.

"We believe this settlement is in the best interest of our employees and the company," Andre Wyss, president of Novartis Pharmaceuticals Corp., said in the statement. "We have been *litigating this case for nearly six years and the company has determined that it is time to resolve these wage and hours claims.*"

The settlement resolves wage-and-hour claims brought in 2006, as well as those filed more recently, according to the statement. Novartis, the No. 2 Swiss drugmaker behind Roche Holding AG (ROG), is "confident that sales representatives should continue to be exempt from overtime," Wyss said.

High Court Case

Workers settled before the U.S. Supreme Court decides whether drugmakers must pay overtime to as many as 90,000 sales representatives. The high court will review a lower court's conclusion that salespeople for a GlaxoSmithKline Plc (GSK) unit aren't covered by a federal wage-and-hour law. Similar cases are pending against Johnson & Johnson (JNJ), Bristol-Myers Squibb Co. (BMY) and a unit of Merck & Co. Arguments haven't been scheduled.

While lawyers for the Novartis workers are confident the Supreme Court will rule favorably, "the risks of litigation are great," David Sanford, the lead lawyer for the plaintiffs, said in the statement.

Get Breaking News emailed to you.

[Sign up for Alerts](#)

HEADLINES MOST POPULAR RECOMMENDED

Billionaires May Win as Dems Split on Estate Tax
Q

Sales of New U.S. Homes Unexpectedly Fall
Q

Bloodied Trader Pines for Risk as Others Retreat
Q

Dean's Organic Milk Claims Draw Criticism
Q

New York Times Scrap Its App for BlackBerry
Q

Weill Says Banks Should Be Broken Up
Q

Apple Drops as Results Miss on iPhone Lull
Q

N. Korean Leader Kim Jong Un Has a Wife
Q

MGM Hires JPMorgan, Goldman Sachs for IPO
Q

More News

Advertisement



Global Emerging Markets: A Promising Future
Request FREE Copy



Get educated on Ag futures and options with this 76-page study guide.
Sign Up Today!



What does the rest of 2012 hold for stocks?
Download Free Report

Sponsored Links

"It is a fair and equitable result and can serve as an exemplar for companies around the U.S. that face wage-and-hour litigation," said Sanford, of Sanford Wittels & Heisler LLP.

The case is *In re Novartis Wage and Hour Litigation*, 06-md- 01794, U.S. District Court, Southern District of New York (Manhattan).

To contact the reporters on this story: David Voreacos in Newark, New Jersey at dvoreacos@bloomberg.net; Bob Van Voris in federal court in Manhattan at rvanvoris@bloomberg.net.

To contact the editor responsible for this story: Michael Hytha at mhytha@bloomberg.net.

More News: [Law](#) · [Health Care](#)

0 COMMENTS Q QUEUE

Videos you may like:



Emily Chang is Pregnant!



Kennedy Comments on Health Law at Supreme Court



Novartis Profit Beats Estimates

by Taboola

Sponsored links

Sell Your Settlement

Convert Monthly Payments into Cash Call Us Today: 866 909 6572
ImperialStructuredSettlements.com

Chesapeake Barnett Shale

North TX Natural Gas Community Info Leases, Drilling, Pipelines + More.
www.AskChesapeake.com

Dividend Paying Stocks

Dividend ETF w/o Financial Stocks. Avoid Bank Stock Risks. Learn How.
WisdomTree.com/DTN-a-Dividend-AdChoices

Dividend Paying Stocks

Access America's Largest Dividend Paying Stocks in 1 ETF-Learn More.
www.WisdomTree.com/Dividend-Paying

Chesapeake Barnett Shale

North TX Natural Gas Community Info Leases, Drilling, Pipelines + More.
www.AskChesapeake.com

What Matters to You?

The Things That Matter To You Matter To Us. See How HP® Can Help.
www.HP.com/MakeItMatter

AdChoices

Job Search

Post a Job »

Medical Transcriptionist - Work From Home ...
 Precyse - United States

Specialty Representative - Hospital Boston N...
 Quintiles - Boston, MA

RN -Clinical
 MetroWest Medical Center - Framingham, MA

Nurse Practitioner - Geriatrics
 Steward Medical Group - Brighton, MA

Rehabilitation / Rehab Management Permanent ...
 Reflectx Staffing - Brockton, MA

Search All Jobs jobs by **indeed**

job title or company location

Advertisement

Key Rates

Mortgage

See today's average mortgage rates across the country. Source: Bankrate.com

Type	Today	1 Mo
30 yr fixed mtg	3.95%	3.97%
15 yr fixed mtg	3.27%	3.26%
30 yr fixed jumbo mtg	4.51%	4.57%
5/1 ARM	2.90%	2.87%
3/1 ARM	2.84%	2.76%

View rates in your area Rates may include points.

Advertisements



Bloomberg moderates all comments. Comments that are abusive or off-topic will not be posted to the site. Excessively long comments may be moderated as well. Bloomberg cannot facilitate requests to remove comments or explain individual moderation decisions.

0 comments

0 Stars

Leave a message...

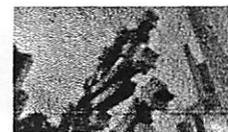
Discussion | Community

No one has commented yet.

Sponsored Links

FREE Bloomberg Markets Annual Hedge Fund Ranking

Recommended Stories

 S&P 500 Falls Amid	 Apple Stock Drops on	 U.S. Stocks, Oil Decline	 European Stocks Drop	 NRA Muscle Chills	 EU Rushes to Make
--	---	---	--	--	--

Search this website...



- [Home](#)
- [Resource Library](#)
- [Global Congress](#)
- [Washington Declaration](#)
- [Working Papers](#)
- [Private](#)
- [About](#)
- [PostsComments](#)

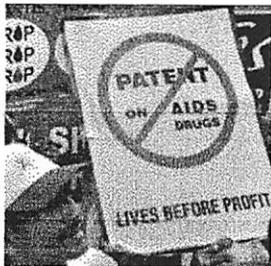
- [Positive Agenda](#)
 - [Limitations & Exceptions to Copyright](#)
 - [Licensing Protected Materials](#)
 - [Creative Commons](#)
 - [Compulsory Licensing](#)
 - [Open Source Software](#)
- [Domestic Policies](#)
- [Legislation](#)
- [Trade Agreements](#)
 - [TPP – Document Library](#)
 - [TPP – Infojustice Blogs](#)
 - [ACTA – Document Library on ACTA and Medicines](#)
 - [ACTA – Infojustice Blogs](#)
 - [EU-India Free Trade Agreement](#)
- [Disputes](#)
- [Multilateral Fora](#)
- [Empirical Research](#)

Bergman

(4)

Protestors Rock Novartis on Eve of Annual Meeting Decry Novartis's Court Challenge to India's Strict Standards of Patenting Medicines that Increase Access to Affordable Generics

February 29, 2012 By [Brook Baker](#) [Leave a Comment](#)



Fifty AIDS activists, students, and community group members protested at Novartis's Institute for BioMedical Research in Cambridge, Massachusetts, on February 22, the eve of the Swiss pharmaceutical company's annual shareholders meeting in Berne Switzerland. The protest was part of two days of global action drawing attention to the pharmaceutical giant's pending lawsuit against cancer patients and the government of India, aiming to reinterpret India's strict patent standards.

Novartis is seeking to establish a binding court precedent that will make it much easier to obtain overlapping and successive patents on minor variations to existing medicines a precedent that will increase the number of patents on medicines and extend the length of patent monopolies thereby limiting and delaying generic competition. In the absence of generic competition, Novartis and other Big Pharma companies will be able to set price affordable to elites, but unaffordable to the broad mass of poor people in India. Because India is the "pharmacy of the developing world," Novartis's case threatens future access to affordable generics in all categories of life-saving and health-enhancing medicines .

Background of the Novartis Case

This court case is part of a long series of legal actions by Novartis designed to eviscerate India's lawful efforts to restrict the widespread practice of "evergreening" by pharmaceutical companies whereby they seek new or additional 20-year patent monopolies for minor changes to existing chemical entities and for medicines based on those changes. They are part of an even broader spectrum to IP-strengthening and price-protection lawsuits that Novartis has brought against developing countries including South Africa (1998), Argentina (2010), and S. Korea (2009).

Concerning the present case, scientists had invented a basic compound imatinib, which was first patented globally, but not in India, in 1993.

Thereafter, researchers at Novartis tweaked the basic compound to first produce a mesylate salt form and then a beta-crytalline form of that salt.

