



MASSACHUSETTS INSTITUTE OF TECHNOLOGY
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2011 APR 28 P 3:45

April 28, 2011

Honorable Members of the Cambridge City Council
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Mayor Maher, Vice Mayor Davis, and Councillors Cheung, Decker, Kelley, Reeves, Seidel, Simmons, and Toomey:

I am pleased to submit MIT's rezoning petition for a 26-acre parcel in the Kendall Square area for your conveyance and review. My expectation is that it will serve as a starting point for a thorough and thoughtful discussion about Kendall Square and the role that MIT can play in helping to advance its future as a world-class innovation hub.

In our dozens of meetings over the last year, we found widespread agreement that Kendall Square would benefit from an enlivened and enhanced street level experience that welcomes and inspires all members of the Cambridge community. We heard that transit-oriented development makes sense, and that the notion of industry, entrepreneurs, start-ups, academia, and the community working together to enrich our shared environment and solve global problems is exactly what Cambridge is about, and precisely represents the promise of Kendall Square.

In addition to general enthusiasm for the concepts, we heard divergent views around housing, parking, and the use of public spaces. Because we heard from some that housing is a key ingredient, we have doubled the amount of housing originally discussed from 60,000 SF to 120,000 SF. We look forward to continuing the conversation regarding the appropriate amount of housing for an innovation district.

We strongly believe, as others do, that careful attention to the placemaking approach and retail mix is critical to the successful creation of an active and dynamic environment. While MIT has developed an initial framework for helping to make Kendall Square a vibrant destination, details regarding specific uses, design, programming, and operations will continue to evolve throughout the rezoning and special permit processes. Because we agree that proper placemaking and retail is vital to the overall success of the development, we have included a requirement in the zoning that calls for MIT to work with a third party expert to examine best practices for this unique business district.

Finally, we look forward to the community visioning process that will take place under Goody Clancy's guidance. We believe that having our zoning proposal reviewed within the context of this urban planning study will achieve the best results possible for the broader Kendall Square community.





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As we embark on this effort together, I invite you to visit a website that we've created to provide background on our Kendall Square thinking. It can be found at <http://www.kendallsquareinitiative.org/> and includes the principles we have relied upon in developing our concepts, as well as a document called "Kendall Square in Process," a placemaking analysis prepared by David Chilinski of the Cambridge-based architectural firm Prellwitz Chilinski Associates, which can help us think collectively about how best to revitalize the Kendall Square area.

We look forward to engaging with you during this important process.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven C. Marsh".

Steven C. Marsh

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

Add a new Section 13.80 to the Zoning Ordinance of the City of Cambridge as set forth in the attached document.

Amend the Zoning Map of the City of Cambridge to add a new PUD-5 District the parcels in the Kendall Square area labeled as 'PUD-5' and cross-hatched on the attached map entitled 'Proposed PUD-5 District.'

13.80 PUD-5 DISTRICT

13.81 Purpose. The PUD-5 District is intended to provide for Kendall Square's continued prominence as a world-renowned center of innovation and a vibrant neighborhood through the creation of a mixed-use district of high quality general and technical office and laboratory uses with significant retail activity proximate to the MBTA station. It helps organize placement of commercial and academic buildings and encourages residential uses to support the burgeoning residential corridor along Third Street and strong links to existing neighborhoods and the riverfront. The PUD-5 District allows for continued achievement of the academic mission at MIT and encourages connective links, physical and otherwise, between the Institute and adjacent neighborhoods.

The PUD-5 District is intended to be a smart-growth, transit-oriented district and therefore permits replacing surface parking lots with larger scale development close to Kendall Square and the major public transit services located there. The PUD-5 District encourages low parking ratios, shared parking strategies, the use of public transportation and improved pedestrian and bicycle environments. The PUD-5 District furthers the City's sustainability goals through buildings that are planned, designed and constructed in a sustainable way so as to minimize adverse environmental impacts as they are initially constructed and as they are occupied and operated over the course of their useful lives.

The PUD-5 District promotes the creation of a public gathering space proximate to the MBTA station and a strong retail corridor along Main Street. Combined, this new public crossroads will have broad appeal as a desirable destination during and beyond the traditional workday by providing a critical mass of diverse restaurants, shops, entertainment and programming. The ground floor space will engage pedestrians and provide a variety of indoor and outdoor gathering spaces, including retail that can address the needs and reflect the creativity of the local community.

