THE
HYM
INVESTMENT GROUP, LLC

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2012 APR 19 P 1:37
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

April 18, 2012

VIA HAND DELIVERY

Ms. Donna P. Lopez, Interim City Clerk
City of Cambridge
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Ms. Lopez:

Enclosed please find a petition on behalf of landowner CJUF III Northpoint LLC to amend certain provisions of the City of Cambridge Zoning Ordinance that govern the Planned Unit Development in the North Point Residence District. This petition is submitted pursuant to M.G.L. c.40A, §5 and Section 1.50 of the Cambridge Zoning Ordinance. Also enclosed is a check in the amount of $150.00 for the filing fee.

The purpose of the proposed amendments is to better accommodate and harmonize planned development within the district with planned public open space that will serve both the residents of the district and the general public. The amendments would allow for residential development along the Gilmore Bridge, provide for shifts to massing and height limitations, facilitate the creation of significant new open spaces throughout the district, and help ensure that a public market planned for the site is vibrant and appropriately located and programmed. The proposed amendments are consistent with the policy objectives set forth in the Eastern Cambridge Plan and guidance provided in the Eastern Cambridge Design Guidelines and in more recent studies.

We respectfully request that this petition be placed on the agenda for the City Council's upcoming meeting on April 23, 2012.

Thank you for your attention and assistance with this matter. Please do not hesitate to contact me should you require any additional information.

Very truly yours,

Thomas N. O'Brien
Authorized Signatory of CJUF III Northpoint LLC

One Congress Street, 10th Floor, Boston, MA 02114 ▪ P. 617.248.8905 ▪ F. 617.248.8958 ▪ www.hyminvestments.com

Zoning Petition

The undersigned, an owner of land to be affected by this petition, hereby petitions the Cambridge City Council as follows:

To see if the City Council will vote to amend Article 13.700 of the Zoning Ordinance of the City of Cambridge, as set forth below and as reflected in the redline comparison document attached hereto as **Exhibit A** (which is hereby incorporated by this reference), as follows:

1. By deleting the existing North Point Residence District Height Map (Map 13.71), and replacing it with the North Point Residence District Height Map (Map 13.71) attached hereto as **Exhibit B**.

2. By deleting the following language from Section 13.74.1:

   "shall be 2.4 except as modified by Sections 13.74.11 – 13.74.13"

   and replacing it with the following:

   "shall be 2.4 except as modified by Sections 13.74.11 – 13.74.12"

3. By deleting the last sentence of Section 13.74.11:

   "The additional GFA permitted by this Section 13.74.11 must be located within the portion of the development parcel located within the 500-foot radius. (See Map 13.81)"

   and replacing it with the following:

   "The additional GFA permitted by this Section 13.74.11 must be located within the portion of the development parcel located within the 500-foot radius; provided that the Planning Board may allow such additional GFA to be located outside of the 500-foot radius upon determining that such relocation of GFA would further the establishment of an active retail plaza near Lechmere Station. (See Map 13.81)"

4. By deleting Section 13.74.3 as follows:

   "13.74.3 Maximum Building Height. The maximum height of buildings in the PUD district shall be eighty-five (85) feet except as otherwise shown on the PUD in the North Point Residence District Height Limitation Map (Map 13.71) and as described herein. Height is further regulated by the provisions set forth in Sections 13.74.31 – 13.74.33 below.

   (1) Maximum Building Height of One Hundred and Fifty (150) Feet. The maximum height of buildings shall be 150 feet in the following described areas:

(a) That area bounded by a line beginning as the centerline of Charlestown Avenue, then the centerline of North Point Boulevard and its southeasterly extension to the Cambridge/Boston municipal boundary line, then the Cambridge/Boston municipal boundary line, and then the centerline of O'Brien Highway (Bridge Street) to the point of origin.

(b) That area bounded by a line beginning as the centerline of Charlestown Avenue, then the centerline of O'Brien Highway, then a line northwesterly of, parallel to and 200 feet distant from the northwesterly sideline of Charlestown Avenue, then a line northerly of, parallel to and 225 feet northerly of Reference Line #1 (see Section 13.74.34), then a line turning in a northerly direction which is the northerly extension of the centerline of Second Street to its intersection with the Cambridge/Somerville municipal boundary line, then the Cambridge/Somerville/Boston municipal boundary line to the point of origin.

(2) Maximum Building Height of One Hundred and Twenty (120) Feet. The maximum height of buildings shall be 120 feet in the following described area: That area bounded by a line beginning as boundary of the area described in 13.74.3 1b above; then the centerline of O'Brien Highway; then a line northwesterly of, parallel to and 325 feet distant from the northwesterly sideline of Charlestown Avenue; then a line northerly of, parallel to and 100 feet distant from Reference Line #1 (see Section 13.74.34); then the Special District 1 zoning district boundary line, then the Cambridge/Somerville municipal boundary line to the point of origin."

and replacing it with the following:

"13.74.3 Maximum Building Height. The maximum height of buildings in the PUD district shall be eighty-five (85) feet except as otherwise shown on the PUD in the North Point Residence District Height Limitation Map (Map 13.71) and as provided herein and as further regulated by the provisions set forth in Sections 13.74.31 – 13.74.33 below.

(1) Maximum Building Height of One Hundred and Fifty (150) Feet. The maximum height of buildings shall be 150 feet in the following described areas:

(a) That area bounded by a line beginning as the centerline of Charlestown Avenue, then the centerline of North Point Boulevard and its southeasterly extension to the Cambridge/Boston municipal boundary line, then the Cambridge/Boston municipal boundary line, and then the centerline of O'Brien Highway (Bridge Street) to the point of origin.

(b) That area bounded by a line beginning at the intersection of the Boston and Cambridge municipal boundary line and the centerline of Charlestown Avenue, then southwesterly to the centerline of Monsignor O'Brien Highway, then northwesterly by the centerline of Monsignor O'Brien Highway to the intersection of a line 200 feet northwesterly of and parallel to the northwesterly sideline of Charlestown Avenue then northeasterly

by a line 200 feet northwesterly of and parallel to the northwesterly sideline of Charlestown Avenue to Reference Line #1 (see Section 13.74.34), then northwesterly by Reference Line #1 to its intersection with a line that is 117 feet southerly of and parallel to the westerly portion of Reference Line 1 that is deflected 22 degrees south then westerly by a line 117 feet southerly of and parallel to the westerly portion of Reference Line #1 that is deflected 22 degrees south to a point that is the intersection of a line which is 525 feet easterly of and parallel to the northerly extension of the centerline of Second Street, then northerly by a line which is 525 feet easterly of and parallel to northerly extension of the centerline of Second Street, to a point that is the intersection of a line that is 100 feet northerly of and parallel to Reference Line 1, then westerly by a line 100 feet northerly of and parallel to Reference Line #1 to the intersection of a line that is, the northerly extension of the centerline of Second Street, then northerly by a line that is the northerly extension of Second Street to its intersection with the Cambridge and Somerville municipal boundary line, then in an easterly direction by the Cambridge and Somerville municipal boundary line to the Boston municipal boundary line then southeasterly and easterly by the Cambridge and Boston Municipal boundary line to the point of beginning.