This routine discovery resulted in slightly enhanced bioavailability or absorption of the compound into the body (30% improvement). This revised active pharmaceutical ingredient became the basis of a powerful anti-cancer medicine called Gleevec in the U.S. and Glivec in India. In 1998, Novartis filed a patent application on the revised in the India Patents Office and in many other countries.

[Coincidentally, because of exclusive marketing rights it gained under TRIPS for pending patent applications, it enjoined production of generic Glivec by six India generics in 2004. Those companies were permitted to resume manufacturing in 2005 because of special rules in India's Amended Patent Act.]

Although the Gleevec/Glivec patent was granted in 40-plus countries that had relatively weak patent standards, the patent was denied in India for three simple reasons.

- First, prior to 2005, India, like many countries before it, did not grant patents on medicines at all. Although the 1994 World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) forced India to start granting patents on medicines in 2005, TRIPS did not require India to retroactively grant patents on medicines invented before 1995 (medicines invented between 1995 and 2005 were kept in a "mailbox" to be evaluated in 2005 when India was required to become fully compliant with TRIPS.)
- Second, India enacted Section 3(d) of its patent law, a so-called exclusion that does not ordinarily allow patenting of variations, new uses, new combinations, and new formulations of preexisting chemical entities. Because the beta crystalline mesylate salt of imatinib was a variation of the preexisting imatinib, Novartis was "grandfathered out" of being eligible for a patent.
- Third, India incorporated a narrow exception to the no-patent-for-variations rule if, but only if, a patent applicant could demonstrate that changes to an existing substance actually showed significantly increased efficacy. The Indian courts and Patents Office have interpreted this efficacy standard to mean efficacy in treating human disease or illness and not to include changes in bioavailability, stability, shelf-life, etc. Applying this narrow exception no true therapeutic gain, no patent the India Patents Office denied Novartis's patent application on Glivec because Novartis only showed a minor gain in bioavailability but did not otherwise show that its tweaks to the basic compound had improved Glivec's efficacy in treating cancer.

Disappointed with this outcome, Novartis filed a court challenge seeking to overturn Section 3(d) and to reverse the Patent Office's denial of its patent application. Novartis initially attempted to get Section 3(d) declared unconstitutional under India law and/or to be held invalid under the TRIPS Agreement. Novartis argued that the provision was unconstitutionally arbitrary and irrational, that it was internally inconsistent with other provisions of the India Patent Act, and that it defeated Novartis's established expectations. It also argued that Section 3(d) was inconsistent with TRIPS and it must therefore be reinterpreted or invalidated. The Madras High Court rejected both of these challenges.

With respect to the challenge of the denial of its patent application, the Court ordered that Novartis pursue an administrative appeal before coming back to court. It did so after various procedures twists and turns, but it lost its administrative appeal before the Intellectual Property Appeal Board. After losing administratively, Novartis appealed again, this time to the Indian Supreme Court where it is trying to change the interpretation of Section 3(d). In essence, Novartis wants section 3(d) to be reinterpreted to allow routine "evergreening" of minor modifications to existing medicines based on a minimal showing of any positive effect, including bioavailability.

Global Protests

Demonstrators in Cambridge tried to deliver a Silver Urn (for the ashes of people who would die if Novartis's court challenge is successful) to Novartis officials, but they were barred from the building and ordered off the premises by Cambridge police. Demonstrators in Washington D.C. delivered an "indictment" against Novartis's CEO and other protesters in New York City also occupied Novartis offices. These protesters organized by Health GAP, Student Global AIDS Campaign, Occupy Boston Health Justice Group, and others were joined by a larger group of protesters at the annual meeting in Basel. There, activists from Act Up Paris, Act Up Basel, MSF, Oxfam, the Berne Declaration and others showed videos and interacted with shareholders, many of whom were sympathetic to the campaigners' protests against Novartis's lawsuit.

Novartis's reaction to the protests is to claim that:

"We believe that working through the judicial system is the legitimate and appropriate approach to gaining clarity on the unique aspects of India's

patent law. We disagree with assertions that access to medicines is threatened by our case. The basis of this argument is false and very misleading. Currently available generic drugs launched in India before 2005 including HIV/AIDS medicines and generic versions of Glivec will continue to be available under a grandfather clause in the Indian patent law regardless of the legal outcome of our case. All pharmaceutical products, including HIV/AIDS medications, have been patentable in India under the existing patent law since 2005, and some have been patented.”

This defense is patently evasive – the part-truth that tells a lie. Yes, there is some degree of grandfathering, even for Glivec; yes, India does patent some medicines since 2005. However, India has tried to limit patent monopolies, to address public health needs, and to ensure access to medicines within the bounds of the TRIPS Agreement. Novartis’s statement ignores that is trying to erase those legislative efforts, hiding behind the fig leaf of seeking “clarity.”

Indian generic companies manufacture 80% of the antiretrovirals used to treat people living with HIV/AIDS around the world. Although manufacture of existing AIDS and other medicines is not threatened by the court case and although the court case will not shut down the six generic companies in India that are selling generics equivalents of Glivec at 1/12 the cost, the threat with respect to newer and future medicines is very real. With more frequent and longer patent monopolies, poor people and poor governments will be priced out of access for many, many years. This is the true cost of Novartis’s power-grabbing lawsuit.

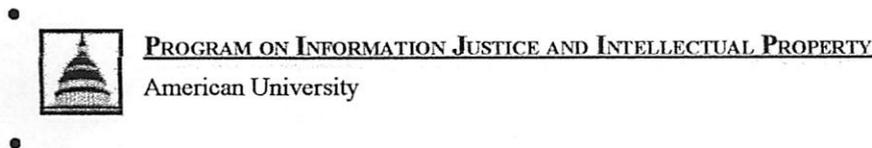


Filed Under: [Blog](#) Tagged With: [3\(d\)](#), [access to medicine](#), [India](#), [Novartis](#)

Speak Your Mind

 Name * Email * Website CAPTCHA Code *

Partners





Novartis again urged to drop India patent lawsuit

WORLD NEWS | FEBRUARY 24, 2012

KEVIN GROGAN

SHARE 0
 Tweet 0

Novartis is under renewed pressure from the international aid agency Medecins Sans Frontieres (MSF - Doctors Without Borders) to drop its legal challenge against India's patent laws.

As shareholders of the Swiss major met in Basel, MSF called on them to urge the company to drop its case against the Indian government. The latter relates to Novartis' challenge to an Indian patent law, notably Section 3(d), which states that a modification of a known chemical composition is non-patentable.

Novartis' legal action stems from an attempt to obtain an Indian patent on Gleevec/Glivec (imatinib mesylate), its drug for chronic myeloid leukaemia and other cancers, which was denied by India's Patent Office in 2006. If the company wins the case, MSF says it could have a severe impact on access to affordable medicines for people across the developing world.



Unni Karunakara, MSF's international president, said "we are asking Novartis once and for all to stop this legal battle in India that is a direct attack on the pharmacy of the developing world". He added that "we will not stand by silently and watch our source of affordable medicines dry up in the future - we rely on these drugs to do our work in more than 60 countries".

Related Links

- [Glivec patent case reaches India's Supreme Court](#)
- [Novartis asked to end challenge to Indian patent law](#)

The hearing is scheduled to take place before India's Supreme Court in March, and India's Attorney General has just been appointed to defend the case for the government. MSF noted that generic medicines produced in India make up 80% of the HIV drugs it uses to treat 170,000 people in 19 countries.

Links

www.msf.org.uk

Click [here](#) to order a reprint of this news story.

Tags

[India](#) | [Novartis](#) | [MSF](#) | [generics](#) | [Gleevec](#) | [patent law](#)

Your Comments

Comments 3

Nancy
24 FEB

If India wants to financially help Novartis and other pharmaceutical companies bring innovative new drugs to market, then I say Novartis should drop the lawsuit. If they won't contribute to develop new drugs, then stop the complaints.

dibyendu
27 FEB

Subscribe to PharmaTimes Magazine here

PharmaTimes
Marketer of the Year

Advance your marketing career by developing your skills

ENTER HERE NOW

Website Search

Search News Search Magazine

Job Search Find your next job

e.g. Director, Medical Sales

e.g. London

e.g. last 2 days

FIND A JOB

POPULAR TAGS

- EMA **Glybera** Disappointment
- Alzheimer** CHMP **Pfizer**
- Takeda **Celgene** **FDA** Forest
- COPD** Tudorza **Patient**

PharmaTimes
Clinical Researcher of the Year

Test your professional skills and abilities against your industry peers

ENTER HERE NOW

Most Read Latest Jobs

MOST READ ARTICLES

- EMA backs first gene therapy, UniQure's Glybera
- Disappointment as Alzheimer drug bapineuzumab fails
- CHMP opinions: good for Pfizer and Takeda, Celgene appeals
- FDA approves Forest COPD drug Tudorza



Gerald Bergman <geraldbergman@gmail.com>

Bergman
5

Accessible open space

3 messages

Gerald Bergman <geraldbergman@gmail.com>
To: "Cambridge.Campus@Novartis.com" <Cambridge.Campus@Novartis.com>

Tue, Jul 17, 2012 at 1:01 PM

What is the current situation in regard to the hours during which the public space will be accessible to the general public?