13.81.1 *Establishment and Scope of Zones within the PUD-5 District.*

The PUD-5 District shall be divided into a series of Zones as described below for the purpose of defining requirements that may not apply to the District as a whole. All provisions of the PUD-5 shall apply equally to each Zone except as provided for elsewhere in this Section 13.80.

13.81.2 *Description of the Main Street North Zone and Main Street South Zone*

13.81.21 The Main Street North Zone is the aggregate area of the two legal parcels known as One Broadway (Assessor's Parcel 14-31), in its entirety.

13.81.22 The Main Street South Zone is the area defined by the eastern sideline of lot #15 on Assessor's Parcel 46, then the northern sideline of Memorial Drive, then the centerline of Wadsworth Street running north from Memorial Drive, then the centerline of Amherst Street running

west from Wadsworth Street , then the centerline of Hayward Street running north from Amherst Street to its intersection with a line 400 feet to the south of and parallel to the Main Street front property lines of lots abutting Main Street and located between Ames and Hayward Streets, then the easterly sideline of Ames Street from the parallel line to Main Street, then the southerly sideline of Main Street, but excluding lot #14 on Assessor's Parcel 48.

13.81.23 The Transitional Height Zone is the area defined by the eastern sideline of Ames Street, a line 400 feet to the south and parallel to the Main Street front lot lines of properties abutting Main Street and located between Ames and Hayward Streets, then the centerline of Hayward Street running south toward Amherst Street and then the centerline of Amherst Street running west to Ames Street.

13.81.24 The Memorial Drive Height Zone is the area defined by the eastern sideline of Ames Street, then the centerline of Amherst Street running east toward Wadsworth Street, then the centerline of Wadsworth Street running south toward Memorial Drive and then the northern sideline of Memorial Drive between Wadsworth and Ames Streets.

13.82 *Uses Allowed in the PUD-5 District.* The uses listed in this Section 13.82, alone or in combination with each other, shall be allowed upon permission of the Planning Board. Office and laboratory uses are preferred.

13.82.1 Residential Uses. All uses listed in Section 4.31(a-g) and (i)(2).

13.82.2 Transportation, Communication and Utility Uses. All uses listed in sections 4.32 except for railroad freight terminal, railroad yard and shops (4.32c), truck or bus terminal yard or building for storage or servicing of trucks, trailers or buses, or parking lot for trucks (4.32d), and helipad or airport (4.32h).

13.82.3 Institutional Uses. All uses listed in Section 4.33.

13.82.4 Office and Laboratory Uses. All uses listed in Section 4.34.

13.82.5 Retail Business and Consumer Service Establishments. All uses listed in Section 4.35.

13.82.6 Open Air or Drive in Retail & Service. All uses listed in Sections 4.36(a), (c) and (e).

13.82.7 Light Industry, Wholesale Business and Storage. 4.37(a), (b), (c) and (f).

13.82.8 Other Uses. Any use not listed in subsections 13.82.1 - 13.82.7 but permitted in the Office 2 or Business B-2 District.

13.82.9 Commercial Limitation. No more than an aggregate of 980,000 new square feet of Gross Floor Area of the types of uses listed in Sections 13.82.4-13.82.7 above shall be permitted in the PUD-5 District.

For purposes of this Section 13.82.9, "new" shall mean an amount of square feet of Gross Floor Area in excess of the amount of Gross Floor Area of the uses set forth in Section 13.82.4 -13.82.7 in existence in the PUD-5 District as of January 1, 2011. As part of the first application for a PUD special permit under the provisions of this Section 13.80, such existing Gross Floor Area for the entire PUD-5 District shall be identified as to quantity, type of use and location and such enumeration shall thereafter serve as the basis from which to administer this Section 13.82.9

[Example: if an existing building in the PUD-5 District containing 50,000 square feet of Gross Floor Area is demolished and a building containing 55,000 square feet of Gross Floor Area is constructed in its place, 5,000 square feet of Gross Floor Area would be considered "new."]

13.83 *Floor Area Ratio.*

13.83.1 The maximum total Floor Area Ratio of the PUD-5 District shall be 3.8 for all permitted uses. The Floor Area Ratio of any given Development Parcel may be greater than 3.8 as long as the overall Floor Area Ratio in the PUD-5 District does not exceed 3.8.

