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CAMBRIDGE CITY COUNCIL

David P. Maher
City Councillor

FEBRUARY 7, 2013

**TO: DONNA P. LOPEZ
INTERIM CITY CLERK**

**FROM: DAVID P. MAHER, CHAIR ^{DPM}
ORDINANCE COMMITTEE**

**SUBJECT: SUGGESTED REVISIONS FROM THE ORDINANCE COMMITTEE MEETING HELD ON
JANUARY 30, 2013 ON THE FOREST CITY REZONING PETITION**

Would you kindly place the following documents on the Communications and Reports from Other City Officers for the February 11, 2013 City Council meeting:

- Suggested revisions with sustainability changes to the Forest City zoning petition from the Ordinance Committee held on January 30, 2013; and
- Responses to questions dealing with zoning and development, transportation and housing that have arisen from the Ordinance Committee hearings on the Forest City zoning petition.

Your kind attention in this matter is greatly appreciated.

**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

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

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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, rags, 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.

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

15.21.3 Retail and Consumer Service Establishments

- (1) Store for retail sale of merchandise.
- (2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including restaurant, bar, lunchroom, cafeteria and food commissary.
- (3) Fast order food establishment subject to the Special Permit requirements of Section 11.30, unless such use is enclosed in a structure principally containing other uses and is included in a "food court" or similar specialized area.
- (4) Consumer service establishment, including but not limited to hairdresser, barber shop, laundry or dry cleaning pickup establishment, self service laundry, and shoe repair or tailoring shop, or photography studio.
- (5) Rental agency for autos or other products, but not including taxi companies. Such agencies shall be operated entirely within a building and no major automobile repairs shall be made on the premises.
- (6) Automobile service stations where no major repairs are made.

15.21.4 Residential Uses

- (1) One and two family dwellings.
- (2) Townhouse development.
- (3) Multifamily dwelling.
- (4) Hotel or motel.

15.21.5 Entertainment and Recreational Uses

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

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- (2) Recreation facilities including bowling alley, indoor or outdoor tennis courts, public recreation building, health club, or skating rink. Such recreation facilities shall be allowed only if they are located in or attached to structures containing other principal uses.
- (3) Hall, auditoriums and similar spaces used for public gatherings.
- (4) Park or playground.

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

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

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

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

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

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

15.24 *Required Retail Uses on Massachusetts Avenue.* For any building directly facing or abutting Massachusetts Avenue, a minimum of seventy-five percent (75%) of the linear ground floor frontage along Massachusetts Avenue, to a minimum average depth of forty (40) feet from the Massachusetts Avenue building facade, shall be occupied by Retail and Consumer Service

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uses as permitted by Subsection 15.21.3 or Entertainment and Recreational Uses as permitted by Subsection 15.21.5. This requirement shall apply in addition to the Use Limitations and Restrictions for the Central Square Overlay District set forth in Subsection 20.304.5.

15.24.1 Marketing of Required Retail Space. As of January 1, 2012, where it is proposed to create new retail space as required in Section 15.24, the proponent shall include a marketing plan for such retail space as a part of the Submittal for any Project Review procedure that may be required in accordance with Section 15.36. At a minimum, such a marketing plan shall (1) set forth target uses and users (and shall particularly target local and/or independent retailers), (2) designate an individual responsible for implementing the plan who shall serve as a point of contact with the Community Development Department (through its Economic Development Division), and (3) describe the types of economic incentives which may be offered to tenants such as rental and fit-up allowances. Subsequent to completing all project review procedures, the proponent shall periodically consult with the Economic Development Division on the implementation of the marketing plan and shall, at a minimum, submit any further modifications or clarifications of the plan to the Economic Development Division for review. The Community Development Department shall certify to the Inspectional Services Department that this requirement has been met prior to issuance of a Certificate of Occupancy for the required retail space.

15.30 INTENSITY OF DEVELOPMENT REQUIREMENTS

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

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

15.32.1 The aggregate of all development in the District shall not exceed (i) ~~4,900,000~~ 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

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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 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)

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dwelling units shall be made available for a period not less than thirty (30) years for families having an income of eighty percent (80%) or less of the median family income for the Metropolitan Boston Statistical Area adjusted for family size (hereinafter identified as low income units) and an additional fifty (50) units shall be made available for a period not less than thirty (30) years for occupants meeting the income limits established from time to time by the Massachusetts Housing Finance Agency for first time homebuyers, adjusted for family size (hereinafter identified as moderate income units). A minimum of two hundred and fifty (250) of the required dwelling units shall be located West of Sidney Street.

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

15.32.3

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

15.32.4

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

- (1) Compliance with this Section 15.32.4 shall be determined by the Superintendent of Buildings at all times including at the time of issuance of a certificate of occupancy under Section 9.20 of this Ordinance.
- (2) The Superintendent of Buildings shall maintain a record of the aggregate GFA of nonresidential buildings within the District, a record of the cumulative number of dwelling

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units in the District, the GFA of such dwelling units and a list of the units designated to satisfy the requirements of Section 15.32.2. These records shall be updated as appropriate, from time to time, including upon issuance, revocation or expiration of a building permit or certificate of occupancy and may relied on by any interested party to determine compliance with the provisions and requirements of this Article.