(2) Maximum Building Height of One Hundred and Twenty (120) Feet. The maximum height of buildings shall be 120 feet in the following described areas:

(a) That area bounded by a line beginning at the centerline of Monsignor O'Brien Highway at the boundary of the area described in 13.74.3 (1) (b) above; then northwesterly by the centerline of Monsignor O'Brien Highway to the intersection of a line which is 325 feet northwesterly of and parallel to the northwesterly sideline of Charlestown Avenue, then northeasterly by a line 325 feet northwesterly of and parallel to the northwesterly sideline of Charlestown Avenue to Reference Line #1 at the boundary of the area described in 13.74.3 (1) (b) above , then southeasterly by the boundary of the area described in 13.74.3 (1)

(b) above then southwesterly by the boundary of the area described in 13.74.3 (1) (b) above to the point of beginning.
(b) That area bounded by a line beginning at the boundary of the area described in 13.74.3 (1) (b) above at the intersection of a line that is the northerly extension of the centerline of Second Street and a line that is 100 feet north of and parallel to Reference Line #1, then easterly and southerly by the boundary of the area described in 13.74.3 (1)(b) above to the intersection of Reference Line #1, then westerly by Reference Line #1 to the intersection of Special Zoning District 1 zoning district boundary line, then northwesterly by the Special District 1 zoning district boundary to the Cambridge and Somerville municipal boundary line, then easterly by the Cambridge and Somerville municipal boundary line to the

boundary of the area described in 13.74.3 (1) (b) above, then southerly by a line that is the centerline extension of Second Street and the westerly boundary of the area described in 13.74.3 (1) (b) above to the point of beginning.

5. By amending the following language in Section 13.74.32 as follows:

By deleting "three" and replacing it with "seven" and

By adding "and one commercial building" after "permitted in Section 13.74.33 below)" and

By adding, at the end of the paragraph in Section 13.74.32 that is numbered (1), the following language: ", provided that portions of such buildings may be located in other municipalities and, as to the portion(s) in another municipality only, governed by the zoning regulations of the other municipality" and

By deleting the paragraph in Section 13.74.32 that is numbered (2) as follows:

"Portions of said buildings above sixty-five feet are separated from each other by a distance of at least 500 feet."

and replacing it with:

"When approving the building heights permitted under this Section 13.74.32, the Planning Board shall determine that portions of any such buildings above sixty-five feet are appropriately separated from each other."

6. By amending the following language in Section 13.75.11 as follows:

By deleting the word "be" from the second sentence of the second paragraph of Section 13.75.11, and inserting in its place the word "been".

7. By amending the following language in Section 13.79.2 as follows:

By deleting the second sentence in Section 13.79.2:

"It is the intent of this Section 13.79.2 to permit the use of above ground parking structures as an acoustical and visual barrier between occupied space (particularly housing within the district and beyond the district in the existing East Cambridge neighborhood) and the active rail lines, yards and operations therein abutting the North Point Residence District."

and replacing it with:

"It is the intent of this Section 13.79.2 to permit the use of above ground parking structures as an acoustical, visual and aesthetic barrier between occupied space (particularly housing within the district and beyond the district in the existing East Cambridge neighborhood) and the active rail lines, yards and operations therein, and adjacent bridge structures abutting the North Point Residence District."

and by deleting the paragraph numbered (1) in Section 13.79.2:

"(1) The parking facility shall be located adjacent to the Somerville municipal boundary line, but in no case may it extend further than one hundred and fifty (150) feet from the lot line between property used for active rail use and property proposed to be developed within the Development Parcel for other uses or on other land proposed to be developed in conjunction with any development authorized by this Section 13.70. It is understood that such lot line and land may be in part located in another municipality."

and replacing it with:

"(1) The parking facility shall be located adjacent to the Somerville municipal boundary line, the Boston municipal boundary line or Charlestown Avenue (the Gilmore Bridge), but in no case may it extend further than one hundred and ninety-five (195) feet from the lot line between (A) either property used for active rail use as of January 1, 2012 or Charlestown Avenue (the Gilmore Bridge) and (B) property proposed to be developed within the Development Parcel for other uses or on other land proposed to be developed in conjunction with any development authorized by this Section 13.70. It is understood that such lot line and land may be in part located in another municipality."

[*remainder of page intentionally left blank, signature page follows*]

[SIGNATURE PAGE FOR NORTH POINT ZONING PETITION]

Executed as of April 18 2012

CJUF III NORTHPOINT LLC

Thomas N. O'Brien, Authorized Signatory

EXHIBIT A

Redline Comparing (1) Existing Article 13.700 of the Zoning Ordinance of the City of Cambridge, with (2) Proposed Revised Version of Article 13.700 of the Zoning Ordinance of the City of Cambridge

[see attached]

13.70 PLANNED UNIT DEVELOPMENT IN THE NORTH POINT RESIDENCE DISTRICT.

13.71 *Purpose*. This Section 13.70 is intended to provide the opportunity to create a new residential neighborhood from an area now primarily industrial in character. Retail and office uses and community services are encouraged as part of that neighborhood to serve the residential community and stimulate activity in the area for extended hours throughout the day. Significant new public open space to serve the residents of the district and the general public is desired. It is also intended that development in the PUD in the North Point Residence District will be generally consistent with the policy objectives set forth in the Eastern Cambridge Plan and guidance provided in the Eastern Cambridge Design Guidelines.

13.72 *Applicability*. A special permit for a Planned Unit Development may be granted by the Planning Board in the North Point Residence District in accordance with the requirements of Sections 12.30 and 12.40, and the development controls specified in Section 12.50 and this Section 13.70. All references to and requirements for a PUD district in those sections shall also apply to a Planned Unit Development in the North Point Residence District.