13.83.11 *Gross Floor Area Excluded from Calculation of FAR in the PUD-5 District*

- a. The Gross Floor Area devoted to residential uses, excluding hotels and motels, constructed after adoption of the Section 13.80 and authorized as part of an approved PUD-5 special permit.
- b. The area of above ground parking facilities in the District constructed in the Main Street North Zone that meets the requirements set forth in this Paragraph b. Any new above ground parking constructed in the Main Street North Zone shall have a design of a quality comparable to that of other, non-parking structures in the PUD-5 area and shall be screened with active uses to the maximum extent possible, but at least where it is likely to be viewed from the public streets within the PUD-5 District.
- c. Notwithstanding any other provision of the Zoning Ordinance, including the definition of Gross Floor Area in Article 2.000, the Gross Floor Area of a public theater or gathering space in the PUD-5 District shall include only publicly accessible, above grade, circulation, performance, and amenity spaces as measured from the interior face of walls of each space provided that all other dimensional requirements,

limitation on the permitted number of seats, or other requirements imposed under a PUD-5 District Special Permit are satisfied.

- d. The area of any public transportation facility directly providing public transportation services that is owned or controlled by a public transportation governmental agency.

13.84 Parcel and Lot Sizes. The minimum size for a Development Parcel in the PUD-5 District shall be 25,000 square feet. There shall be no minimum lot size for lots within a Development Parcel in the PUD-5 District.

13.85 Setbacks and Width. There shall be no minimum width for a Development Parcel and no minimum width for lots located within a Development Parcel. There shall be no other minimum required front, rear and side yard requirements for a Development Parcel or for lots located within a Development Parcel. The Planning Board shall approve all such building setbacks.

13.85.1 Where new commercial buildings are constructed in the PUD-5 District, sidewalks along Main Street shall have a minimum width of 15 feet. Where such width is not provided in the public right of way, it shall be provided within the Development Parcel as a building setback unless otherwise approved by the Planning Board.

13.85.2 New commercial buildings along Main Street containing uses set forth in Sections 13.82.4 -13.82.7 above in the PUD-5 District must be set back ten (10) feet from the streetline of Main Street at and above a point eighty-five (85) feet above grade. Up to one-third of the façade length on a cumulative basis may be exempt from this requirement.

13.86 Height

13.86.1 In the Main Street North and South Zones, the maximum height of any building shall be 250 feet, except as permitted by Sections 13.86.11 and 13.86.12.

13.86.11 The Planning Board may approve a Final Development Plan that results in no more than one new building exceeding 250 feet up to 300 feet in height in the Main Street North Zone and one additional building up to 300 feet in height in the Main Street South Zone; provided that those floors in a new building that are above the 250 foot line shall have a maximum floorplate of 22,000 square feet.

13.86.12 In evaluating a Development Proposal providing building height in excess of two hundred fifty (250) feet, the Planning Board shall give consideration to evidence presented on the following:

(a) that increased height will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity or outdoor open spaces, plazas or sidewalks meant to serve as active gathering spaces to a significantly greater extent than if the building height did not exceed two hundred fifty (250) feet;

(b) that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space, and monotonous development, or would facilitate the preservation of historic structures;

(c) that increased height would not adversely affect, and would result in increased sensitivity to, the visual and physical characteristic of the particular location through more harmonious relationships to the terrain and to the proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building;

(d) that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and

(d) that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the development parcel.

- 13.86.2** In the Transitional Height Zone, the maximum height of any building shall be 200 feet.
- 13.86.3** In the Memorial Drive Height Zone, the maximum height of any building shall be 150 feet.
- 13.86.4** If at least 50% of the area of the ground floor footprint of a building is located within a higher height zone in the PUD-5 District, a portion of the building at the higher height may extend into the adjacent lower height zone by no more than 50 feet.
- 13.87** *Publicly Beneficial Open Space.* The minimum overall percentage of Publicly Beneficial Open Space of the total area of the PUD-5 District shall be fifteen percent (15%). The percentage any given Final Development Plan may be less than 15% as long as the overall ratio in the PUD-5 District is not less than 15%.
- 13.88** *Parking and Loading Requirements.* Development in the PUD-5 district shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.88.
- 13.88.1** Provided that the requirements of Section 6.23 of the Ordinance are met, the parking requirements of this Section 13.88; may be satisfied anywhere in the

PUD-5 District or, if located outside of the PUD-5 District, within 2,000 feet of the use being served, notwithstanding anything to the contrary contained in Article 6.000.