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

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

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

- (a) measurement of total gross floor area of the new nonresidential buildings or building additions to nonresidential buildings;
- (b) measurement of gross floor areas of renovations or use changes within existing buildings;

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- (c) the total number of dwelling units in the new building, building addition or renovated building, the gross floor area of such units, and the number of such units being dedicated to families having an income maximum specified in Section 15.32.2;
- (d) the aggregate or cumulative gross floor area of all nonresidential buildings located within the District;
- (e) the aggregate or cumulative number of dwelling units located within the District, the aggregate or cumulative gross floor area of units and the aggregate or cumulative number of such units dedicated to families having an income maximum specified in Section 15.32.2;
- (f) the development site(s) set aside for compliance with minimum residential development required pursuant to Section 15.32.2;
- (g) the aggregate or cumulative gross floor area devoted to retail and consumer service establishments as permitted in Section 15.21.3 (but excluding accessory uses such as newsstands and cafeterias serving primarily occupants of the development within the District) and entertainment uses as permitted in Section 15.21.5(1);
- (h) the aggregate total publicly beneficial open space provided in conformance with the requirements of Section 15.40.

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

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

- (i) The improvements and the uses thereof existing at the time of the submittal of any development plan and the proposed improvements and uses thereof as depicted on the development plan shall be in conformity with the provisions of this Article;
- (ii) There shall have been constructed a minimum of two hundred (200) dwelling units conforming to the provisions of Subsection 15.32.2 which include seventy-five (75) low income dwelling units;
- (iii) There shall have been dedicated and installed at least one hundred thousand (100,000) square feet of publicly beneficial open space conforming to the provisions of Subsection 15.41;
- (iv) The improvements existing at the time of the submittal of any development plan shall have been constructed substantially in accordance with design guidelines (including without limitation any restrictions on building heights) agreed to between the City and owner as may be amended pursuant to the Development Consultation Procedure; and
- (v) Implementation of traffic mitigation measures which have as a standard the maximum generation of one thousand seven hundred (1,700) two way (inbound and outbound) vehicular trips at PM peak hour from all development within the District measured in accordance with the traffic mitigation agreement between Cambridge Community Development Department and owner as may be amended pursuant to the Development Consultation Procedure; to the extent that the total PM peak hour two way vehicle trip generation for all development with the District measured at the time of the submission of

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development plan pursuant to this Subsection 15.32.5 exceeds one thousand five hundred (1,500) trips but is less than the maximum one thousand seven hundred (1,700) trips, additional gross floor area shall be permitted up to the maximum limit of one hundred and fifty thousand (150,000) square feet pursuant to such traffic mitigation agreement.

15.33

Building Height Limitation. The maximum building height within one hundred (100) feet of the easterly sideline of Brookline Street south of Franklin Street shall be forty (40) feet. The maximum building height within two hundred twenty-five (225) feet of the easterly sideline of Brookline Street north of Franklin Street shall be eighty (80) feet. The maximum building height north of Green Street shall be eighty (80) feet, except that east of Blanche Street the height may be increased to ninety-five (95) feet provided that for at least two-thirds of the Massachusetts Avenue frontage of any building, there shall be a cornice line at or below sixty-five (65) feet, above which any taller portions of the building shall step back at least fifteen (15) feet from the Massachusetts Avenue facade. The maximum building height within two hundred (200) feet westerly of the westerly sideline of Sidney Street and within two hundred (200) feet northerly of the northerly sideline of Pacific Street shall be one hundred and five (105) feet. The remaining portion of the District shall have a maximum building height of seventy (70) feet except that buildings or portions thereof shall be allowed to exceed such seventy (70) feet maximum building height to the following extent. Easterly of Sidney Street up to ~~eight hundred and fifty thousand~~ one million ninety thousand (950,000 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

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

15.36 ~~*Area of Special Planning Concern: Project Review.*~~ All development occurring after January 1, 2012 within the Cambridgeport Revitalization Development District shall comply with the applicable project review requirements set forth in Article 19.000 of the Zoning Ordinance. The Cambridgeport Revitalization Development District shall be considered an area of special planning concern and a district in which the Project Review Special Permit provisions set forth in Section 19.20 are applicable, notwithstanding anything to the contrary in Section 19.22. All development within the District must comply with the Development Consultation Procedures as ~~currently (at the time of the adoption of this Article) specified in Section 14.40 Article 19.000~~ except as herein modified:

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- (1) the Planning Board shall conduct the Development Consultation Procedure in lieu of the Community Development Department;
- (2) the Large Project Procedure (Section 44.44 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 11.45~~ the applicable Sections of Article 19.000, include the following:
 - (a) a schematic master development plan of the entire district with anticipated phasing as it is known at the time of submission;
 - (b) details of the design of at least sixty thousand (60,000) square feet of publicly beneficial open space, to be provided for review prior to the issuance of building permits for nonresidential development exceeding nine hundred and fifty thousand (950,000) square feet;
 - (c) details of the design of the one hundred thousand (100,000) square feet of publicly beneficial open space required under Section 15.32.5, to be provided or reserved prior to the issuance of building permits for nonresidential development exceeding one million five hundred thousand (1,500,000) square feet;
 - (d) a status report on the implementation of and effectiveness of the traffic mitigation measures in place including those counts of traffic generated within the District at intervals required under the Traffic Mitigation Agreement.

15.37 For those portions of the District along Massachusetts Avenue located within the Central Square Overlay District, notwithstanding anything set forth in Section 20.300, the Large Project Review shall be undertaken by the Planning Board. Where applicable, the Planning Board shall be guided by the objectives and criteria contained in the publications "Central Square Action Plan", City of Cambridge, November 1987, and "Central Square Development Guidelines".

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June 1989, and by any additional relevant zoning or planning studies subsequently undertaken by or on behalf of the City. To the extent any provision in these documents is in conflict with the Design Guidelines for the Cambridgeport Revitalization Development District ("CRDD"), the Planning Board shall determine which guideline is most appropriate to be considered in the Large Project Development Consultation.