13.73 *Use Regulations*. Any use permitted in Article 16.000 - North Point Residence District may be allowed by the Planning Board, but subject only to the requirements and limitations of this Section 13.70. Other uses, not permitted in Article 16.000 but permitted in a Business B District, may be allowed by the Planning Board upon a written determination that such use is compatible with and advances the policy objectives of the Eastern Cambridge Plan and that it is necessary to support the predominant residential use in the PUD in the North Point Residence District. However, except as set forth in Section 13.73.0 below, non-residential uses may not constitute more than thirty-five (35) percent of the total authorized Gross Floor Area within any Development Parcel, exclusive of both Gross Floor Area devoted to parking facilities and the additional Gross Floor Area (GFA) that may be constructed as a result of the application of FAR bonuses permitted in Section 11.200.

13.73.0 *Special Permit for Non-residential Uses*. The Planning Board may permit up to one hundred (100) percent of the total authorized Gross Floor Area within a Development Parcel to consist of non-residential uses if there is only one (1) building proposed to be located within the Development Parcel.

13.73.1 Special Provisions Related to Permitted Retail Uses.

The total Gross Floor Area for retail and consumer service establishments authorized by the Planning Board in all approved PUDs within that portion of the PUD in the North Point Residence District located west of Charlestown Avenue shall not exceed 75,000 square feet or 25,000 square feet for that portion of the PUD located east of Charlestown Avenue, unless a finding is made by the

Planning Board that additional retail use will better serve the objectives of this Section 13.70 and the objectives of the Eastern Cambridge Plan. All retail and consumer services establishments shall be subject to the following limitations:

(i) In no instance shall any individual retail or consumer service establishment exceed 10,000 gross square feet unless the Planning Board determines in writing that establishments of a greater size better support and serve the residents within the PUD district and better advance the policy objectives set forth in the Eastern Cambridge Plan and the guidance proved in the Eastern Cambridge Design Guidelines.

(ii) No off street parking is provided.

(2) The initial 50,000 square feet of retail and consumer service establishments authorized in total in approved PUDs shall be exempt from any limitations as to non-residential Gross Floor Area as set forth in Section 13.73.1 above subject to the following limitations:

(i) The GFA is located on the ground floor and fronts on and has a public entry onto a publicly accessible street.

(ii) The establishment is located within the 500-radius described in Section 13.74.11 below.

13.73.2 Limitations on Telephone Exchange Uses. Where the floor area of any such use exceeds 400 square feet, the use shall only be located within 250 feet of the Boston/Somerville/Cambridge municipal boundary line and west of Charlestown Avenue.

13.74 Dimensional Requirements.

13.74.1 Floor Area Ratio (FAR) Limitation. The maximum ratio of Gross Floor Area to the total area of the Development Parcel, which area shall be calculated in accordance with Section 13.74.2 below, shall be 2.4 except as modified by Sections 13.74.11 – ~~13.74.13~~13.74.12 below. Any GFA contained within the head house or transit station serving the MBTA Green Line, excluding any GFA occupied by private retail, office, or other uses, shall not be subject to the FAR limitations set forth in this Section 13.74.1. Where a Development Parcel encompasses lots to which different FAR and non-residential use limitations apply, the FAR and non-residential use limitation regulations shall be used only to determine the total amount of GFA permitted including the GFA devoted to residential and non-residential uses. Those FAR and non-residential use regulations shall not regulate or limit the distribution of the authorized GFA or uses within the Development Parcel as a whole. That distribution shall be determined by the Planning Board in its approval of the Final Development Plan.

13.74.11 Additional FAR for Proximity to Transit. For any portion of a Development Parcel located within a 500-foot radius of a point defined as the intersection of the

centerline of McGrath and O'Brien Highway and the northerly extension of the centerline of First Street, the permitted FAR shall be 3.0. That portion of said Development Parcel shall be permitted to use up to 35% of the allowable FAR for non-residential uses. The portions of the development parcel outside the 500-foot radius shall be subject to the limitations of Sections 13.74.1 and 13.74.12. The additional GFA permitted by this Section 13.74.11 must be located within the portion of the development parcel located within the 500-foot radius; provided that the Planning Board may allow such additional GFA to be located outside of the 500-foot radius upon determining that such relocation of GFA would further the establishment of an active retail plaza near Lechmere Station. (See Map 13.81)

13.74.12 Additional FAR for Increased Residential Use. For those portions of the PUD district not located within the 500-foot radius described in Section 13.74.11, the FAR permitted in Section 13.74.1 may be increased according to the schedule set forth below as the proportion of GFA devoted to residential uses increases, as proposed in the application for a PUD special permit and approved by the Planning Board.

Proportion of Residential GFA Proposed and Approved	Permitted FAR
All residential	3.0
No less than 90%	2.9
No less than 85%	2.8
No less than 80%	2.7
No less than 75%	2.6
No less than 70%	2.5
No less than 65%	2.4

To attain the increase in FAR, the proposed development must attain the percentage thresholds indicated above. There shall be no partial application of the gradations noted above.

13.74.2 Minimum Development Parcel Size. The minimum size of the Development Parcel shall be the larger of (1) one hundred thousand (100,000) square feet or (2) seventy-five percent of the area of a lot or combination of lots (a) in existence as of June 1, 2001 and (b) held in common ownership where it is proposed to incorporate any portion of such lot or lots within the Development Parcel provided that clause (2) shall not apply to a lot or combination of lots owned by The Commonwealth of Massachusetts or a department thereof as of June 1, 2001. The area of a development parcel may include land dedicated (after adoption of this Section 13.70 and prior to the issuance of any building permit for work under a PUD special permit under this Section 13.70) by the owner or former owner of the land, whether in fee or by easement, deed restriction, covenant or comparable legal instrument enforceable by the City of Cambridge or other public entity, as a public way, private way open to public use, or public open space.

13.74.21 Where the Development Parcel required in Section 13.74.2 is greater than 100,000 square feet, the applicant may at his own discretion designate a portion of Development Parcel as a Master Plan Area, within which area physical information may be presented in a more generalized way, subject to more detailed approval by the Planning Board at a time and in a manner determined by the Board in its PUD special permit decision. Within the Master Plan Area location of streets and public parks, the quantities of proposed land uses, general building envelopes, locations and heights shall be indicated in sufficient detail that the Planning Board can reasonably assess the impact of the Master Plan and its general consistency with the objectives of the PUD district and the guidance provided in the Eastern Cambridge Design Guidelines.

13.74.3 Maximum Building Height. The maximum height of buildings in the PUD district shall be eighty-five (85) feet except as otherwise shown on the PUD in the North Point Residence District Height Limitation Map (Map 13.71) and as ~~described~~provided herein~~. Height is~~ and as further regulated by the provisions set forth in Sections 13.74.31 – 13.74.33 below.