- 13.88.2 No minimum parking shall be required. However, the Planning Board in its discretion, after review and analysis of Transportation Impact Studies and other relevant information on parking demand provided in application documents, and with the guidance of City agencies, may require the provision of a minimum amount of parking in an amount it deems appropriate. Maximum allowed parking shall be limited as described below unless a waiver of maximum parking is requested under the general provisions of Article 6.000.
- 13.88.3 Maximum of 0.9 spaces per 1,000 square feet of Gross Floor Area shall be provided for office uses (including technical office and laboratory uses).
- 13.88.4 Maximum of 0.5 spaces per residential dwelling unit.
- 13.88.5 Maximum of 0.5 spaces per 1,000 square feet of retail and other commercial use.
- 13.88.6 Maximum of 1 space per 2 sleeping rooms for hotel use.
- 13.88.7 The Planning Board may allow shared use of off street parking in any proportion it determines to be appropriate if it finds that the lesser amount of parking will not cause excessive congestion, will not endanger public safety, will not substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, and will provide positive environmental or other benefits to the users of the lot or the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units. In making such findings, the Planning Board shall consider whether or not less off street parking is reasonable in light of the following:
 - (1) the proximity of an MBTA transit station and other modes of public transportation in the vicinity of the use being served;
 - (2) the availability of pedestrian and bicycle amenities in the vicinity of the use being served;
 - (3) the availability of surplus off street parking in the vicinity of the use being served;
 - (4) the availability of public or commercial parking facilities in the vicinity of the use being served provided the requirements of Section 6.23 are satisfied;
 - (5) shared uses of off street parking spaces serving other uses having peak user demands at different times;

- (6) age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- (7) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, significant negative impact on the historic resources on the lot, impairment of the urban design objectives of the city as set forth in Section 19.30 of the Zoning Ordinance, or loss of pedestrian amenities along public ways; and
- (8) the provision of required parking for developments containing affordable housing units will increase the cost of the development, will require variance relief from other zoning requirements applicable to the development because of limitations of space on the lot, or will significantly diminish the environmental quality for all residents of the development.

13.88.8 *Design, Dimensional, and Other Requirements of Provided Parking*

- (1) All parking for nonresidential and noninstitutional shall be underground structured parking. Notwithstanding this underground parking requirement, parking for all uses in the Main Street North Zone may be in above ground structured parking consistent with the existing structured parking in the Zone.
- (2) A Development Parcel may contain on grade parking equal in number to 5% of the parking otherwise required for the uses in the Final Development Plan for that Development Parcel.
- (3) In its approval of a Final Development Plan, the Planning Board may approve the location, layout and design of parking spaces which deviate from the requirements of Article 6.000.

13.88.9 *Temporary On-Grade Open Parking*

On an interim basis in anticipation of later construction of underground or other structured parking sufficient to meet all parking requirements, on grade open parking shall be allowed in a Development Parcel subject to the following conditions:

- (1) The future underground parking structure will be constructed within the PUD-5 District but it may be located either on or off of the lot which it will serve;
- (2) Construction of the replacement subsurface parking structure is anticipated to commence within four years of the date of certificate of occupancy for the building initially served by on grade parking;

- (3) The future subsurface parking structure will contain sufficient spaces for users of the building initially served by on grade open parking so as to meet the parking requirements for such building; and
- (4) Binding commitments shall exist to establish, to the reasonable satisfaction of the Planning Board, that requirements (1) through (3) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, or comparable legal instrument.

13.88.10 *Pre-Existing Parking Spaces*

- (1) The Planning Board may approve in a Final Development Plan underground structured parking spaces as replacements for pre-existing spaces that will be displaced by improvements contemplated by such Final Development Plan.
- (2) Where any pre-existing accessory off-street parking facilities located in a Development Parcel, that are serving a pre-existing use located outside the Development Parcel (whether within or outside the PUD-5 District), are proposed to be eliminated or displaced in accordance with the Final Development Plan for that Development Parcel, such pre-existing off-street parking may be relocated by Special Permit granted by the Planning Board to the owner of the off-site use. In granting such Special Permit, the Planning Board may grant deviations from the requirements of Article 6.000 of this Ordinance for the number, location, layout and design of the relocated parking spaces.
- (3) Such replacement or relocated spaces shall not count toward the maximum parking permitted under this Section 13.88.

13.88.11 Provided that the requirements of Section 6.23 of the Ordinance are met, the parking requirements of this Section 13.88, may be satisfied anywhere in the PUD-5 District or within 2,000 feet of the use being served notwithstanding anything to the contrary contained in Article 6.000.

13.88.12 Loading bays for any use within the PUD-5 District may be located on the same lot with the use intended to be served or on another lot in the PUD-5 District within fifty feet (50 feet) of the use intended to be served. The distance shall be measured as a straight line from the nearest point of the lot on which the loading bay is located to the nearest street line or other boundary of the lot being served.