15.40 PUBLICLY BENEFICIAL OPEN SPACE REQUIREMENT

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

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

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

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

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

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

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15.50 PARKING AND LOADING REQUIREMENTS

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

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

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

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

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

15.80 PUBLIC BENEFITS
The obligations to limit development to the aggregate gross floor area set forth in Section 15.32.1, to provide residential development pursuant to Section 15.32.2 and to create publicly beneficial open space pursuant to Section 15.41, and to conform to the requirements set forth in this Article 15.000 and all other applicable requirements set forth elsewhere in the Zoning

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Ordinance shall satisfy the obligations to provide public benefits, linkage payments or hereinafter required in the City of Cambridge.

15.90 SUSTAINABILITY REQUIREMENTS

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

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

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

15.100 CONSISTENCY WITH LETTER OF COMMITMENT

Prior to the issuance of any building permit or certificate of occupancy for new development occurring after January 1, 2012, the Community Development Department shall certify to the Inspectional Services Department that all portions of the Letter of Commitment dated December 6, 2012 by Forest City Commercial Group are continuing to be met.

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 filed on 12/6/2012.
- Suggested revisions (1/30/13) are denoted by **bold, highlighted font**.

FOREST CITY PETITION

RESPONSES TO QUESTIONS

FEBRUARY 6, 2013

This document addresses questions that have arisen during the recent Ordinance Committee hearings dealing with the Forest City zoning petition. The questions are grouped into those dealing with zoning and development, transportation, and housing.

ZONING & DEVELOPMENT. In summary, the zoning petition has been significantly modified since it was first introduced in 2010, as the Red Ribbon Commission was finishing its work and the K2C2 committees were beginning their work. Now, the Planning Board has forwarded its positive recommendation of the current petition to the City Council, based upon the Board's hearings and the recommendations of the C2 Committee that were presented to the Board in December 2012, and with the knowledge that the locally-based Millennium Pharmaceuticals needs space for its growth at the site in question.

TRANSPORTATION. The transportation implications of the development proposed by Forest City and Millennium have been taken into account in the K2C2 study. The basic finding is that there would be no significant impacts, in particular because there would be no new parking created, given the available space in nearby garages in the CRDD district. It is also important to note that Millennium has an extremely positive track record in Cambridge with regard to managing its parking and transportation needs and impacts.

HOUSING. The Red Ribbon Commission, the C2 Committee, the Planning Board, and the City Council have all expressed the desire to preserve and create more affordable housing in this area. The letter of commitment proposed by Forest City with its zoning petition outlines Forest City's commitments to ensure the continued affordability of units currently housing low- and moderate-income residents and to create additional units. This commitment has been revised after discussions with the City Council's Ordinance Committee to better address the City's affordable housing needs.

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ZONING & DEVELOPMENT

1. Is the Forest City zoning petition consistent with the Central Square Advisory Committee recommendations and the findings of the Red Ribbon Commission, particularly for the Osborn Triangle area?

Yes, the Forest City zoning petition is consistent with the recommendations of the Central Square Advisory Committee, which took as its starting point the work of the Red Ribbon Commission.

As detailed in the Planning Board's positive recommendation on the Petition (http://www.cambridgema.gov/~media/Files/CDD/ZoningDevel/Amendments/2012/forestcity2/zn_gamend_forestcity2_draft_rec_20130122.ashx), the Petition is consistent with the recommendations of the C2 Advisory Committee for the Osborne Triangle Overlay area. Key areas of consistency include:

1. height and FAR, calculated over the CRDD district
2. urban design guidelines and streetwall recommendations for a cornice at 65 feet with a step back of 15 feet along Massachusetts Avenue
3. ground floor retail
4. reduction of automobile parking and shared parking provisions
5. provision of bicycle parking
6. enhanced green building requirements for non-residential buildings

The C2 recommendations also identify 'enhanced public benefits' as key considerations for the City Council when evaluating requests for additional density and height on a case by case basis over and above what was recommended in the C2 Study. These considerations, which echo the amplification principle proposed in the Red Ribbon Commission report, include the following:

1. impact on neighborhood edges and residential neighborhoods (the site of the new building enabled by this Petition is away from the neighborhood edges identified in the C2 Study)
2. nature and amount of public benefits such as:
 - a. significant public space (indoor or outdoor)
 - b. increased middle income and/or affordable housing
 - c. enhanced retail support (e.g., fitout assistance or reduced rents for a minimum time period)
 - d. reduced rents for non-profits.

The Forest City Petition, coupled with the letter of commitment and the conceptual site plan presented to the Planning Board, proposes several such enhanced public benefit provisions. Principal among these are commitments to extend the affordability of all existing affordable units in University Park for the duration of Forest City's leasehold interest, to create 25 additional affordable units off-site or contribute \$5,000,000 to the Affordable Housing Trust, to contribute \$1,078,680 in incentive payments, to create retail space that can easily be divided to appeal to diverse tenants, to create and implement a marketing plan for retail spaces that emphasizes local, independent retail tenants, and to create plaza spaces at either end of Blanche Street that would support adjacent retail space, improve the connection to the adjacent grocery store, and enhance the character and walkability of Blanche Street and Massachusetts Avenue.

2. If the Forest City Petition is adopted, how will that impact the zoning of Kendall and Central Squares based on recommendations of the K2C2 study?

When the K2C2 study was initiated, it was anticipated that some individual petitions within the study area would advance prior to completion of the Study. 300 Massachusetts Avenue was one of them.