(1) Maximum Building Height of One Hundred and Fifty (150) Feet. The maximum height of buildings shall be 150 feet in the following described areas:

(a) That area bounded by a line beginning as the centerline of Charlestown Avenue, then the centerline of North Point Boulevard and its southeasterly extension to the Cambridge/Boston municipal boundary line, then the Cambridge/Boston municipal boundary line, and then the centerline of O'Brien Highway (Bridge Street) to the point of origin.

(b) That area bounded by a line beginning ~~as~~at the intersection of the Boston and Cambridge municipal boundary line and the centerline of Charlestown Avenue, then southwesterly to the centerline of Monsignor O'Brien Highway, then ~~a line~~ northwesterly ~~of, parallel to and 200 feet distant from~~by the centerline of Monsignor O'Brien Highway to the intersection of a line 200 feet northwesterly of and parallel to the northwesterly sideline of Charlestown Avenue~~,~~ then northeasterly by a line ~~northerly of,~~200 feet northwesterly of and parallel to ~~and 225 feet northerly of~~the northwesterly sideline of Charlestown Avenue to Reference Line #1 (see Section 13.74.34), then ~~a line turning in a northerly direction which is the northerly extension of the centerline of Second Street to its intersection with the Cambridge/~~northwesterly by Reference Line #1 to its intersection with a line that is 117 feet southerly of and parallel to the westerly portion of Reference Line 1 that is deflected 22 degrees south then westerly by a line 117 feet southerly of and parallel to the westerly portion of Reference Line #1 that is deflected 22 degrees south to a point that is the intersection of a line which is 525 feet easterly of and parallel to the northerly extension of the centerline of Second Street, then northerly by a line which is 525 feet easterly of and parallel to northerly extension of the centerline of Second Street, to a point that is the

intersection of a line that is 100 feet northerly of and parallel to Reference Line 1, then westerly by a line 100 feet northerly of and parallel to Reference Line #1 to the intersection of a line that is, the northerly extension of the centerline of Second Street, then northerly by a line that is the northerly extension of Second Street to its intersection with the Cambridge and Somerville municipal boundary line, then in an easterly direction by the Cambridge and Somerville municipal boundary line~~, then~~ to the Boston municipal boundary line then southeasterly and easterly by the Cambridge~~/Somerville/~~ and Boston ~~municipal~~Municipal boundary line to the point of ~~origin~~beginning.

(2) Maximum Building Height of One Hundred and Twenty (120) Feet. The maximum height of buildings shall be 120 feet in the following described ~~area: That area bounded by a line beginning as boundary of the area described in 13.74.3 1b above; then the centerline of O'Brien Highway; then a line northwesterly of, parallel to and 325 feet distant from the northwesterly sideline of Charlestown Avenue; then a line northerly of, parallel to and 100 feet distant from Reference Line #1 (see Section 13.74.34); then the Special District 1 zoning district boundary line, then the Cambridge/Somerville municipal boundary line to the point of origin.~~areas:

(a) That area bounded by a line beginning at the centerline of Monsignor O'Brien Highway at the boundary of the area described in 13.74.3 (1) (b) above; then northwesterly by the centerline of Monsignor O'Brien Highway to the intersection of a line which is 325 feet northwesterly of and parallel to the northwesterly sideline of Charlestown Avenue, then northeasterly by a line 325 feet northwesterly of and parallel to the northwesterly sideline of Charlestown Avenue to Reference Line #1 at the boundary of the area described in 13.74.3 (1) (b) above , then southeasterly by the boundary of the area described in 13.74.3 (1) (b) above then southwesterly by the boundary of the area described in 13.74.3 (1) (b) above to the point of beginning.

(b) That area bounded by a line beginning at the boundary of the area described in 13.74.3 (1) (b) above at the intersection of a line that is the northerly extension of the centerline of Second Street and a line that is 100 feet north of and parallel to Reference Line #1, then easterly and southerly by the boundary of the area described in 13.74.3 (1)(b) above to the intersection of Reference Line #1, then westerly by Reference Line #1 to the intersection of Special Zoning District 1 zoning district boundary line, then northwesterly by the Special District 1 zoning district boundary to the Cambridge and Somerville municipal boundary line, then easterly by the Cambridge and Somerville municipal boundary line to the boundary of the area described in 13.74.3 (1) (b) above, then southerly by a line that is the centerline extension of Second Street and the westerly boundary of the area described in 13.74.3 (1) (b) above to the point of beginning.

13.74.31 Portions of Buildings Limited to Sixty-five Feet. Except within the area described in Section 13.74.3(1)(a), any portion of a building that is within fifty (50) feet of an existing or proposed Public Open Space or single intervening street abutting that open space may exceed 65 feet only if for each floor above 65 feet, that floor is set back an additional 10 feet from the façade of the floor below, until the maximum height is attained, or until a 20 foot setback from the façade at 65 feet is attained. Alternately, a set back of 20 feet from the façade of the building at a height of 65 feet shall be permitted, and the remaining portions of the building allowed to achieve the maximum height permitted by Section 13.74.3, or any variation between the two provisions.

13.74.32 Additional Height to Two-hundred and Twenty Feet. The Planning Board may in its discretion permit no more than ~~three~~seven residential buildings (in addition to those permitted in Section 13.74.33 below) and one commercial building to exceed a height of one hundred and fifty (150) feet up to a maximum height of two hundred and twenty (220) feet in that portion of the PUD in the North Point Residence District west of Charlestown Avenue, subject to the following limitations.

(1) All such buildings shall be located in that portion of the PUD in the North Point Residence District where the base height for all buildings is one hundred and fifty feet, provided that portions of such buildings may be located in other municipalities and, as to the portion(s) in another municipality only, governed by the zoning regulations of the other municipality.

(2) ~~Portions of said~~When approving the building heights permitted under this Section 13.74.32, the Planning Board shall determine that portions of any such buildings above sixty-five feet are appropriately separated from each other ~~by a distance of at least 500 feet~~.

13.74.33 Additional Height to Two-hundred and Fifty Feet. The Planning Board may in its discretion permit no more than two residential buildings to exceed one hundred and fifty feet in height up to a maximum height of two hundred and fifty (250) feet in that portion of the PUD in the North Point Residence District east of Charlestown Avenue, subject to the following limitations.

(1) All such buildings shall be located in that portion of the PUD in the North Point Residence District where the base height for all buildings is one hundred and fifty feet.