Gerald Bergman

Campus, Cambridge (Gen) <Cambridge.Campus@Novartis.com>
To: Gerald Bergman <geraldbergman@gmail.com>

Wed, Jul 18, 2012 at 1:50 PM

Dear Gerald -

Thank you for your inquiry.

Our current plans are for the courtyard to be accessible to the public from 6:00 am - 7:00 pm, Monday through Friday.

Thank you
[Quoted text hidden]

Campus, Cambridge (Gen) <Cambridge.Campus@Novartis.com>
To: Gerald Bergman <geraldbergman@gmail.com>, "Campus, Cambridge (Gen)" <Cambridge.Campus@Novartis.com>

Wed, Jul 18, 2012 at 4:01 PM

Good Afternoon Gerald,

Our current plans are for the courtyard to be accessible to the public from 6:00 am - 7:00 pm, Monday through Friday.

Please let me know if you have any additional questions.

Thank you

Ed

Edward LeFlore
Novartis Institutes for BioMedical
Research, Inc.
200 Technology Square
Cambridge, MA 02139
USA

Phone +1 6178718000
Fax +1 NA
edward.leflore@Novartis.com
www.Novartis.com

-----Original Message-----

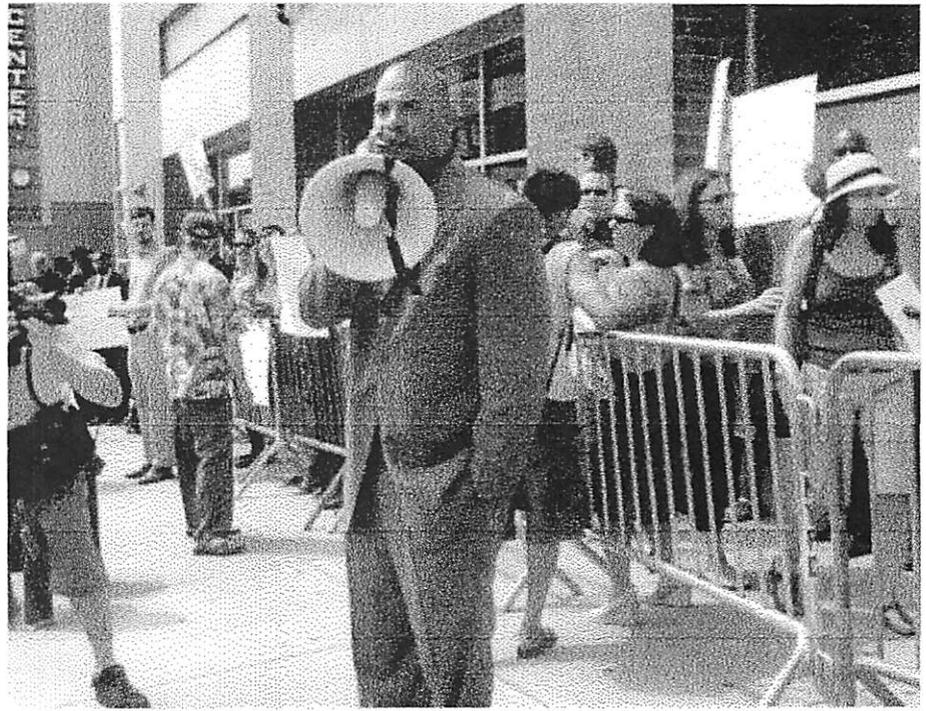
From: Gerald Bergman [mailto:geraldbergman@gmail.com]
Sent: Tuesday, July 17, 2012 1:01 PM
To: Campus, Cambridge (Gen)
Subject: Accessible open space

Enough False Promises of Affordable Housing Development!

6

Bygones

25 Brooklyn Congregations —



Brooklyn Clergy Turn Against Barclay's Center, via Fort Greene Patch

There is a major lack of affordable housing in New York City, and everyone knows it. When the government puts development projects, it is often the promise of jobs and affordable housing that win community support for that of Atlantic Yards in Brooklyn (the site of Barclay's Center, the new Nets arena) developers promised to build over 1,000 units of affordable and middle-income housing. But as the arena's construction is nearing completion, where is the affordable housing?

The lack of follow-through on affordable housing development is nothing unique to Brooklyn or to Atlantic Yard occurring all over the city. Willet's Point in Queens is currently under development under the premise that the housing would be prioritized. According to the Wall Street Journal, however,

The companies would first spend years building a hotel and a large retail center in the area before moving on to housing in an unproven and polluted site near Citi Field.

Where are the priorities in NYC's urban development? Who is setting the agenda? And how is the community process?

This week, Crain's NY published another article highlighting community anxiety over abandoned promises of affordable housing at the former Domino Sugar site. Originally, one-third of the housing development would be set aside for affordable housing, including a whopping 660 units. CPC Resources Inc. and its partner, The Katan Group, are now selling the project to Two' and it is unclear whether or not they will uphold the promise of affordable housing.

As usual, communities impacted by these development sites are fighting back! "Any developer or investor who abandons the promise of affordable housing at the Domino without committing itself to the 660 affordable units, should really think twice," Isaac Abraham, a Willet's Point community leader and housing advocate, told Crain's NY. And in Fort Greene this week, clergy members protesting

developer Bruce Ratner created a new faith-based group made up of 25 Brooklyn congregations. The group, called Arena Justice, is calling on New York State Governor Andrew Cuomo to pressure Ratner maintain his commitment and affordable housing for the community. The Fort Greene Patch reports,

We need jobs that can sustain families and not jobs selling hot dogs," said Councilwoman Letitia James, D-Forest City Ratner opened up online pre-registration for hundreds of new event positions at the arena.

The clergy are calling for a boycott of the arena until the developers "treat the community with respect." Community Justice is holding a meeting at the Brown Memorial Baptist Church at 484 Washington Ave in Brooklyn to plan against Barclay's Center, particularly against the grand opening featuring co-owner and rap-legend Jay Z.

As tenant organizers, we see false promises constantly – from banks promising to sell buildings to affordable housing landlords who swear they'll make the necessary repairs. We understand the frustration about the real lack of investment in communities and support the boycott! We look forward to supporting this effort!

ADVERTISEMENT

share

- Like Us On Facebook
- Share On Twitter
- Share on LinkedIn
- Send To Friend
- <http://nib.ly/b1kl>

Copy to Clipboard

Share this:

Share

3 Responses to *Enough False Promises of Affordable Housing Development!*

Pingback: [Via Verde, Green Roofs...What has the South Bronx Become? | The SurRealEstate](#)

Pingback: [Friday News Round-Up! | The SurRealEstate](#)

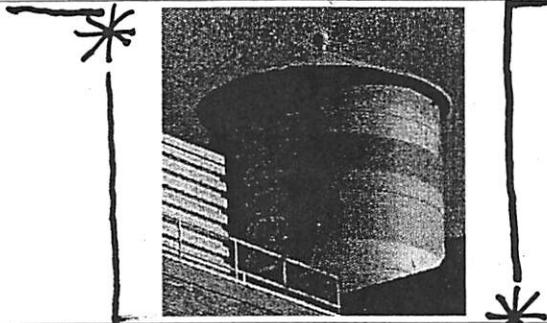
stan chaz

July 6, 2012 at 4:50 pm

The blood-sucking rich get richer... and richer....and richer –
while the rest of us get shafted.
Those that have the most...want it ALL.
They feast on the finest steaks,

Necco

NECCO (New England Confectionery Company)

	
Type	Private company
Industry	Confectionery
Predecessor(s)	Chase and Company, Ball and Forbes, Bird, Wright and Company
Founded	1901
Headquarters	Revere, Massachusetts, USA
Products	Necco Wafers, Sweethearts, Clark Bar and Haviland Thin Mints, among others
Owner(s)	American Capital
Employees	483 (as of March 2011 ^[1])
Website	http://www.necco.com/

Necco (or NECCO), pronounced "neck-o", is the acronym for the **New England Confectionery Company**, a manufacturer of candy. It was created in 1901, by the merger of several small confectionery companies located in the Greater Boston area; since December 2007, Necco has been owned by American Capital, a corporate raider company.^[2]

The company, considered the "oldest continuously operating candy company in the United States,"^[3] is best known for its namesake candy, Necco Wafers, its seasonal Sweethearts Conversation Hearts, and brands such as the Clark Bar and Haviland Thin Mints. In fall 2010, Necco expects to produce its one trillionth Necco Wafer candy.^[3]

History

Necco dates its origins to Chase and Company, a company founded by brothers Oliver R. and Silas Edwin Chase in 1847.^[4] Having previously invented and patented the first American candy machine,^[3] the Chase brothers continued to design and create machinery that made assortments of candies, such as their popular sugar wafers.