If the City Council adopts the Forest City Petition, the Central Square rezoning (being drafted based on the recommendations of the Central Square Advisory Committee: 2011/2012) would move 300 Massachusetts Avenue from the proposed Osborne Triangle Overlay District to the CRDD, a master planned district. We support this change as the proposed rezoning is consistent with the C2 recommendations, as noted in the Planning Board's positive recommendations on the Petition (http://www.cambridgema.gov/~media/Files/CDD/ZoningDevel/Amendments/2012/forestcity2/zngamend_forestcity2_draft_rec_20130122.ashx). The area would remain subject to the C2 urban design guidelines.

3. What is allowed by existing zoning with a special permit at 300 Mass. Ave? Development size and use mix?

With a special permit, existing zoning (Business B or "BB" within the Central Square Overlay District) allows a development of 138,848 square feet and building height of 80 feet (with step-downs to 65 feet in some sections). Existing zoning allows a mix of uses (residential, office, retail) but does not require retail on the ground floor.

4. What could be built if Forest City's zoning petition is approved? Development size and use mix? What does this translate to in terms of FAR on the site?

If the current Forest City petition is approved, the site would be rezoned from Business B and incorporated into the Cambridgeport Revitalization Development District (CRDD), a master planned development area under common ownership. The rezoning would enable a development of 246,716 square feet and building height of 95 feet (with step-downs to 65 feet along Mass. Ave.) on the 300 Mass Ave site. When calculated across the CRDD (which is typical for master planned areas), the FAR would be 2.47, although the FAR on the site considered alone would be 4.90. The petition would allow non-residential development, including office and lab, and would require ground floor retail space along Mass. Ave. It is important to note that the Petition does not allow any increase in automobile parking while affirmatively increasing bicycle parking, which supports Central Square recommendations to reduce incentives to drive and encourage sustainable modes of transportation such as walking, bicycling, and transit use.

5. In order for a zoning change to be adopted, does there need to be a hardship case made?

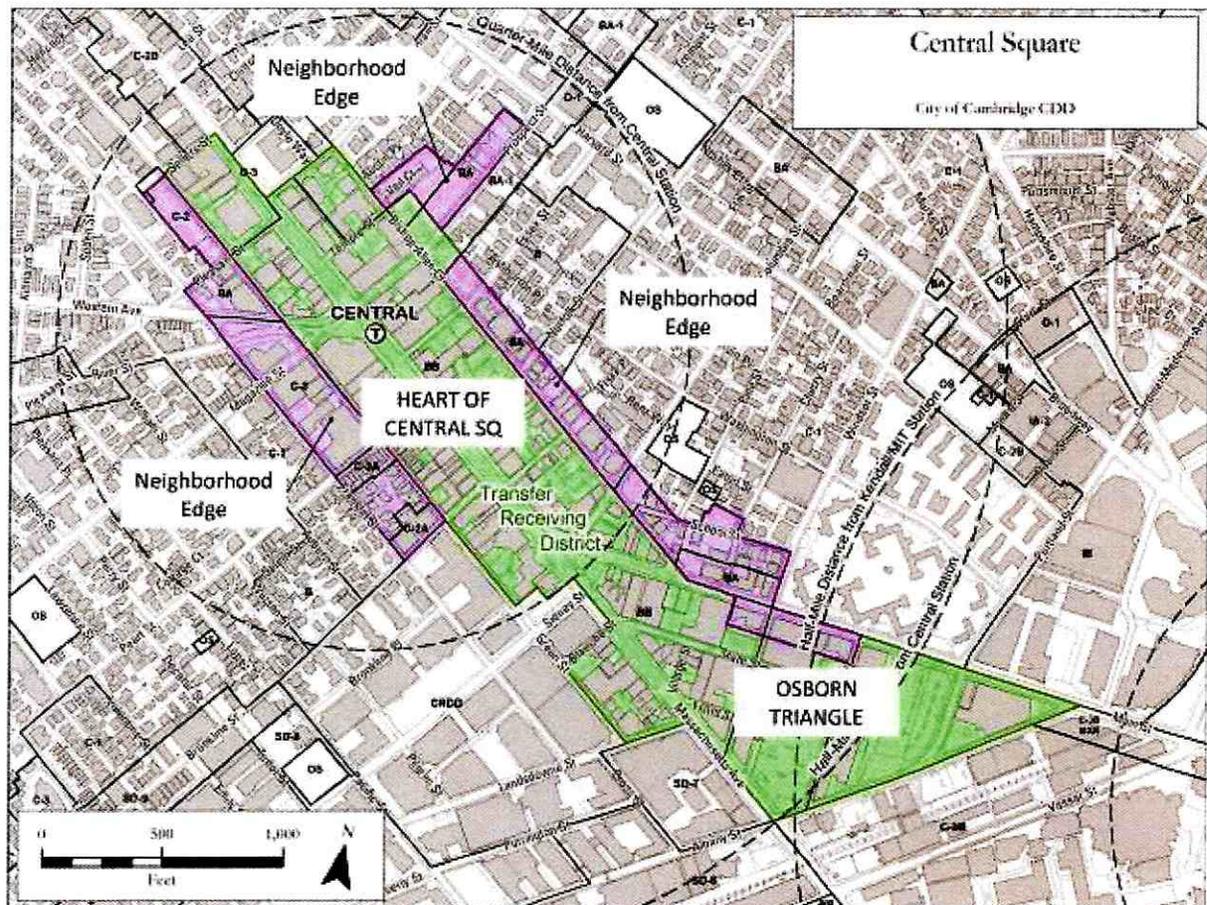
No. A hardship case is not required for rezoning.

6. Does the 100 foot maximum height proposed for non-residential by the C2 recommendations include or exclude rooftop mechanical equipment? Was this discussed at the K2 and C2 Committees?