13.74.34 Description of Reference Lines. Reference Line #1 and Reference Line #2 shall be as described herein:

(1) Reference Line #1 is that line which is the northwesterly extension of the centerline of North point Boulevard that, at its intersection with Reference Line #2, is deflected south by 22* degrees and continues thereafter to its intersection

with the Special District 1 zoning district boundary line. (*scrivener's error corrected 2/14/11)

(2) Reference Line #2 is that line which is northwesterly of, parallel to, and nine hundred (900) feet distant from the northwesterly sideline of Charlestown Avenue.

13.74.35 Waiver of Height Limitations

In order to provide a limited level of flexibility in developing a comprehensive plan for currently vacant or underdeveloped parcels of land in North Point, the Planning Board may accept a (preliminary) Development Proposal and may approve a Final Development Plan in which one or more buildings or portions of buildings, no higher than one hundred and fifty (150) feet, do not conform to the height limitations set forth in Section 13.74.3 above, subject to the following limitations and conditions.

(1) The building or portion of a building does not extend more than 100 feet into the adjacent, more restrictive height band as set forth in Section 13.74.3 and illustrated on Map 13.71.

(2) The building or portion of a building extending into the more restrictive height band does not exceed the height limit established in the less restrictive height band from which it is being extended.

(3) Such extensions are limited in nature, not inconsistent with the objective of establishing the height band provisions of Section 13.74.3, and are generally consistent with the Eastern Cambridge Design Guidelines.

(4) Other buildings proposed can be demonstrated to be lower than might otherwise be required should the height waiver not be granted by the Planning Board.

(5) The applicant can demonstrate to the satisfaction of the Planning Board that the requested deviations from the height provisions of Section 13.74.3 are reasonable in the context of the proposed Final Development Plan as a whole and permit an organization of buildings, streets, opens space and other features of the Final Development Plan that better serve the public interest and the objectives of the PUD than might otherwise be the case with strict adherence to the height limits established in Section 13.74.3

13.74.36 In the event that two or more height limitation provisions (as set forth in Sections 13.74.3 (1) and (2), 13.74.31, and 13.74.35 above) apply to a single parcel of land defined and approved by the Planning Board as part of a Master Plan and intended to be developed singly and separate from other approved parcels in the Master plan and located within 700 feet of the northwesterly sideline of Charlestown

Avenue and within 400 feet south of Reference Line #1, the total allowable massing of a structure on that parcel, as limited in the Master Plan, may be distributed and allocated across the entire parcel without regard to the restrictions set forth in the above referenced Sections to the extent that it furthers the purpose of this Section 13.70 and provided that neither the maximum allowable height applicable on the parcel by the above referenced Sections nor the maximum allowable square footage at the parcel are exceeded. Such redistribution of height may be approved by the Planning Board as part of any design review of individual buildings in the manner set forth in the approved Master Plan.

13.74.4 Other Dimensional Requirements. There shall be no specified minimum lot size for lots located within a Development Parcel. There shall be no minimum lot area per dwelling unit requirement. There shall be no requirement with respect to minimum lot widths or minimum front, side or rear yards in the District. The Planning Board shall approve all proposed building setbacks and lot configurations.

13.75 *Open Space*. Any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on every Development Parcel and shall in the aggregate equal at least twenty (20) percent of the area of such Development Parcel. Owners of adjacent Development Parcels may collectively provide such open space by dedication, easement, deed restriction, covenant, or comparable legal instrument enforceable by the City of Cambridge or other public entity, in which event each such development parcel shall, for purposes of this Section 13.70 be deemed to include such portion of such open space as such owners shall allocate to it in such legal instrument. This open space requirement shall be subject to the following provisions.

(1) All required open space shall be generally accessible to the public for reasonable periods throughout the day for the purposes for which the open space is designed and approved by the Planning Board, which may include but not be limited to walking, bicycling, active and passive recreation. The Planning Board must approve any proposal to significantly limit public access to the required open space.

13.75.1 Required Public Open Space. Any approved Planned Unit Development whose Development Parcel consists in part or entirely of a lot or combination of lots (a) in existence as of June 1, 2001, (b) held in common ownership, and (c) is at least 250,000 square feet in size shall be obligated to allocate a portion of its open space requirement as set forth in Section 13.75 above as Public Open Space meeting the requirements set forth in Section 13.75.11 below. This obligation shall remain with such lot or combination of lots in its entirety, notwithstanding any subdivision or change of ownership that may occur after June 1, 2001. In each instance where such a lot or combination of lots, or a portion thereof, is included within a development parcel, the PUD special permit shall only be granted if it is established to the satisfaction of the Planning Board that the Public Open Space required in this Section 13.75.1 can be provided even if its location is

on a portion of the lot or combination of lots not included within the Development Parcel under review.

13.75.11 Requirements of the Public Open Space. The required Public Open Space shall consist of a contiguous parcel of land of at least two and one half (2.5) acres in size at a location and designed in a manner consistent with the Eastern Cambridge Plan. As defined, the Public Open Space shall be within the control of the City of Cambridge through fee simple conveyance, easement, or other legal mechanism acceptable to the City. The Planning Board in its conditions shall establish the time by which the facility shall be completed. In the event that the City of Cambridge does not accept the facility, the PUD permittee shall maintain the park for the use of the general public as originally designed and approved by the Planning Board in the Special Permit. The Public Open Space shall be designed and constructed by the permittee according to the conditions of the PUD Special Permit and when conveyed to the city shall be environmentally and otherwise suitable for the recreational uses for which it is designed.

Only one facility of 2.5 acres or greater shall be required within the North Point PUD District. Once the Public Open Space obligation has ~~be~~been met, any remaining open space required for any PUD need only be consistent with the requirements of Section 13.75 and the applicable guidelines of the Eastern Cambridge Plan. The required facility shall be created according to the following rules.

(1) Where the Development Parcel includes a lot or combination of lots defined in 13.75.1 above where that lot or combination of lots is at least 250,000 square feet in area but less than ten acres, and where the development parcel encompasses a portion of the site of the required Public Open Space as illustrated in the Eastern Cambridge Plan, the open space required in the PUD shall be allocated in the approved Final Development Plan in part or in full at the proposed location of the Public Open Space.

(2) Where the PUD Development Parcel includes all or a portion of a lot or combination of lots with an area greater than 10 acres, the PUD Final Development Plan shall be required to create in its entirety a 2.5-acre Public Open Space consistent with the Eastern Cambridge Plan; if development of a 2.5-acre Public Open Space has previously occurred in whole or in part, that portion of the Public Open Space not designated in any previously approved PUD shall be provided.

13.76 *Parking and Loading Requirements*. Off-street parking and loading requirements shall be the same as currently specified in Article 6.000 and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts, except as modified below.