13.88.13 The Planning Board may accept a Development Proposal and approve a Final Development Plan with loading facilities proposed to be shared by various uses and lots within the PUD-5 District.

13.89 *Signage.* The provisions of Article 7 of the Ordinance shall not be applicable in the PUD-5 District. The Planning Board shall approve all signage for new development in the PUD-5 District.

13.810 *Special Requirements, Conditions and Standards Applicable to Certain Development Authorized by the Planning Board in the PUD-5 District.* The Planning Board shall approve a Final Development Plan only after finding that in addition to all other applicable requirements the following requirements have been met. The Planning Board shall, in addition, include conditions in the approval of a Final Development Plan that will ensure ongoing compliance with these requirements.

13.810.1 *Rooftop Mechanical Equipment Noise Mitigation.* Sound emanating from rooftop mechanical equipment on all new structures in an approved Final Development Plan shall be minimized by the adoption of best available and feasible practices regarding the location and sizing of equipment, the selection of equipment and sound attenuation measures.

13.810.2 *Required Housing.*

At least 120,000 square feet of gross floor area in the aggregate must be devoted to new residential uses in the PUD-5 District. The new residential units shall contain at least 24,000 square feet of Gross Floor Area of housing affordable to middle income households whose total income does not exceed one hundred twenty (120%) percent of the median income for the Boston Standard Metropolitan Statistical Area and at least 18,000 square feet of Gross Floor Area of housing affordable to low and moderate income households whose total income does not exceed eighty (80%) percent of the median income for the Boston Standard Metropolitan Statistical Area.

The new residential uses shall be constructed in accordance with the following schedule:

- (1) Construction of the first 60,000 square feet of Gross Floor Area of required residential uses must commence prior to the issuance of a building permit allowing commercial Gross Floor Area in excess of 600,000 square feet of new Gross Floor Area in the aggregate.
- (2) Construction of the remaining 60,000 square feet of Gross Floor Area of required residential uses shall commence no later than the later of (a) issuance of a building permit allowing commercial Gross Floor Area in excess of 800,000 square feet of new Gross Floor Area in the aggregate or (b) eight years after the grant of a Special Permit approving a Final Development Plan for commercial Gross Floor Area in excess of said 800,000 square feet of new Gross Floor Area in the aggregate.

The required residential Gross Floor Area shall not be subject to the provisions of Section 11.200 of the Zoning Ordinance. The required

residential Gross floor Area shall specifically not be eligible for the FAR and dwelling unit bonuses set forth in Section 11.203.2.

Notwithstanding the exclusion of the 120,000 square feet of Gross Floor Area to be devoted to residential uses from the provisions of Section 11.200, the required low and moderate income units shall be constructed, marketed and administered in conformance with the requirements, policies and procedures established by the City for units otherwise subject to Section 11.200.

Residential Gross Floor Area approved in any Final Development Plan that would exceed 120,000 square feet of Gross Floor Area shall be subject to the FAR limitations of the PUD Districts and shall be subject to the provisions of Section 11.200.

Incentive Zoning Provisions.

A PUD Final Development Plan subject to the provisions of this Section 13.810 shall provide to the Cambridge community significant material benefits in the form of, among other things, a significant component of housing serving households with a wide range of incomes at least equivalent to the housing which would have been provided pursuant to Sections 11.203.1 and 11.203.2, an active program to establish and support retail activities within the development, and measures to monitor and manage noise generation within the development; therefore, any such Final Development Plan shall not be subject to the requirements of Section 11.203.1 and 11.203.2 of the Zoning Ordinance.

13.810.3 Active Uses and Pedestrian Activity.

A Final Development Plan shall enhance the public pedestrian usage of the sidewalks and create a sense of neighborhood continuity by providing an interesting, lively and active presence at street level. Accordingly, portions of the ground floors of buildings in locations such as the ones enumerated below, or comparable locations, shall generally be planned, designed, constructed and used for Active Uses (defined below). At a minimum, upon completion of new commercial development in the PUD-5 District, a total of at least 60,000 square feet of Gross Floor Area in the PUD-5 District shall be devoted to Active Uses.

Definition of Active Uses. For purposes of this Section 13.810.3, "Active Uses" means:

- (1) Retail business and consumer service establishments listed in Section 4.35;
- (2) Institutional uses that are generally open to the public, such as museums and exhibition spaces;
- (3) Open Air and Drive In Retail and Service uses listed in Section 4.36(a); and

- (4) Other uses which the Planning Board determines meet the goals of this Section 13.810.3.