Two other confectionery companies, Ball and Forbes, founded by confectioner Daniel Forbes in 1848, and Bird, Wright and Company, a confectionery company based in Boston and founded in 1856, joined forces with Chase and Company in 1901 to become the three members of the original Necco family.^[4] The three confectionery firms then moved into a newly constructed manufacturing plant in Boston, Massachusetts one year later and become the largest establishment devoted entirely to confectionery production in the United States.^{[5][6]} Success prompted the company, in 1906, to introduce a profit sharing plan.^[3]

Necco continued its production while the confectionery industry continued to boom through the turn of the century. Around the same time, businessman David L. Clark, began experimenting with his own candy creations in his home outside of Pittsburgh, PA. He began selling the Clark candy bar for five cents and shipping his creation to soldiers

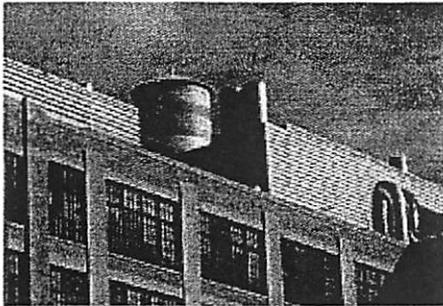
technology review

Published by MIT

English | en Español | auf Deutsch | in Italiano | 中文 | em Português

HOME COMPUTING WEB COMMUNICATIONS ENERGY BIOMEDICINE BUSINESS VIEWS VIDEO E

MIT NEWS // COMPUTING



How Sweet! The Necco factory water tower, painted to look like a roll of Necco Wafers. Credit: Jill Robidoux

Remembering Necco

A whiff of MIT's past

2 comments

NIDHI SUBBARAMAN, SM '10
November/December 2010

Not so long ago, Cambridge was considered a capital of candy making. In 1901, three venerable Boston candy firms joined forces to form the New England Confectionery Company (Necco), now famous for its pastel Necco Wafers and Sweethearts, the heart-shaped candies imprinted with mottoes like "Be Mine" and "True Love." The company moved into its 500,000-square-foot space at 254 Massachusetts Avenue, near Albany Street, in 1927; it was the world's largest factory devoted entirely to candy making. For three quarters of a century, it sat on the fringe of MIT's campus, flavoring the wind with hints of mint and chocolate.

"The olfactory imprint of the Necco factory is as clear as if it were just yesterday," says Glenn Boley '77. "The Necco factory filled the air with luscious odors. Those odors are an integral part of my memories of Cambridge."

Inside Necco, factory workers toiled alongside vats and conveyor belts, dipping, molding, and shaping taffy and toffee rolls, Sky Bars, candy hearts, and, of course, Necco Wafers. For MIT students who lived nearby, this corner of Cambridge was characterized not only by the scent but also by the water tower on top of the factory, which was painted to look like a roll of Necco Wafers and could be seen from across the city. "Both the water tower and the factory were city landmarks," says Charles Broderick '99, MEng '00. "For me, it showed the way home."

Broderick lived across from Necco in the Zeta Psi house at 233 Mass. Ave. for many years, one of which he spent in a room overlooking the factory entrance. Some mornings, he would hear the sound of idling delivery trucks. The Necco factory "was much like Willy Wonka's," he

CURRENTLY READING: Remembering Necco

(3/16/14)

says. "I never saw anyone inside, the windows never opened, and I swear I never once saw anyone come in or out of the front gate on Mass. Ave. It gave the place a certain creepy mystique."

The factory also figured into Broderick's MIT identity. A room door in the Zeta Psi house, he says, was painted to match the water tower. "Our fraternity's party flyers always included the phrase 'across from the Necco factory,'" he says. "It was also an easy way to direct a cab back to the house after a night out on the town. The Haitian, French Creole-speaking cab drivers didn't always know where Windsor Street was, but they usually knew where Necco was."

Rafal Mickiewicz, SM '01, PhD '09, arrived at MIT in 1998 and moved into a dorm room at Edgerton that faced the loading dock and railroad tracks leading past Necco. "The sugar train used to come by about once a month, late at night, about 10 feet from my bedroom window," he says.

Bob Bates '59, PhD '66, worked at Necco's quality control lab in the summer of 1958, between his junior and senior years in MIT's Food Technology course. His job was to inspect and troubleshoot many of the manufacturing operations. Among other things, he had to ensure that Necco Wafers, stamped from sheets of colored and flavored dough, had the appropriate moisture content. ("Snap 'em in the dark and they'll spark," he says.) He also paid frequent non-job-related visits to the reject store at Necco. "My favorites were the various fudge recipes and especially Sky Bars--difficult to make, since four different centers must be deposited in each chocolate shell, then enrobed, hardened, and packaged," says Bates, who conveniently does not recall whether he gained weight that summer.

In 2003, Necco workers packed up the company's conveyor belts, pulverizers, and pumps and moved out of Cambridge to a larger facility in Revere, Massachusetts. Walls once gummy with layer upon layer of sticky sugar were torn down, and chocolate vats and conveyor belts were replaced by clean countertops, lab equipment, and bench space for the Cambridge offices of the Swiss pharmaceutical giant Novartis.

Though the familiar roll of Necco Wafers vanished from the city skyline when Novartis repainted the water tower, the memory of the candy factory remains fresh in the minds of MIT alumni. Caitlyn L. Antrim '71, Eng '77, EnvEng '77, still remembers being welcomed by the smell of chocolate every time she returned to Cambridge after a vacation. "It's strange to walk by those buildings on my return visits to MIT and not have those aromas wafting in the air," she says. "Do you suppose we could get Novartis to install one of those devices to give off those aromas as an homage?"

2-Day Intensive Programs • Building Mobile Apps
 Boost your knowledge • Enterprise IT: Strategy
 HARVARD Division of Continuing Education Profes

2 comments

More	2			
------	---	--	--	--

Sign in to comment
CURRENTLY READING: Remembering Necco

(4 of 14)

FACT:
38 miles of
plumbing
installed

FACT:
1,000,000 total
man hours
logged during
construction

Historic Place

While the building's interior has been transformed into a 21st century state-of-the-art laboratory, its exterior has been restored to reflect its proud industrial past. Great care was taken to ensure eligibility for listing the building on the National Register of Historic Places.

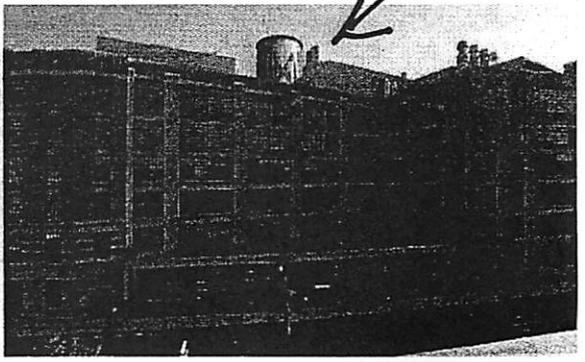
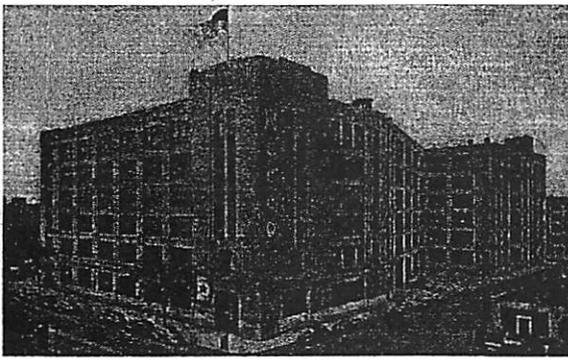
Properties listed on the National Register of Historic Places possess historic significance and integrity. Significance may be found in four aspects of American history recognized by the National Register Criteria:

- Association with historic events or activities,
- Association with important people,
- Distinctive design or physical characteristics, or
- Potential to provide important information about prehistory or history.