The Cambridge Zoning Ordinance defines 'height' to be highest point of roof above the mean grade of the ground. This does not include the height of rooftop mechanical equipment. The K2 and C2 recommendations do not propose a change to this existing citywide regulation.

The Committees were aware that zoning 'height' does not include mechanical equipment. Both Committees felt that the Osborn Triangle Area, which the C2 recommendations note as including the All-Asia block, was an appropriate location for a mix of uses including research and laboratory uses.

Both Committees had extensive discussion of appropriate height and locations and recommended that areas away from the sensitive neighborhood edges were the most appropriate to accommodate greater height, with emphasis on lower heights being placed adjacent to 'neighborhood edges' of existing low scale neighborhoods as shown on the map below.



7. Will the Forest City petition be modified to include reference to future urban design guidelines and the need to adhere to them and the petitioner's willingness to meet sustainability goals by building a LEED gold building and tracking and reporting building energy usage for five years?

The proposed zoning language in the Forest City petition expands the scope of §15.37 to reference "any additional relevant zoning or planning studies subsequently undertaken by or on behalf of the City". If adopted, this would explicitly make the 300 Massachusetts Avenue parcel subject to the C2 urban design guidelines. No modification will be needed.

Forest City has stated the willingness to comply with the C2 sustainability recommendations that non-residential buildings exceed the City's green building requirements and meet LEED criteria at the Gold level, track the building's energy use, and report energy use to CDD on an annual basis for five years after the building is occupied. For the City Council's consideration, CDD is providing revised zoning language that incorporates these changes as well as elements currently included in Forest City's letter of commitment.

8. Why is Forest City proceeding with their rezoning petition at this time? Why not wait for the comprehensive C2 zoning changes to be enacted?

Forest City had early discussions about possible zoning changes to accommodate a new lab building on the 300 Massachusetts Avenue site in 2010, and the rezoning was anticipated by the City Council in their Council Order O-8 of October 18, 2010

(http://www2.cambridgema.gov/cityClerk/PolicyOrder.cfm?action=search&item_id=30186). Peer review of a proposal for the 300 Massachusetts Avenue site was included in the scope of services for the K2C2 consultant RFP, and Goody Clancy conducted a peer review concluding that the proposal was consistent with C2 goals and recommendations.

Millenium Pharmaceuticals, a business that started in Cambridge and is now one of the major employers in the city, has indicated that it is interested in expanding into a new building on this site in order to remain in Cambridge while also accommodating its growth in a timely and expedient manner.

9. What will happen to the buildings vacated when Vertex moves to Boston? Why is Millennium not moving into these buildings?

Vertex rents premises in several buildings in Cambridge scattered through Cambridgeport and Kendall Square. When Vertex vacates these locations, they will be available in the rental pool for other companies that are interested in renting space in Cambridge. Not all these locations are proximate to Millennium Pharmaceutical's location in University Park. The existing building at University Park that Vertex is vacating is not large enough to accommodate Millennium's expansion needs.

Millennium has expressed that it values having its employees in close proximity, in a clustered, campus setting, which is why it is interested in locating in a future building at 300 Massachusetts Avenue.

10. What is the status of the housing Forest City proposed to build on the open space adjacent to the Fire Station?

The residential building proposed in the 2011 version of the rezoning proposal has been removed from Forest City's petition at the request of the City Council and is no longer being considered. Therefore, no development is proposed on the open area adjacent to the Fire Station.

If the Forest City rezoning is adopted, it will provide development capacity for construction of a new lab building at 300 Massachusetts Avenue. Once the lab building is built, there will not be sufficient remaining gross floor area available in the CRDD district to enable construction of an additional building.

TRANSPORTATION

11. Was a traffic analysis conducted for the K2C2 Planning Study?

A traffic study was conducted as part of the Kendall Square - Central Square Planning Study to understand how the traffic impacts from proposed K2 and C2 zoning recommendations compare with what would occur if existing zoning were left in place. The study analyzed expected development and traffic generation under the two scenarios for the year 2030. The analysis included the following:

- i. Growth in total and evening peak hour auto trips under existing zoning compared with the proposed zoning scenario for a 20-year planning horizon.
- ii. Critical Movement Analysis (CMA): How intersections in the area will operate in the evening peak hour under existing zoning compared with the proposed zoning scenario for a 20-year planning horizon.

The traffic analyses are available at

<http://www.cambridgema.gov/CDD/Projects/~media/B905CB2EFA78428AAA2ADDA74386C630.aspx> and

<http://www.cambridgema.gov/CDD/Projects/~media/3F3A97CE14D64CD98F6380085C377B19.aspx>

The K2C2 zoning is not expected to result in significant traffic impacts compared with existing zoning because the proposal would create a mix of uses, requirement for residential in Kendall Square, provide incentives for residential compared to commercial uses in Central Square, and requirement for more aggressive TDM measures that will limit traffic growth.

The results of the analysis showed that the K2C2 scenario compared to existing zoning would result in more traffic at just over half the intersections. However, only one intersection (Broadway/Third St) is expected to slightly exceed the threshold.

While the CMA analyzes the cumulative impact of rezoning over the entire Kendall and Central Square study area, it is important to note that even if permitted under zoning, each proposed development project would be required to submit a detailed traffic study and demonstrate that the impacts do not exceed city traffic impact criteria as required by Article 19 of the zoning ordinance.

12. What future development projects are included in the traffic analysis?

The analysis included existing traffic and added new traffic projected from 20-year growth projections within the K2 & C2 study area. The analysis did not assume any reduction in traffic by existing development. The development being proposed in the Forest City and MIT rezoning proposals was included. All projects within the study area in the development pipeline, such as Alexandria, were included.