13.76.1 Parking facilities may be located on the lot they serve or may be located in whole or in part in one or more pooled private or public parking facilities located anywhere within the PUD in the North Point Residence District.

13.76.2 Parking and loading requirements shall be as follows:

(1) Residential Uses: 1 space per unit minimum and 1.5 spaces per unit maximum.

(2) General Office Uses: 1 space per 1,250 gross square feet minimum and 1 space per 625 gross square feet maximum.

(3) Technical Office for Research and Development Uses: 1 space per 1,675 gross square feet minimum and 1 space per 840 gross square feet maximum.

(4) Retail and Consumer Services: No accessory parking shall be required if the retail and consumer service uses are located on the ground floor and front on and have a public entry directly onto a publicly accessible street.

13.76.21 Notwithstanding the provisions of Section 13.76.2 above, the total number of parking spaces serving non-residential uses in the PUD in the North Point Residence District shall not exceed 2,500 spaces, allocated to each Development Parcel at the rate of 1.2 spaces per 1,000 square feet of land in the Development Parcel.

13.77 *Approval of Roadway Plan.* No Final Development Plan shall be approved by the Planning Board without Planning Board approval of a Roadway Plan. The Planning Board shall not approve a Roadway Plan (which shall include all proposed roads, streets, driveways and other motor vehicle circulation routes) as part of the Final Development Plan unless the Planning Board finds that the impact of traffic projected to use the approved roadways is consistent with the objective of the PUD in the North Point Residence District to limit the extent of single occupancy vehicle access to the district and is consistent with the traffic findings required in Section 19.20 – Project Review Special Permit.

Notwithstanding the provisions of Section 6.22.4, all accessory parking for development approved in a Final Development Plan shall be provided within the approved PUD area unless the Planning Board specifically allows accessory parking at other locations, consistent with all other provisions of Article 6.000.

13.78 *Other Provisions*

13.78.1 Signs. The sign regulations of Article 7.000 applicable to Retail, and Office Districts shall be applicable in the District.

13.78.2 Perimeter and Transition. Any part of the perimeter of a planned unit development which fronts on a public open space for not less than two hundred

and fifty (250) feet or is immediately adjacent to and within three hundred (300) feet of the Charles River shall be so designed as to complement and harmonize with adjacent land uses (existing or proposed) with respect to scale, density, setback, bulk, height, landscaping, and screening.

13.78.3 Traffic Mitigation Measures. In reviewing a development proposal under the provisions of this Section 13.70 and Section 19.20, the Planning Board shall determine that the proponent has demonstrated, at the time of Final Development Plan Approval, a commitment to a Transportation Demand Management program consistent with the reduced parking mandated in this Section 13.70. The measures to be taken in this program must address:

(1) The amount of parking provided,

(2) The scale of development and the mix of uses proposed, and

(3) The assumptions employed with regard to the proportion of automobile use for those traveling to the site.

For examples of such Measures, the Planning Board shall refer to the Eastern Cambridge Plan, Article 18.000, and the requirements of Section 19.20 in establishing Transportation Demand Management measures applicable to any approved PUD.

13.78.4 Relationship to MBTA Urban Ring Transportation Planning Project. In all PUD application documents, the applicant shall indicate how the proposed PUD development relates physically to the most current plans developed by the MBTA for implementation of the Urban Ring transportation project.

13.79 *Development Flexibility: Additional Permitted FAR and Height*

Notwithstanding any other provisions of this Section 13.70, the Planning Board may accept a (preliminary) Development Proposal and may approve a Final Development Plan that exceeds (1) the FAR limits otherwise required and (2) the proportion of non-residential GFA otherwise required subject to the following limitations and conditions:

13.79.1 Previously Issued Planned Unit Development Special Permits

The mix of uses, Gross Floor Area, and other dimensional characteristics of any existing construction authorized by the grant of a PUD Special Permit, issued before the adoption of this amended Section 13.70, shall be permitted by this Section 13.70. Such mix of uses, GFA, and dimensional characteristics may be reauthorized by any subsequent PUD Special Permit issued for the same Development Parcel under procedures established in this Section 13.70.

13.79.2 Additional Gross Floor Area for Above Ground Structured Parking

The Planning Board may permit additional Gross Floor Area for the exclusive use of structured accessory parking located above grade subject to the following limitations. It is the intent of this Section 13.79.2 to permit the use of above ground parking structures as an acoustical ~~and~~, visual and aesthetic barrier between occupied space (particularly housing within the district and beyond the district in the existing East Cambridge neighborhood) and the active rail lines, yards and operations therein, and adjacent bridge structures abutting the North Point Residence District. In permitting such above ground structured parking, it is expected that the authorized structures will be architecturally and visually well integrated with the development as a whole and not in themselves negatively impact the quality of the development.

(1) The parking facility shall be located adjacent to the Somerville municipal boundary line, the Boston municipal boundary line or Charlestown Avenue (the Gilmore Bridge), but in no case may it extend further than one hundred and ~~fifty (150~~ninety-five (195) feet from the lot line between (A) either property used for active rail use ~~and~~as of January 1, 2012 or Charlestown Avenue (the Gilmore Bridge) and (B) property proposed to be developed within the Development Parcel for other uses or on other land proposed to be developed in conjunction with any development authorized by this Section 13.70. It is understood that such lot line and land may be in part located in another municipality.

(2) The facility shall have a height no greater than twenty-five (25) feet unless the Planning Board specifically authorizes a greater height.

(3) The design of the garage shall be of a quality comparable to that of other, non-parking structures in the PUD.

(4) The structure shall be screened with active uses to the maximum extent possible, but at least where it is likely to be viewed from the principal pedestrian pathways within the PUD.

(5) The applicant shall provide to the Planning Board a study prepared by an acoustical engineer outlining the anticipated impact of the proposed development plan on the abatement of sound transmission from the adjacent rail yards to areas within the PUD area and in the residential East Cambridge neighborhood south and west of Msgr. O'Brien Highway.

13.79.3 Additional Gross Floor Area for Non-residential Uses

The Planning Board may permit additional Gross Floor Area for permitted non-residential uses subject to the following limitations:

(1) The additional non-residential GFA authorized shall not exceed that resulting from the application of an FAR of 0.26 and it shall be in addition to and not a substitute for the residential uses required in Section 13.74.1. In no case, however, shall the total authorized GFA for the approved PUD

exceed an FAR of 2.66. The provisions of Section 13.74.11 (Additional FAR for Proximity to Transit) may continue to apply but in no case may the FAR permitted in that section exceed 3.0.