A property must meet at least one of the criteria for listing. Integrity must also be evident through historic qualities including location, design, setting, materials, workmanship, feeling, and association. Generally, properties must be 50 years of age or more to be considered historic places. Renovating the structure to maintain its historic character and appearance made Novartis eligible for a tax credit on renovation costs. The following measures were taken to obtain the listing as a Historic Place and retain the tax credit:

FACT:
210 fume hoods
installed

- **Replace windows.** The original windows were constructed of single panes separated and supported by solid mullions. To meet current codes and for energy savings, the new windows were constructed of large, double panes of plate glass filling the entire window space. The outside pane was heat strengthened. The mullions, placed on the surface of the glass, are purely decorative, but retain the look and dimensions of the original mullions.
- **Set back ceilings.** To maintain the historic look of the building's façade, ceilings on each floor were set back four feet from the windows.
- **Define roofscape.** Modern buildings, especially laboratories, require sophisticated air-handling and electrical plant equipment to be installed. To retain the original appearance of the building, the number of exhaust stacks and other equipment had to be minimized. In addition, the dome of the skylight over the atrium could not be visible from the street.
- **Re-use wood paneling.** About 5,000 board feet of dense grained heart pine timbers were reclaimed and remilled for sale as antique wood.
- **Retain water tower.** The roof-top water tower had to be retained and restored.
- **Restore masonry.** Exterior masonry on the building's façade was restored.



(50614.)

Candy coated

Power-cleaning clears way for labs at old Necco factory

By Naomi Aoki, Globe Staff, 7/9/2003

CAMBRIDGE -- To convert the 1926 Necco candy factory into Novartis Pharma AG research labs, construction workers first had to deal with the building's sticky past. During the decades when Necco cranked out its signature pink, purple, green, and yellow candy wafers, sugar spores burrowed into the pores of the building's concrete walls. A gooey residue coated the basement floor, where six tanks once stored 30,000 gallons of corn syrup, molasses, and sugar. Small sugary patches remained in areas where mixing vats once held batches of chocolate.

Sugar and laboratory experiments don't mix, though. So floor by floor, workers are power-washing away the remnants of sweeter days, with hot water and bleach. The cleaning, among the first steps in an intricately choreographed \$175 million project, is akin to a rite of passage for a city that evolved from a confectionery capital into a biotechnology hub.

"I like finding new uses for old buildings," said David Clem, managing director of Lyme Properties, which has converted several old Cambridge buildings into lab space.

"I love that at One Kendall Square, in the same building where the first bicycle tires were created, that we had a biotech company accelerating the growth of human skin," he said.

The Necco building sits on Massachusetts Avenue, a stone's throw from the Massachusetts Institute of Technology and within a mile's walk of more than 70 biotechnology firms. Novartis, based in Basel, Switzerland, signed a 45-year lease for the candy factory's 500,000 square feet as part of setting up its research headquarters in Cambridge, where it will house about 1,000 scientists.

Many other biotech firms are breathing new life into old Cambridge's buildings.

The Boston Woven Hose Co. factory at One Kendall Square was converted in the mid-1980s into lab space. Millennium Pharmaceuticals Inc. occupies a former Ford Motor Co. plant on Memorial Drive, where the automaker once built Model Ts. Transkaryotic Therapies Inc. moved into 180,000 square feet of renovated lab and office space in the former Kaplan Furniture building, on Main Street.

In many cases, renovating costs less than building -- and offers attributes that would be too costly to recreate in new construction. In other cases, adapting an old plant can be just as costly as building from the ground up. But recycling old plants allows biotech companies to be in sections of the city where they would otherwise be hard pressed for space: near MIT, Harvard University, and other academic centers, on which they rely heavily.

"What I love about recycling these old industrial buildings is that it preserves the character of the city and reveals some of its history," said Roger Boothe, Cambridge's director of urban design.

Until Necco, or the New England Confectionery Co., began moving out last fall (it's now in Revere), the factory was one of the last and mightiest vestiges of the days when the region was a candy-making hub. A block away, a factory now owned by Tootsie Roll Industries Inc. continues to turn out Junior Mints, Sugar Daddies, and Sugar Babies. Candy makers like Fanny Farmer, Great American Brands, and Squirrel Brand Co. were once also nearby in Cambridge. Schraff's was in Charlestown, and Fox-Cross

Candy Co. made Charlestown Chew bars in Everett.

Necco traces its roots to the founding of Chase Candy Co. in Boston in 1847. By the end of the 1920s, just a few years after the opening of the Necco factory on Mass. Ave., the city was home to 375 manufacturing firms.

Many of the features that made the Necco building state of the art when it was built in 1926 also make it ideal for conversion into lab space. Made of concrete instead of the steel-frame construction that is more common today, the building better resists vibrations, which can spoil sensitive experiments. The concrete also gives the building a three-hour fire rating (the highest possible rating), which allows Novartis to store flammable chemicals for mixing drugs.

Its floors, between 9 and 14 inches thick, can hold as much as 250 pounds per square foot, strong enough to support storage tanks, mixing vats, and conveyor belts needed to make candy as well as the robotics, screening machinery, and other heavy machinery used in drug research. The 14-foot ceilings allow for drop ceilings that can hide an elaborate network of pipes and ducts needed to constantly circulate fresh air throughout the labs.

The building will house about 700 of the 1,000 scientists Novartis plans to employ in Cambridge by the end of 2004. Before it signed the lease last year, Novartis was looking for a large amount of lab space that could be ready quickly.

The company had already leased more than 200,000 square feet of space at 100 Technology Square. "We wanted something close to our other building," said Novartis spokesman Fintan Steele. "Necco was the size we needed; it had good structural features. It's a happy coincidence that the building is also a nice part of the history of Cambridge." Arthur Solomon, senior partner of DSF Real Estate Investors in Boston, the building's owner, estimated the cost of buying and renovating the candy factory for Novartis will total \$175 million by the time it is completed next spring.

DSF and its architect, Ed Tsoi of the Cambridge firm Tsoi/Kobus & Associates, are preserving the building's exterior, including the water tower painted to look like a giant roll of Necco wafers. Because of those efforts, the building will be placed on the National Register of Historic Places, earning a tax credit equal to 20 percent of the renovation cost.

Inside is a different story. Workers carved out amoeba-shaped openings on each floor to make way for a sunlit atrium and a winding stairwell. They replaced glass-bricked windows, installed years after the factory opened to protect the candy from sunlight, with replicas of the building's original large windows. A winter garden and main lobby will replace a loading dock on the ground floor, where railroad cars once delivered sugar and corn syrup.

Workers are converting an old power plant into a cafeteria and auditorium. The plans also call for a parking garage, with three of its five levels underground, to replace a parking lot. Tsoi's design also includes a courtyard that resembles a small Post Office Square, with benches, gardens, and a fountain. It will open onto Mass. Ave.

"In its day, the Necco building was a demonstration of manufacturing," Tsoi said. "In our day, it will be a demonstration of research."

Naomi Aoki can be reached at naoki@globe.com.

This story ran on page C1 of the Boston Globe on 7/9/2003.

*Newton's submission
to the Planning Board*

Project Review Special Permit
NECCO Technology Center
DSF Cambridge, LLC

courtyard area being developed around the power plant. The petitioner intends to preserve many of the industrial and architectural features of the building such as the NECCO lettering on the front facade and the multi-colored roof top water tower that mimics the company's signature NECCO wafers. The existing glass block windows that were installed as part of a 1946 renovation of the building will be replaced with windows containing a mullion and sash pattern consistent with those originally installed in the building.

Rooftop mechanical equipment has been organized and distributed over all three masses that comprise the main building, with the greatest concentration of such equipment located at the rear along Cross Street.

The elimination of the mezzanine and the redesign of portions of the building for mechanical equipment will result in a decrease of more than 77,000 square feet of gross floor area as that term is defined by the Cambridge Zoning Ordinance. Notwithstanding that fact, however, an FAR variance will be required from the Board of Zoning Appeals to construct the Lansdowne Street lobby.