North Point was not included because the majority of North Point trips will use O'Brien Highway, Land Boulevard/Memorial Drive, Gilmore Bridge and not pass through Kendall and Central Squares. Less than 15% of North Point daily trips are expected to travel to or through the K2 & C2 study area. It will take 20 years before North Point is fully built out.

The analysis does not include the impact of changes in use of individual existing buildings. The East Cambridge Courthouse was not included in the traffic analysis because there was no developer and insufficient information about the Courthouse project at the time the K2 & C2 traffic analysis was completed. The traffic from the one building would not change the overall conclusions in the critical sums analysis. The K2 & C2 zoning proposals would continue the requirement for any new development at the Courthouse to complete an Article 19 Traffic Study.

13. The City's Critical Movements Analysis showed the intersection of Massachusetts Avenue/River/Prospect Streets operating better in both scenarios (now and in the future) than matches user experience. Why?

While all intersections in the study area were evaluated using the Critical Movement Analysis (CMA), the Mass and Prospect intersection has an unusually high number of pedestrians, which is not addressed by the CMA. To better understand how a high number of pedestrian street-crossings affects vehicle delay, a Level of Service (LOS) analysis was conducted for this intersection, including pedestrian volumes (results available at <http://www.cambridgema.gov/CDD/Projects/~//media/1DA9ADFAF3E3473484490944609FF248.ashx>). The LOS analysis showed that the intersection is functioning at a Level of Service E. This means that while all pedestrians are able to cross the street during one signal cycle, vehicles – especially those turning right from River St onto Mass Ave – may have to wait an additional signal cycle.

14. Was a transit analysis done as part of the K2C2 Planning Study? How would future development in Kendall and Central Squares impact transit?

Extensive Red Line capacity analysis was done as part of the K2 and C2 planning processes (available at <http://www.cambridgema.gov/CDD/Projects/~//media/3F3A97CE14D64CD98F6380085C377B19.ashx>). The analysis shows that there is sufficient peak hour capacity on the Red Line to accommodate the development proposed in K2 and C2 for 2030. There are high congestion levels during the 'peak of the peak,' meaning that individual train cars may be full for short intervals. As the number employees using transit grows, train cars will be full for longer intervals if the capacity of the Red Line is not increased or alternative transit options are not put in place. Anticipated growth outside Cambridge will contribute more significantly to Red Line congestion than will growth within Cambridge. To address long-term transit capacity concerns, the K2C2 study includes a number of recommendations to improve existing service or advocate for transit expansion.

These are also part of the solution:

- extending some bus routes to Kendall that currently terminate in Central Sq to reduce congestion between Central and Kendall
- improving EZRide (and/or other shuttle, open to the public) routes and frequency, and
- encouraging walking and biking, including Hubway system expansion, for short trips.

The plan for C2 and K2 proposes density near transit nodes and includes a mix of residential, commercial and retail land uses. This mix of uses, combined with transit availability and robust walking and biking infrastructure, enables people to live, work and play in the same area and reduces traffic generated by new development. The rate of auto ownership and commuting by car in Cambridge has shown a clear decline over time as a result of reduced traffic generation by existing

buildings and in some cases less traffic being generated than anticipated at the time of permitting of newer projects.

15. How are transportation demand management (TDM) measures factored into the transportation analysis?

The City already has a Parking and Transportation Demand Management Ordinance (PTDM) that applies to non-residential development, and the requirement for a comprehensive TDM program is triggered whenever more than 20 new parking spaces are created. A PTDM plan includes a specific set of strategies aimed at reducing commuting by car and caps the amount of trips that can be made by car to a specific site. The Enhanced TDM scenario of the critical sums analysis would require developers and businesses to commit to stronger TDM measures to meet the mode share goals noted in the critical sums analysis.

16. Which intersections did the City's transportation analysis evaluate?

The K2C2 study traffic analysis looked at 12 intersections that would be most impacted in the study area. The amount of development permitted in Cambridge would likely have a direct impact on how these intersections operate.

There are a number of very heavily congested intersections at the border of Cambridge, including O'Brien Highway and Land Boulevard as well as intersections along Memorial Drive. These were not included in the analysis since the congestion levels at these intersections are heavily dominated by regional traffic whose origin and destination are not in Cambridge. Other strategies, such as an expansion of public transportation, are needed to address congestion at these "bottlenecks."

17. Is there enough capacity to accommodate the additional development that would be allowed by the rezoning without building additional parking?

The rate of auto ownership and commuting by car in Cambridge have shown a clear decline over time as a result of successful PTDM, reduced traffic generation by existing buildings, and in some cases less traffic being generated than was anticipated at the time of permitting of projects. There is a proven correlation between parking availability and automobile use.

Both K2 and C2 studies recommend reduction of parking, use of shared parking strategies, and strong transportation demand management measures to continue to support and encourage use of sustainable modes of transportation over driving. This positive impact of PTDM is noted in two Boston Globe articles: <http://www.bostonglobe.com/metro/2012/07/24/kendall-square-car-traffic-falls-even-workforce-soars/C4Fio7iKZnwEMAw7y4cJgN/story.html?camp=pm> and <http://bostonglobe.com/opinion/editorials/2012/08/18/cambridge-finds-alternatives-car-travel/AdDCqLMnZyXBIXVeYV3w2M/story.html>

The CRDD district has three parking garages constructed as part of the University Park project, with a total of approximately 2,700 automobile parking spaces. Two of the garages (30 Pilgrim and 80 Landsdowne) are subject to the PTDM ordinance and submit parking utilization data. Forest City has been working with the City and has provided parking utilization data on all their garages, including the one at 55 Franklin. Parking supply at University Park was established on the basis of 1.9 million sq. ft. of non-residential development and 400 dwelling units. Since the land use mix has approximately 1.6 million sq. ft. non residential and 674 dwelling units, there is greater opportunity

for shared use of parking and fewer parking spaces are required to serve existing development . According to initial analysis by Forest City and the City, there will be enough parking at University Park to accommodate the new development at 300 Massachusetts Avenue.