(2) No additional parking shall be provided for this additional authorized non-residential GFA. The parking supply upon which that determination is made shall be that supply permitted by the Planning Board for the development and mix of uses permitted in Section 13.74.1.

(3) The applicant shall demonstrate through the Project Review Special Permit process, Section 19.20, that the project with the additional non residential GFA shall not create a more adverse impact upon traffic than the quantity and mix of development permitted in Section 13.74.1. It is anticipated that such a standard shall be met through limitations as to the uses permitted in the additional GFA and through the provision of permanent transit enhancement improvements above those required to be provided to gain approval of the GFA and use mix permitted in Section 13.74.1. In no case, however, shall the additional non-residential FAR permitted in this Section 13.79 be granted by the Planning Board unless the relocation of the MBTA Green Line Station at Lechmere is a part of the PUD application and the Planning Board is satisfied that its construction at a new North Point location will occur prior to the occupancy of any element of the project utilizing the additional non-residential GFA.

(4) To be assured that the transportation related behavior of residents and commercial tenants predicted to occur in the Traffic Study to be conducted under Section 19.20 is borne out in fact as structures are occupied, the Planning Board may require monitoring of actual traffic generation by those residents and employees actually occupying the site. In its decision the Planning Board may establish criteria and procedures for the timing of such subsequent monitoring of traffic generation, including but not limited to the proportion of total development that is occupied, the length of time such buildings have been fully occupied, and the mix of uses in place.

13.79.4 Provision of Public Benefits

In reviewing any application for additional Gross Floor Area as authorized in Sections 13.79.2 and 13.79.3 above, the Planning Board may consider demonstrated efforts on the part of the applicant to provide permanently affordable housing for middle income households having an income at or below one hundred and twenty (120) percent of the median income for households in the Boston Standard Metropolitan Statistical Area, in addition to those affordable units otherwise required in Section 11.200 and (2) to facilitate the provision of a public sports facility.

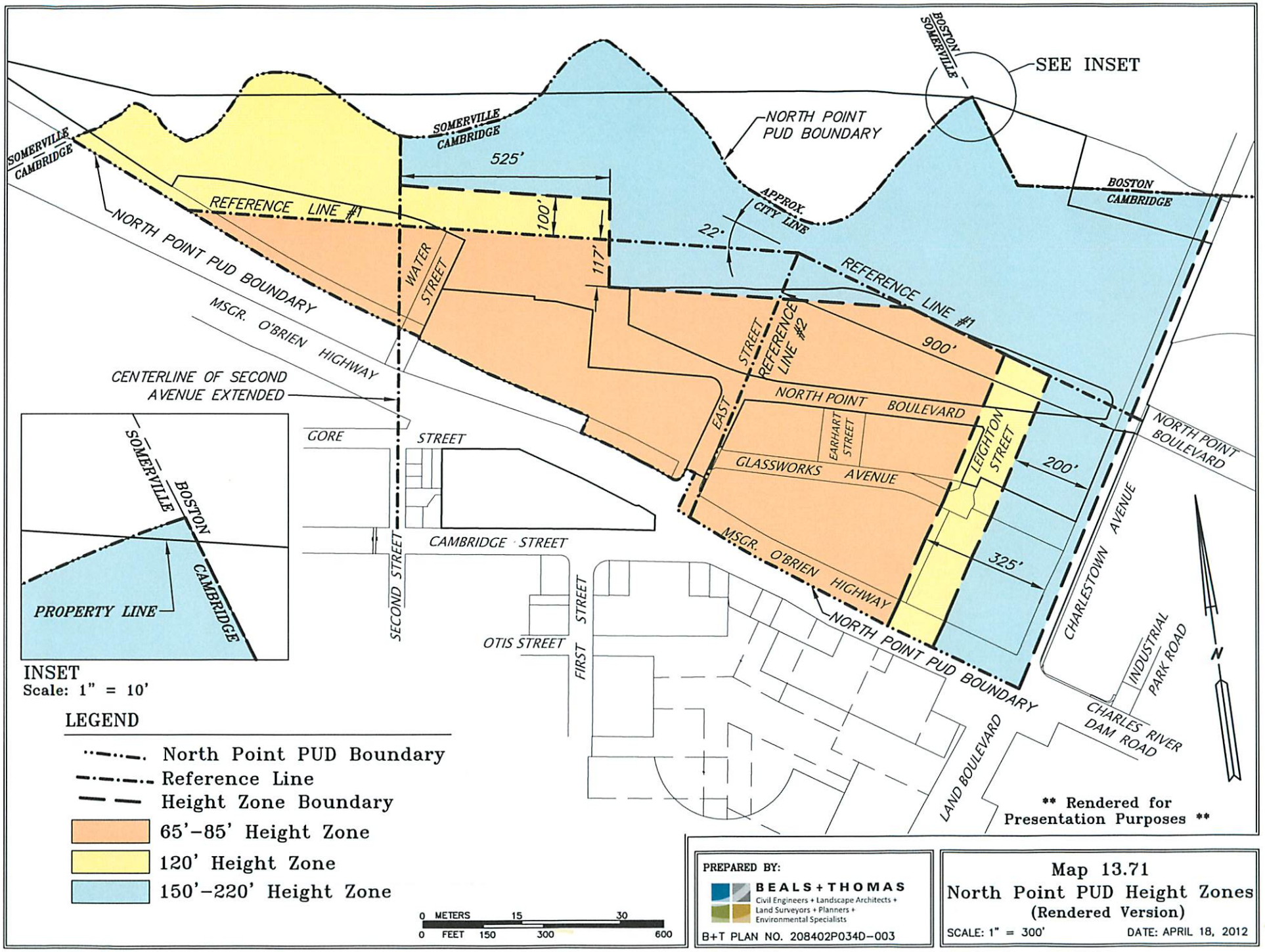
13.710 Monitoring of Compliance with PUD Conditions