Power Plant

Located in the center of the irregular U shaped main building, directly behind the rental car agency on Massachusetts Avenue, is a three-story power plant. While it is not anticipated that the power plant will continue to provide any mechanical support to the main building once the manufacturing use ceases, the petitioner has been receptive to preserving the structure and exploring its conversion to a use that will enhance the overall vibrancy of the new complex. The development of a courtyard area around the structure makes it a promising location for a retail or restaurant use that could serve as an amenity to the buildings' occupants and the larger community.

While the exterior of the building will be refurbished, including the removal of its prominent rooftop mechanical equipment, its footprint and exterior features will remain intact. The change in the use of this 10,000 square foot structure from a power plant to occupiable space will also require an FAR variance from the Board of Zoning Appeals.

(7 of 14)

(8 of 14.)

The Harvard Crimson

April 28, 2003

Candy Plant To Shift From Sugar to Science

Novartis drug company to replace neighborhood candy factory in historic Cambridge

By Elizabeth S. Widdicombe, CONTRIBUTING WRITER

In 1928, the founder of New York's Museum of Modern Art wrote in *The Arts Magazine* about a brand-new building which he described as the promising future of American architecture: the Necco candy factory.

Defying the "rabble" of Mass. Ave., wrote Alfred J. Barr, the "beautiful" factory stood in stark contrast to the "sad gray walls of Technology" and "the monstrous rear of the Widener library."

"Robed in rich yellow brick," and crowned by a smokestack that Barr compared to an Italian basilica, the Necco factory united the three ideals coined by the earliest Roman architect: *Venustas*, architectural beauty; *Firmitas*, "exquisite structural virtuosity;" and *Utilitas*—usefulness—the trait that made the building "genuinely modern."

But by the 1990s, the modernity of assembly lines had receded into history, and the old Necco factory had become more a crumbling reminder of Cambridge's industrial past than a shining example of futuristic *Utilitas*.

Other major blue-collar employers once located within Cambridge's borders, like Ford Motors and Lever Brothers soap, had long since left the area.

Meanwhile, pompous Widener and gray MIT—and the brains they attracted—had come to dominate the white-collar, high-tech industries that filled Cambridge.

Although it held out into the twenty-first century, the New England Confectionary Company (Necco) factory—since 1901 the world's supplier of thin, powdery sugar treats known as Necco wafers—was an area fossil.

In 2001, when Necco finally decided to move out of Cambridge, "it was the last large, traditional manufacturer to go," says Charles M. Sullivan, director of the Cambridge Historical Commission.

"It's a symbolic step in the evolution of Cambridge," Sullivan says.

But with Necco gone, the building's fate will be exactly that: an evolution.

Novartis, a pharmaceutical giant based in Basel, Switzerland, has gutted the old candy factory, and plans to move a cutting-edge research and development department into the Necco building by the end of the year.

(9/8/14.)

And Novartis' plans for the factory will restore the building to the position that Alfred J. Barr first envisioned for it.

"It will exist for the new generation," Barr wrote of the Necco plant, "not merely as a document in the growth of a new style, but as one of the most living and beautiful buildings in New England."

The construction signs are up. The original windows have been restored. And the Necco factory is being reborn.

Blessed By The King of Hearts

Walter J. Marshall, the former vice president of planning at Necco, is best known to some as "the king of hearts."

Until he retired in 2000, Marshall picked slogans for Necco's "conversation hearts," the Valentine's day confections emblazoned with amorous messages like "Be Mine" and "Far Out."

Marshall retired from Necco in July of 2000, after 47 years in the candy industry—just as the company was gearing up to move to a new, larger facility in Revere.

Although he says he's nostalgic for the factory's past, he also sees Novartis' purchase of the old Necco plant as "a rebirth."

"Everything changes—people and businesses," he says. "Everything has a cycle—a birth and a life and a death."

Of the company's decision to move, Marshall says, "It was time."

The space had become too cramped for Necco.

A system of vintage machinery climbed vertically through six floors, designed for an age when assembly lines were powered by gravity.

And Necco needed to expand out, not up.

But Marshall calls the old factory "a beautiful building."

"You'd need an atomic bomb to knock it down," he says.

The factory's 18-inch concrete floors—thick enough to support huge vats of melted sugar—made it an ideal bomb shelter for the city of Cambridge during World War II.

"We still had the old wicker wheelchairs on each floor, in case someone got hurt," says Richard P. Gaffney, Necco's current director of special projects. "There was a locker in the cafeteria where they kept helmets and stretchers for air raids."

Its door handles were inscribed with the Necco insignia. The upstairs offices were made of oak.

The factory had a hundred such details.

"But our answer was, pretty offices don't sell candy," Gaffney says.

(10 of 14.)

Even more deliberate are the gathering spots or “cafés,” positioned at intervals between the lab rooms. Food, coffee and computers are strategically positioned to draw scientists out of their labs.

“I call it disco-science,” Steele says. “These areas need to be at the crossroads, where everyone has to walk through.”

The café areas, the architects say, will be around-the-clock meeting areas.

The designs include plans for a 24-hour global conferencing centers, with plasma screens linking the Cambridge labs to those of Novartis’ other research departments in Switzerland.

“These people work during all 24 hours of the day,” says Eric Hollenburg, who is one of the principle architects. “If its midnight in Boston, its 7 a.m. in Basel. We want them to be able to walk into the cyber café and strike up a conversation with another scientist halfway around the globe.”

Steele estimates that the finishing touches on the 100 building will be completed by December, and the Necco factory will be done soon after.

Meanwhile, the candy factory is being readied.

Novartis picked the Necco building because a renovation would be faster than building from the ground up.

The high ceilings and thick concrete floors of the factory make its ideal for lab equipment. But transforming an ancient candy factory into a state-of-the-art research facility will by no means be easy.

“We could see in the bones of the building that it would work,” said Simpson. “And we knew what kind of life we could bring to it.”

First, they cut a hole in the middle.

The atrium, the exposed area in the center, will form what Simpson calls “the glue that holds the whole thing together.”

Light will pour in through a glass ceiling, and six stories of thick, concrete columns will be exposed, with offices along the inside divided only by glass from the center—the architects intentionally used glass so that everyone would be able to see everyone else.

An abstract pattern resembling strands of DNA, will be woven into the floor.

“We want this to be the symbol of total modernity,” Simpson says. “We want it to be totally new.”

An Eye to the Past

Despite their emphasis on innovation, architects of the Necco factory’s renovation have a great deal of history to take into account.

In order to receive a tax credit as one of Cambridge’s historical places, construction must meet stringent requirements.

The building’s external color, molding, and roofscape must be preserved.

(11 of 14.5)

And inside, the wood paneling of the old offices on will be preserved.

Many of the old features of the site will be transformed for their second life.

The power plant, a separate structure outside of the factory, will be turned into a cafeteria and welcoming facility.

And from the old loading dock, where shipments of sugar were once brought into the factory by a rail link, Stubbins plans to build a “winter garden” surrounded in glass, that will fuse the building’s traditional brick outline with the aesthetic of its new function.

The building’s signature candy-striped water tower, painted to resemble a Necco wafer, will stay put.

“Of course we’re keeping the water tower,” Simpson said. “I don’t think it was even a question.”

A Changed City

The Necco factory’s transformation has broad implications for Cambridge, on a practical as well as symbolic level.

“This is a big step in the evolution of Cambridge,” Sullivan says.

The Necco factory’s fate signals the transformation of an industrial city into a high-tech mecca—one that depends on its universities for survival.

The move might speed up a change in the demographics of the city: Necco was a large employer of Cambridge’s immigrant labor force, which, according to Gaffney, was once mostly Italian and is now for the most part Brazilian.

80 percent of the company’s employees will have jobs at the new factory in Revere.

But when Novartis makes its hires, it will draw, to a large extent, on the “intellectual capital” of Cambridge’s population, rather than its semi- skilled labor.

Sullivan guesses that the Novartis’ move will probably nudge up real estate prices in an area already under great pressure from gentrification.

“We think of it as too much money chasing too little real estate,” he says. “Novartis will certainly add to that.”

The presence of the new research facilities will, however, be a boon for Cambridge’s universities, and for people looking for employment in the high-tech industry.