Location of Active Uses.

While Active Uses are desirable and encouraged at many locations throughout the PUD-5 District, potential locations of Active Uses of particular merit include portions of buildings and sites facing Main Street, Broadway and Third Street.

The Planning Board shall have flexibility in approving the actual location of Active Uses in a Final Development Plan. In order to preserve such flexibility, all ground floor space facing a public street or publicly accessible open space in an approved Final Development Plan, whether or not in one of the potential locations for Active Uses described above, shall contain design features which could accommodate future Active Uses.

Building and Site Design Requirements for Active Uses and Open Spaces.

- (1) Active Uses shall have one or more entrance(s) from the sidewalk or plaza separate from the principal entrance of the building for non-retail uses.
- (2) Where the length of a commercial building's primary facade exceeds 135 feet, loading, service, and garage ramp areas shall occur behind no more than one third (1/3) of ground level facade length facing a public or private street or plaza. Along the remaining two-thirds (2/3) of ground level facade length, transparent glazing shall make up at least 40% of ground-level facade area, and areas of opaque wall may extend no more than 25 feet horizontally.
- (3) Outdoor courtyards, delineated gathering space, or sitting areas are encouraged throughout each Development Parcel in any approved Final Development Plan.

Prior to submitting any application for a special permit in the PUD-5 District, the applicant shall engage the services of a consultant or other party with retail expertise to advise the applicant in connection with retail and other Active Uses to be included in the applicable Development Parcel. The recommendations of that consultant shall be included in the applicable special permit application.

Reduction in Required Active Uses.

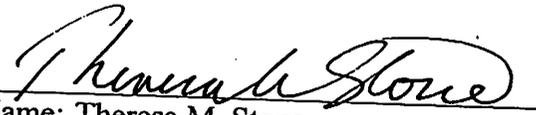
The requirements for Active Uses contained in this Section 13.810.3 are predicated on the full potential commercial build out in the PUD-5 District as permitted in Article 13.800. If a material portion of the full potential commercial build out cannot be attained by reason of a governmental decision or action, then this Section 13.810.3 shall not apply, and the Planning Board shall approve the amount and design of Active Uses in each Final Development Plan on a case by case basis. By way of example, but not limitation, a requirement to preserve a building deemed to be historically significant which renders it impractical or impossible to provide the types of Active

Uses contemplated in this Section, would trigger the foregoing provisions of this paragraph.

13.811 *Inapplicability of Certain Other Regulations.* Where this Article 13.800 specifies some standard or makes some other requirement contrary to a requirement elsewhere in this Ordinance, the provisions of this Article 13.800 shall control.

This zoning petition for amendment of the Zoning Ordinance and Zoning Map of the City of Cambridge is respectfully submitted by the owner of the land to be affected by the changes, for consideration and adoption by the Cambridge City Council in accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 5.