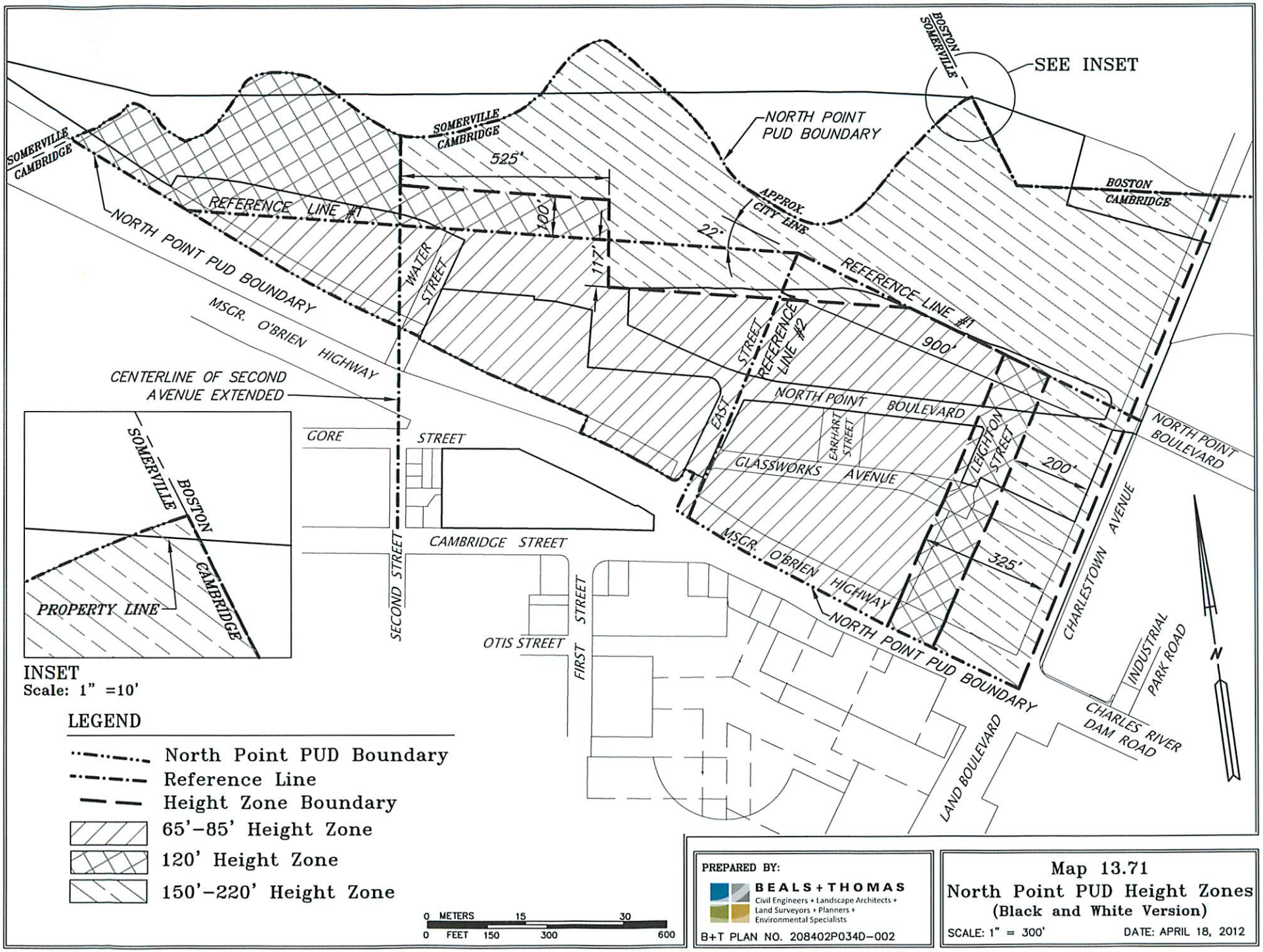
The Planning Board shall establish in its Decisions the details for monitoring of the project and its performance, as it is implemented phase by phase. In anticipation of such conditions, the applicant shall provide in the application a proposed plan for such long-term monitoring and review.

EXHIBIT B

Proposed North Point Residence District Height Map (Map 13.71)

[see attached]


SEE INSET
BOSTON/SOMERVILLE
NORTH POINT PUD BOUNDARY
SOMERVILLE CAMBRIDGE
525'
REFERENCE LINE #1
100'
117'
22'
APPROX. CITY LINE
BOSTON CAMBRIDGE
WATER STREET
MSGR. O'BRIEN HIGHWAY
CENTERLINE OF SECOND AVENUE EXTENDED
EAST STREET
REFERENCE LINE #2
900'
NORTH POINT BOULEVARD
EARHART STREET
LEIGHTON STREET
200'
GLASSWORKS AVENUE
GORE STREET
CAMBRIDGE STREET
SECOND STREET
325'
CHARLESTOWN AVENUE
OTIS STREET
FIRST STREET
INDUSTRIAL PARK ROAD
CHARLES RIVER DAM ROAD
LAND BOULEVARD
N
SOMERVILLE
BOSTON
CAMBRIDGE
PROPERTY LINE
INSET
Scale: 1" = 10'
LEGEND
North Point PUD Boundary
Reference Line
Height Zone Boundary
65'–85' Height Zone
120' Height Zone
150'–220' Height Zone
0 METERS 15 30
0 FEET 150 300 600
** Rendered for Presentation Purposes **
PREPARED BY:
BEALS+THOMAS
Civil Engineers + Landscape Architects + Land Surveyors + Planners + Environmental Specialists
B+T PLAN NO. 208402P034D-003
Map 13.71
North Point PUD Height Zones
(Rendered Version)
SCALE: 1" = 300'
DATE: APRIL 18, 2012


SEE INSET
BOSTON
SOMERVILLE
NORTH POINT
PUD BOUNDARY
SOMERVILLE
CAMBRIDGE
SOMERVILLE
CAMBRIDGE
525'
REFERENCE LINE #1
100'
117'
22°
APPROX.
CITY LINE
BOSTON
CAMBRIDGE
NORTH POINT PUD BOUNDARY
WATER
STREET
REFERENCE LINE #1
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MSGR. O'BRIEN HIGHWAY
EAST
STREET
REFERENCE
LINE #2
CENTERLINE OF SECOND
AVENUE EXTENDED
NORTH POINT
BOULEVARD
EARHART
STREET
LEIGHTON
STREET
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GLASSWORKS
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200'
CHARLESTOWN
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CAMBRIDGE
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325'
SECOND
STREET
FIRST
STREET
OTIS STREET
NORTH POINT PUD BOUNDARY
INDUSTRIAL
PARK ROAD
CHARLES RIVER
DAM ROAD
LAND BOULEVARD
N
SOMERVILLE
BOSTON
CAMBRIDGE
PROPERTY LINE
INSET
Scale: 1" =10'
LEGEND
North Point PUD Boundary
Reference Line
Height Zone Boundary
65'–85' Height Zone
120' Height Zone
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0 FEET 150 300 600
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Map 13.71
North Point PUD Height Zones
(Black and White Version)
SCALE: 1" = 300'
DATE: APRIL 18, 2012