“I think Cambridge’s history has really passed it by,” Gaffney says. “Necco was the largest footprint left around MIT, and now it’s going to be high tech. I think it’s good for the city—and maybe it’s what Cambridge wants.”

Steele says that Novartis is planning to establish major ties with both Harvard and MIT. At the 100 Building, conference rooms with await seminars with academia. And although he declined to discuss specifics, Steele says that concrete plans are already underway for collaborative projects between Novartis and scientists at MIT.

Utilitas



CAMBRIDGE HISTORICAL COMMISSION

831 Massachusetts Avenue, Cambridge, Massachusetts 02139

Telephone: 617 349 4683 Fax: 617 349 3116 TTY: 617 349 6112

E-mail: histcomm@cambridgema.gov URL: http://www.cambridgema.gov/~Historic

William B. King, *Chair*, Allison M. Crump, *Vice Chair*, Charles M. Sullivan, *Executive Director*
M. Wyllis Bibbins, Robert G. Crocker, Suzanne R. Green, Frank Shirley, Jo M. Solet, *Members*
Jacob D. Albert, Bruce A. Irving, Jennifer Jones, *Alternates*

(12 of 14.)

March 26, 2004

Mr. James Rafferty
Adams & Rafferty
187 Concord Avenue
Cambridge, MA 02138

Dear Jim,

At its March 4, 2004 meeting, the Historical Commission discussed the recently-advertised design contest that Novartis has launched to choose a new design scheme for the water tower on the roof of 254 Massachusetts Avenue, Cambridge. The Commission expressed its disappointment that the NECCO wafer decoration on the water tower would not be maintained on the building. The painted wafer design serves as a reminder of the important position NECCO holds in Cambridge's industrial history.

There are several examples in Cambridge of former industrial buildings that have been successfully renovated and re-used, while retaining historic signs on the exterior of the building. In this way, Cambridge can celebrate its industrial past while welcoming new technologies and industries to the community. A nearby example is the old Kaplan Furniture Company sign at what is now the TransKaryotic Therapies facility at 195 Albany Street.

* While the Historical Commission did not make it a condition of its approval for the demolition of the garage building at 254 Massachusetts Avenue, it was under the impression made by the expressed written intent of the applicants, in application materials to both the Commission and the Planning Board, that the NECCO wafer design would be preserved on the water tower. I have enclosed a few pages from that application package with this letter.

While the Commission enthusiastically welcomes Novartis to the community, it nevertheless feels it is important to express its disappointment at the planned redesign of the water tower and to encourage the applicant to reconsider that decision. The Commission requests that an updated set of drawings illustrating the proposed design for the water tower be submitted for the record.

Sincerely,

Charles M. Sullivan
Executive Director

enclosures

cc: Thomas Mazza, DSF Advisors, LLC
Philip Plottel, Novartis
Domenic Antonellis, NECCO

(13 of 14.)

technology review

Published by MIT

English | en Español | auf Deutsch | in Italiano | 中文 | em Português

Login | Subscribe

HOME COMPUTING WEB COMMUNICATIONS ENERGY BIOMEDICINE BUSINESS VIEWS VIDEO EVENTS MAGAZINE search

MIT NEWS

Letters

OUR READERS
March/April 2011

Campus Smells

"Remembering Necco" (November/December 2010) brings back memories of the campus smells. Not only did we have the benefit of chocolate from Necco, we had soap, pickles, and rendering! Just off the northeast corner of the campus where Technology Square now stands, Lever Brothers made soap. You'd think maybe soap would smell good, but not while it's being made. Not far from that was a pickle factory. You'd think maybe pickles would smell good, but ... Finally, to the west of the campus was a rendering works. Pour in a dense Boston fog. No wind. Now combine all four of those smells and you've got the olfactory "treat" of the century!

Bill Eccles '54, SM '57
Terre Haute, Indiana

What Happened to the Water Tower?

On November 9, 2001, the Tech reported that Necco would close its Mass. Ave. factory but that "its highly recognizable water tower, which resembles a roll of Necco wafers ... will remain part of the Cambridge skyline after Necco moves." On April 28, 2003, the Harvard Crimson reported that Novartis was moving into the old Necco building. "In order to receive a tax credit as one of Cambridge's historical places, construction must meet stringent requirements," it said. "The building's external color, molding, and roofscape must be preserved ... The building's signature candy-striped water tower, painted to resemble a Necco wafer, will stay put. 'Of course we're keeping the water tower,' Simpson [one of the architects] said. 'I don't think it was even a question.' " So how did we get to "the familiar roll of Necco Wafers vanished from the city skyline when Novartis repainted the water tower," as you reported in "Remembering Necco"?

Lowell Ray Anderson '59
Cody, Wyoming

Editor's note: We asked Charles Sullivan, executive director of the Cambridge Historical Commission, whether Novartis was free to repaint the water tower. His response: "Novartis ultimately decided that they wanted their own graphics on the tower, and ran a contest among schoolchildren to generate designs. There was some regret about losing the Necco design, but there were no violations of any local permits."

Tech Square "Photo"

The article on the development of the MIT campus ("The Evolution of Cambridge," January/February 2011) was very interesting and informative, but the picture illustrating it (on page M19) is, to use today's parlance, Photoshopped. While the actual campus area is unmodified, the Tech Square area clearly shows what an architect predicted the project might one day look like if developed. The buildings in the photo bear no resemblance to either the old Lever Brothers factory (shown on page M22) or the actual Tech Square development built in the 1960s.

David Lebling '71, SM '73
Concord, Massachusetts

Editor's note: You're right—foreground, with a rendering superimposed in the background.

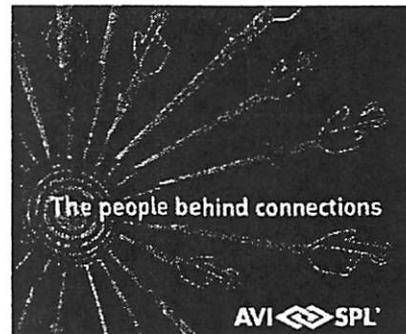


NEW Technology Review's Science Fiction Issue
The best new science fiction inspired by today's emerging technologies
Published by MIT
order now
ONLY \$7.95 (plus \$3.00 shipping)

Food Technology to the Rescue

While both MIT and Technology Review are fast becoming Course VI on steroids, the fascinating write-up of Ayr Muir ("Everything Will Be Different Tomorrow,"

CURRENTLY READING: Letters



New on Technology Review

Amazon's Expanded Tablet Push

An Indian Software Company Brings Jobs Back to the U.S.

Cree Aims at LED Lighting Sweet Spot
2 comments

Pfizer "Disappointed" with First Results for Alzheimer's Drug Candidate

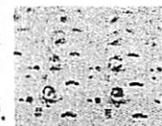
The Mysterious Challenge of Understanding Ice

More »

Technology Review Lists

Technologies Innovators Companies

TR10 Our list of the 10 most innovative technologies of 2012. See list »