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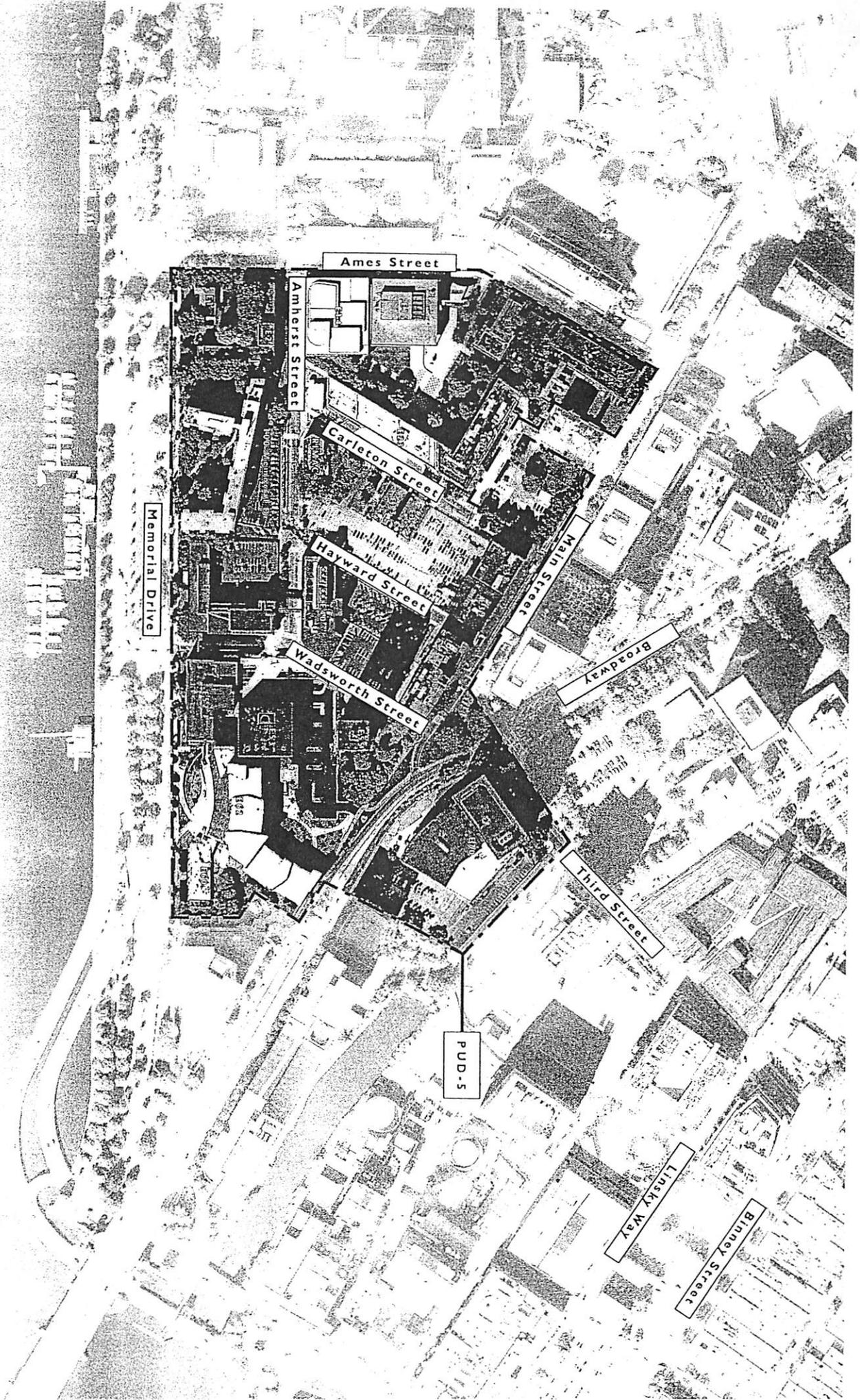
By: 
Name: Theresa M. Stone
Title: Executive Vice-President and Treasurer