New development on the site would be subject to Article 19 special permit review and related Traffic Impact Study (TIS), which includes review of parking and expected modes of travel for trips to and from the building. Depending on the results of this traffic and parking review, the project may be required to adopt more stringent TDM requirements to ensure that automobile mode share matches the parking.

18. Will the Forest City Petition impact compliance with the CRDD traffic mitigation requirement to limit maximum auto trips during evening (PM) peak hour to 1700?

Article 15 (Cambridgeport Revitalization Development District) of the Cambridge Zoning Ordinance creates a PM peak hour auto trip cap for the University Park Development. The developer, MIT and the City entered into a Traffic Mitigation Agreement dated January 11, 1988. The agreement creates a cap of 1700 total PM peak hour auto trips for full build-out of the University Park development and an interim trip cap of 1,500 PM peak hour auto trips to be met when the project is at 1,750,00 square feet of non-residential development and 400 dwelling units.

The current mix of uses in the CRDD district includes a larger residential component than was contemplated at the time of the agreement. Currently the development has approximately 1,573,280 sq. ft. of non-residential and 674 housing units. The proposed 240,000 sq. ft. project at 300 Mass. Ave that would be allowed by the Forest City rezoning proposal would create a total of approximately 1,813,280 non-residential square feet and 674 dwelling units.

According to a study conducted in April 2011 by Vanasse Hangen Brustlin, Inc. (VHB) for Forest City, University Park currently generates approximately 1,010 evening peak hour trips. VHB also estimated that the proposed 240,000 sq. ft. 300 Mass Ave project would generate approximately 125 evening peak hour trips which would result in total PM peak hour trips of 1,135 trips. This is below both the 1,500 interim threshold and the maximum 1,700 evening peak hour trip cap.

The City believes that the trip generation compliance report by VHB for the proposed zoning is reasonably accurate and the 240,000 sq. ft. 300 Mass Avenue project falls within the zoning trip generation parameters for approval. If the zoning is approved, an updated and detailed trip generation evaluation will be required as part of the Article 19 Traffic Impact Study for the proposed project.

HOUSING

19. Where in the Cambridgeport Revitalization Development District are the affordable units required by Section 15.32.2 of the Zoning Ordinance?

Affordable units are located at the Kennedy Biscuit Loft (KBL) and 100 Landsdowne buildings and in both phases of Homeowners Rehab, Inc.'s Auburn Court development. The chart below shows the zoning requirements.

CRDD Affordable Housing

<u>Current Status</u>	<u>Required by Zoning</u>	<u>CURRENT STATUS</u>		
		<u>Auburn Court (HRI)</u>	<u>Forest City</u>	<u>TOTAL</u>
Low-income units	100	69	77	146
Moderate-income units	50	22	0	22
TOTAL UNITS	150	91	77	168

<u>Forest City Housing</u>	<u>Low-income Units</u>	<u>Moderate-income Units</u>	<u>Market Units</u>	<u>Total Units</u>
Kennedy Biscuit Lofts	36	0	106	142
100 Landsdowne	41	0	162	203
23 Sidney Lofts	0	0	51	51
91 Sidney Street	0	0	135	135
TOTAL	77	0	454	531

<u>Auburn Court Housing (HRI)</u>	<u>Low-income Units</u>	<u>Moderate-income Units</u>	<u>Market Units</u>	<u>Total Units</u>
Auburn Court I	39	7	31	77
Auburn Court II	30	15	15	60
TOTAL	69	22	46	137

20. What are the affordability restrictions for these units?

Section 15.32.2 of the Zoning Ordinance requires that 100 units be affordable to households earning 80% or less of the area median income ("low income units") and that 50 units be affordable to households eligible for homeownership programs through MassHousing ("moderate income units").

The current zoning requires these 150 units to be affordable for a minimum of 30 years. Forest City's and MIT's 1988 Commitment for Housing Development and Housing Plan associated with the 1988 zoning approval requires that, prior to the expiration of the initial 30 year period, Forest City

seek subsidies to keep units affordable for up to the full 75-year term of Forest City's lease of the land from MIT.

Forest City's current rezoning petition, if approved, would extend affordability for all 168 affordable units in their current use as low income or moderate income units for the full 75-year term of Forest City's ground lease with MIT, regardless of Forest City's success in obtaining subsidies as described in the current requirements.

There are other affordability requirements associated with each of the four buildings in which there are affordable units, including restrictions associated with City and Affordable Housing Trust funding used to develop Auburn Court. Financing-based restrictions run until 2029 for Kennedy Biscuit Lofts, 2036 for 100 Landsdowne Street, 2035 for Auburn Court I, and 2059 for Auburn Court II.

21. Are all the affordable units at University Park required to be affordable by the current zoning?

There are currently 168 affordable units (146 low income units and 22 moderate income units) in the CRDD, while the existing zoning requires only 150 affordable units. Affordability of the 18 affordable units beyond those required by zoning is currently required by the financing used by Forest City at Kennedy Biscuit Lofts and 100 Landsdowne.