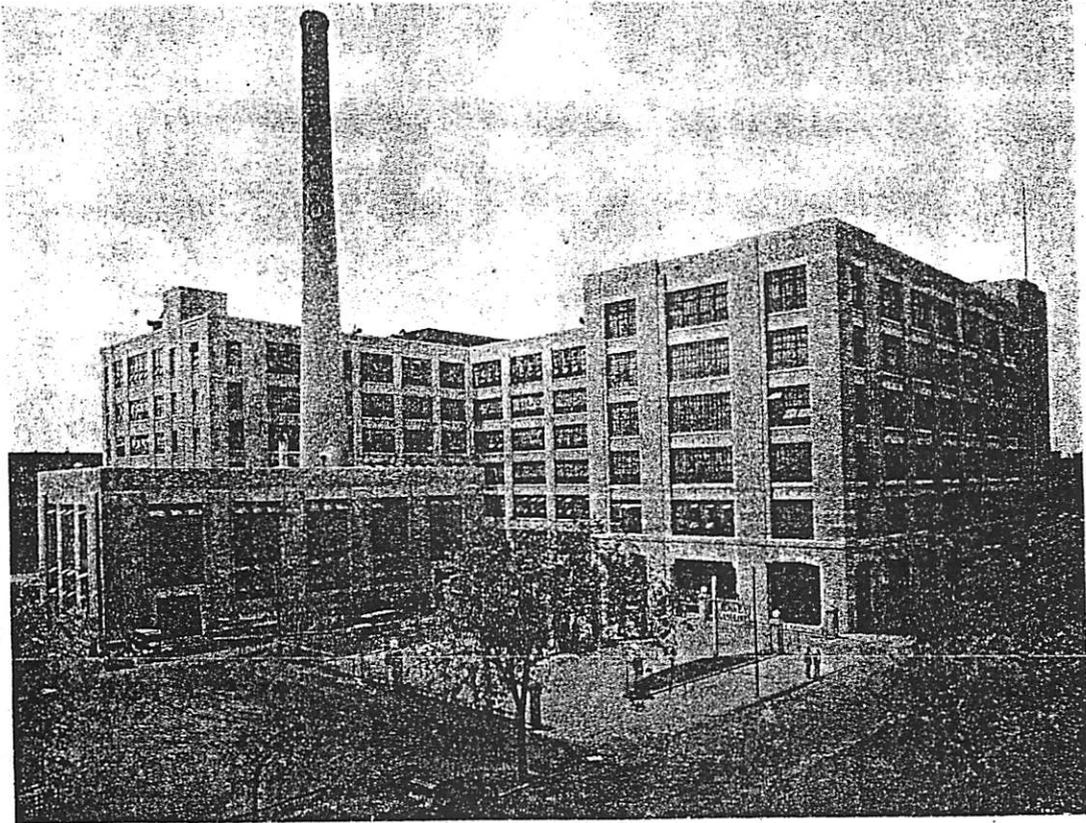


Ultra-Efficient Solar
Under the right circumstances, solar cells from Sempruis could produce power more cheaply than fossil fuels.

Read more »

Explore our TR10 List:

(14 of 14.)



THE NECCO FACTORY

CAMBRIDGEPORT

THE NECCO FACTORY

By ALFRED H. BARR, JR.

(1928)

Architecture is the criterion of the integrity, the judgment, and the seriousness of a nation.—Renan.

The enemy is not science but vulgarity, a pretence to beauty at second hand.—W. K. Lethaby.

N. B.—Ecoutons les conseils des ingénieurs américains. Mais craignons les architectes américains.—Le Corbusier-Saugnier.

Utilitas, Firmitas, Venustas—these, according to Vitruvius, are the three qualities of architecture. *Venustas*, architectural beauty, is a difficult and often treacherous problem for discussion, depending, as it does, upon that most mutable factor, aesthetic sensibility. At some periods, the Renaissance for instance, *Venustas* seems the creation of archaeology and taste. At others, as in the Gothic, it was perhaps a function of *Firmitas*, of exquisite structural virtuosity; and at present, in that architecture which

is genuinely modern, it seems primarily the by-product of *Utilitas*.

To Vitruvius, whose ideas were gray with the dust of still-born pedantry, *Venustas* meant the careful codification of Greek rules of proportion, numbers of columns, varieties of capitals, genera of temple types. The Roman engineers, contemporaries of Vitruvius, and untrammled by dead tradition, built aqueducts and bridges, amphitheatres and fortifications. By such works the virtue and power of Rome were clarified. But her spiritual poverty and aesthetic vacillation also were exhibited by other works—temples, baths, markets—often magnificently constructed in reinforced concrete* and then decorated by architects with motives pilfered from Greece and the Levant. The result is ostentatiously

* The Roman concrete vault was constructed upon elaborate arches and cells of brick which served both as centering and reinforcement.

[SUBMISSION B.]

Submitted to the Ordinance Committee
Public hearing, 7/25/2012. (1 of 2)

Cambridge Civic Journal Forum

by:
JAMES WILKINSON
1050 JACKSON RACE
CAMBRIDGE, MA 02140.

May 14, 2012

Some observations for consideration regarding the Forest City proposal

Filed under: Central Square, planning — Tags: Cambridge, Urban design — Robert Winters @ 1:35 pm

Some observations for consideration regarding the Forest City proposal to extend the Cambridgeport Revitalization Development District

written by Bob Simha, May 14, 2012

The rezoning proposed by Forest City for property owned by MIT and Zevart M. Hollisian, trustee of the Garabed Hollisiiian Trust raises a number of issues:

The Forest City proposal would build on a little over one half of the "All Asia" block (50,000 sq. ft.). A 221,000 square foot laboratory building of which 13,000 square feet on the ground floor would be for 3-5 retail stores. The building would be 165 feet in height, almost twice the height of the adjacent Novartis (former Necco Building). It would leave undeveloped the remaining half of the block which is occupied by an MIT dormitory, a gas station, a small luncheonette, a one story fabrication shop and a small apartment house. Forest City has stated that it could not secure agreements from the remaining landowners in order to propose the redevelopment of the entire block.

The development of only a portion of the all Asia Block at a new density and height would result in establishing new and higher values for the remaining diverse properties, lowering the possibility that the remainder of the block would be developed in the near future and would run the risk of requests for even higher densities in the future when some developer, most likely MITIMCO, succeeds in assembling the remaining parcels that it does not own in the block.

The proposal also suggests that the construction of a 145 foot high, 14 story, 130 unit rental housing tower would respond to community demands for more housing in Central Square and is in some way a quid pro quo for the ability to build additional commercial space on Mass. Avenue. This proposal eliminates one of three open spaces in the University Park project and claims that the introduction of a smaller landscaped entry way at Mass. Ave. would suffice to balance the loss of existing open space.

There were no community benefits presented by Forest City/MIT in their proposal. All of the developments proposed are revenue generators for Forest City and their development partners. The community is entitled to demand compensation for this additional private development.

Some thoughts for consideration:

The project exceeds the height of all the adjacent buildings most prominently the Novartis/Necco building and even with set backs will create an overwhelming presence on Mass. Avenue when combined with the new Novartis Building being built on land leased from MIT on the east side of Mass. Ave. The character of Mass. Ave. will become quite overbearing. The height of the building should not exceed the Necco Building and should adhere to the current restriction of 80 feet. The current design shows a lobby/corridor through the building connecting Mass. Ave. and Green Street.

The developer should be encouraged to develop a ground floor plan that allows for a gallery/arcade of shops that line a passage between these streets thereby offering more smaller retail opportunities to smaller merchants and at the same time encourage more people to use this path to get to the food market and the existing garage. This may generate more revenue for the developer and reduce the amount of dead common area in the evening.

The treatment of Blanche Street as the site for loading docks for this new development will mean that both sides of Blanche will be dominated by large loading docks and be relatively inhospitable to pedestrians...as it is now.

The construction of both the Novartis and the proposed Forest City project would add almost 3/4 of a million square feet to an area whose transportation infrastructure capacity is already overtaxed.

The height of the proposed residential building was not placed in the context of Central Square. We were not told how the height of this building (14 stories) compares to the Cambridge housing authority building between Green and Franklin Street. No shadow studies were presented. The proposal did not point out the important visual impact that this tower building would have on creating an identifying image for Central Square. Visible from both the Mass. Avenue and the Main Street entrances to the city, the quality of the architecture for this building, if it goes forward, should require a much higher standard of design and the developer should be encouraged to retain design services of the same level of quality that Novartis used in the design of its nearby building.

The housing is presented as a response to the community expression of housing needs and as a pseudo gift. One of the goals for more housing in both the Red Ribbon and Goody/Clancy Central Square report was to provide housing that would be accessible to people who work in the Central Square area and any new housing should offer more affordable ownership opportunities. This proposal appears to be aimed at the high rent market that Forest City serves at their developments at Sidney and Landsdowne Street.

The community may prefer to have more ownership rather than rental housing to help introduce more people with a longer term interest in the square. Coop or condo housing on leased land is a very common practice in many American cities and we have such a project on Pleasant Street in Cambridge developed by Harvard University and occupied by both University and non university people. This type of development does not carry land cost in the unit sales and results in lower prices for housing units.

In addition, there are some outstanding needs in the adjacent neighborhoods that could be satisfied in exchange for any additional development potential that is awarded. For example, the additional FAR they have requested might be dependent on Forest City and MIT completing the assembly of land on Pacific Street Park between Brookline and Sidney in order to complete the Pacific Street park. If the petitioners assemble and donate that land to complete the park the city could permit them to transfer the development rights to a new building. This is how the existing park was developed...MIT contributed the land to the park in exchange for the transfer of development rights which were used in the development of the Grad Housing on Pacific and Sidney Streets...The same principal could be applied to the Forest City proposal.

Another point that should be raised concerns the displacement of people now using the park space that is proposed for the new housing project. Where will they go? What will be the impact on other parts of Lafayette and Central Square? More people, more need for active and passive open space. – **Bob Simha**