22. Are there "expiring" affordable units at University Park?

The Zoning Ordinance requires the 150 units be affordable for at least 30 years. In the Housing Plan included as a corollary document to the approved 1988 zoning petition, Forest City and MIT committed to seek subsidies to enable them to keep units affordable for up to the full 75-year term of Forest City's lease of the land from MIT. The City believes this zoning commitment is achievable, and while there remains a remote possibility that Forest City might not be able to obtain necessary subsidies, the City remains available to assist Forest City in seeking subsidies at the appropriate time and has had success in administering long-term zoning commitments for affordable housing.

The 18 units described above are not included in the zoning requirement, and are currently only subject to affordability requirements associated with financing requirements which will expire long before the end of Forest City's land lease. Affordability for these units is set to expire when the terms of financing restrictions have been met in 2029 for Kennedy Biscuit Lofts and 2036 for 100 Landsdowne Street.

As noted above, Forest City's rezoning petition would extend affordability requirements for all 168 affordable units for the full 75-year term of Forest City's ground lease with MIT.

23. How many of the affordable units are occupied by tenants with Cambridge Housing Authority vouchers?

When last analyzed several months ago, approximately 68 of the 77 affordable units operated by Forest City at Kennedy Biscuit Lofts and 100 Landsdowne were occupied by households with vouchers. Approximately 59 of these households receive assistance through the Cambridge Housing Authority. Approximately 69 of the 137 units at Auburn Court are occupied by households with CHA vouchers.

24. What happened to the homeownership units in the Housing Plan?

Homeownership units were found to be too challenging to develop given the 75-year term of the Forest City land lease. It was determined that financing would have become difficult for owners to obtain as the value of units declined toward the end of the lease. The homeownership units were to be built on Brookline Street on sites that are now included in the Auburn Court mixed-income affordable rental housing.

25. What are the affordable housing benefits of the Forest City petition?

Forest City's proposed Letter of Commitment associated with its current zoning petition includes the following affordable housing benefits:

- Maintaining the 168 currently affordable units in the CRDD District as they are currently configured as low income or moderate income units for the full term of Forest City's land leases from MIT. This commitment to maintain existing affordable units includes:
 - Removing the current provision under which extended affordability would be subject to Forest City's ability to obtain subsidies to allow units to remain affordable;
 - Ensuring the long-term affordability of the 18 affordable units not currently required to be affordable by zoning;
 - Making these units subject to the same administrative requirements, policies, and procedures as units subject to the City's Inclusionary Housing Ordinance (Section 11.200), including rent calculation, local preference and other applicant selection preferences, and access for applicants through the Community Development Department's Inclusionary Housing Rental Applicant Pool; and,
 - Documenting the affordability requirements for units controlled by Forest City in recorded deed restrictions.

- Creating 25 additional low income units which would be administered like units required by the City's Inclusionary Housing Ordinance (Section 11.200). Forest City may create these affordable units through any of the following techniques:
 - new construction of affordable housing;
 - conversion of a non-residential structure to housing;
 - addition of units to an existing residential building;
 - conversion of existing market-rate housing to affordable housing; or,
 - development of a project that results in the creation of these affordable units.

If the 25 new affordable units are not built or under construction within 7 years of completion of its development at 300 Massachusetts Avenue, Forest City will contribute \$5,000,000 to the Affordable Housing Trust.

- Contributing approximately \$1,084,319 as required by the City's Incentive Zoning Ordinance which requires contributions to the Trust for certain commercial developments such as the development proposed at 300 Massachusetts Avenue.

26. How was the offer to create 25 new affordable units derived?

In response to a desire from many stakeholders to see new housing included in development plans for University Park, Forest City had included zoning capacity for a new residential building in the CRDD District in their 2011 re-zoning petition. This residential building would have included 20 affordable units under the requirements of the City's Inclusionary Housing Ordinance. The proposed residential building met with some community opposition and was removed from the current petition at the request of the Ordinance Committee.

Acknowledging the concern about the identified site but also the desire for new market-rate and especially affordable housing, Forest City included a commitment to create 20 affordable units to maintain the commitment to creating new housing that it had offered in its 2011 petition. The new affordable units are intended to be part of a new market-rate development which would include affordable units under the City's Inclusionary Housing Ordinance, as would have been the case with the initial petition. To ensure that at least the affordable units are created even if no new market rate housing is developed by Forest City, the current Letter of Commitment offers a variety of ways in which the affordable units might be created, and further, requires a contribution to the Affordable Housing Trust if the units are not created within 7 years of the completion of the 300 Massachusetts Avenue development.

In response to discussion at the Ordinance Committee about these affordable units, Forest City has increased the commitment from 20 to 25 new affordable units.

27. Could these 25 new affordable units also be used to meet the affordable housing requirements of the Inclusionary Housing Ordinance on another site, or would they be in addition to inclusionary requirements for another development?

As described above, the origin of the commitment to create 25 new affordable units was the market-rate housing Forest City had envisioned within the CRDD district in 2010. The affordable units were to be the units that would have been required by the Inclusionary Housing Ordinance in that building. Those units would have represented new affordable units within the CRDD and would have met the requirements of the Inclusionary Housing Ordinance for a new residential development within the CRDD.

Forest City's Letter of Commitment describes a similar arrangement where the units would be created in the affordable housing component of a new market-rate housing development. The Letter of Commitment, however, also provides other ways in which the affordable units might be created, along with a required contribution of \$5,000,000 to the Affordable Housing Trust if the units are not created within 7 years as noted above. The commitment does not envision that these 25 new affordable units would be in addition to units otherwise required by the Inclusionary Housing Ordinance in a new market housing development.