KENDALL SQUARE INITIATIVE
MASSACHUSETTS INSTITUTE OF TECHNOLOGY

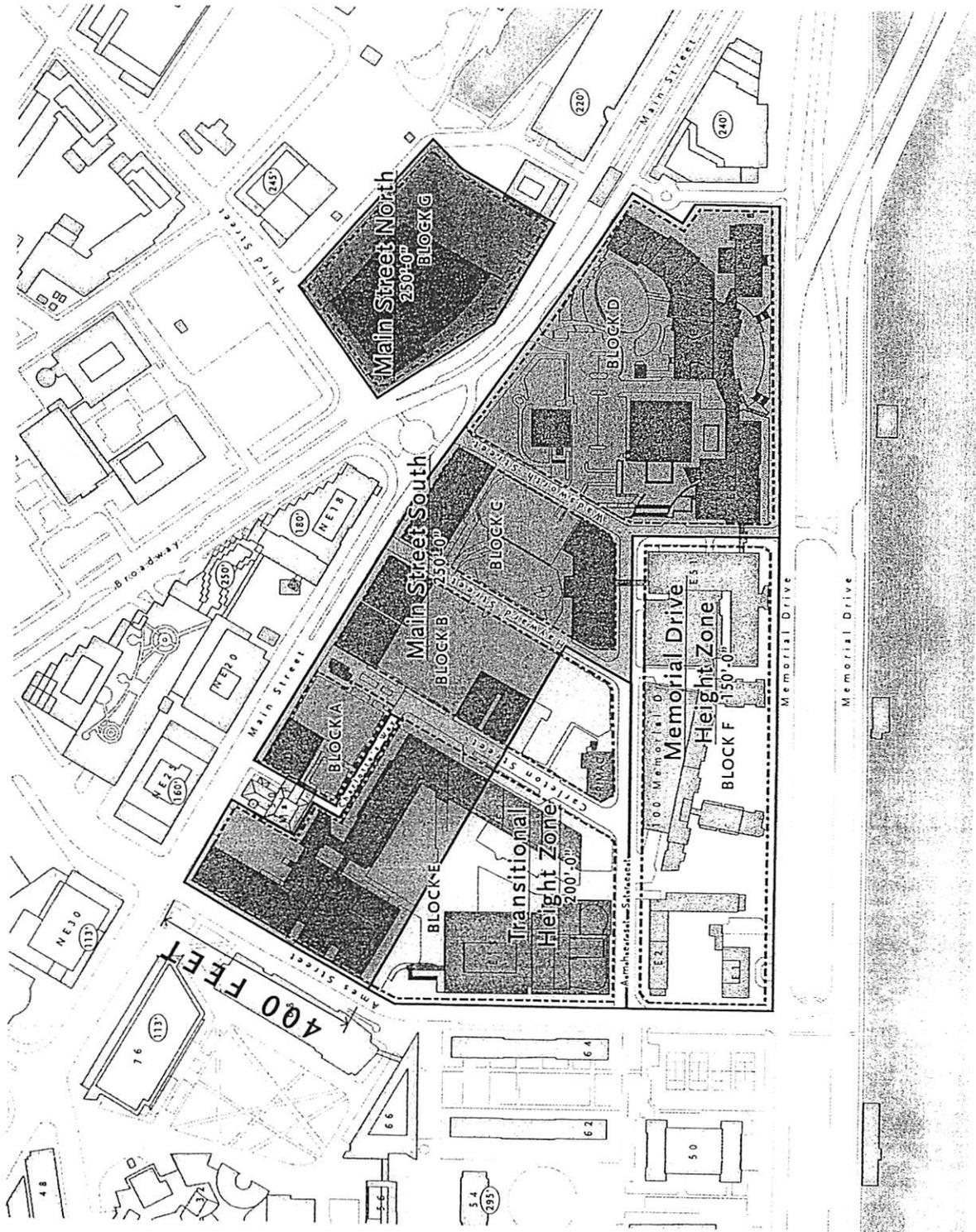


ELITE | MANAGED

Proposed PUD-5 District



A14



PROPOSED BUILDING HEIGHT ZONE



ELLEN MARPETH ARCHITECTS

MITIMCO

KENDALL SQUARE INITIATIVE
MASSACHUSETTS INSTITUTE OF TECHNOLOGY

ENHANCING KENDALL SQUARE

Presentation to Cambridge Planning Board 7/12/11

Presentation to Cambridge City Council 7/13/11



MASSACHUSETTS INSTITUTE OF TECHNOLOGY
INVESTMENT MANAGEMENT COMPANY

Presenters

Steven Marsh, Managing Director, Real Estate
MIT Investment Management Company

Michael Owu, Director, Real Estate
MIT Investment Management Company

David Manfredi FAIA, LEED AP, Principal
Elkus Manfredi Architects

Jeremy Grossman, Senior VP / Principal
CBRE / Grossman Retail Advisors

Dan Biederman, President
Biederman Redevelopment Ventures Corp.

“America’s future

economic growth and international competitiveness
depend on our capacity to
innovate.”

President Obama’s Strategy
for American Innovation, 2011

Why innovation is so important...

There are two major forces we read about every day

- emerging countries like India and China are competing vigorously and have low cost advantage
- the United States is burdened by heavy debt loads

In order to survive and prosper

as a city, region and as a nation

we need innovation to spur economic growth.

Others are taking competitive action...

Others are understanding the importance of innovation and are taking competitive action

- globally in Europe and Asia
- locally as in Boston's Innovation District (Vertex) and Lexington's R&D campuses (Shire), often supported by public subsidies.

MIT's Role...

- a basic research anchor
- facilitator in the innovation environment through tech transfer and land development
- working on solving some of the world's most profound problems.

Cambridge's Kendall Square...

is one of the world's most successful innovation clusters

- but needs to continually evolve to compete
- requires enhanced interaction, with places to gather, socialize and collaborate.
- currently constrained by limited capacity

Innovation is far more productive

with proximity of many innovators.

It needs to be in Kendall Square.

Statement of Goals

- create a destination gathering place with lifestyle amenities and services
- establish a vibrant gateway and connective link between the Institute, the central business district, and the Cambridge community
- provide space for both new innovative academic initiatives and commercial enterprises

KENDALL SQUARE PROCESS

Michael Owu, Director, Real Estate
MIT Investment Management Company

Team

MIT Investment Management Company

Redgate Real Estate Advisors LLC

Elkus Manfredi Architects

Prellwitz / Chilinski Associates Inc.

Biederman Redevelopment Ventures Corp.

CBRE / Grossman Retail Advisors

Vanasse Hangen Brustlin, Inc.

Nitsch Engineering

What we have heard...

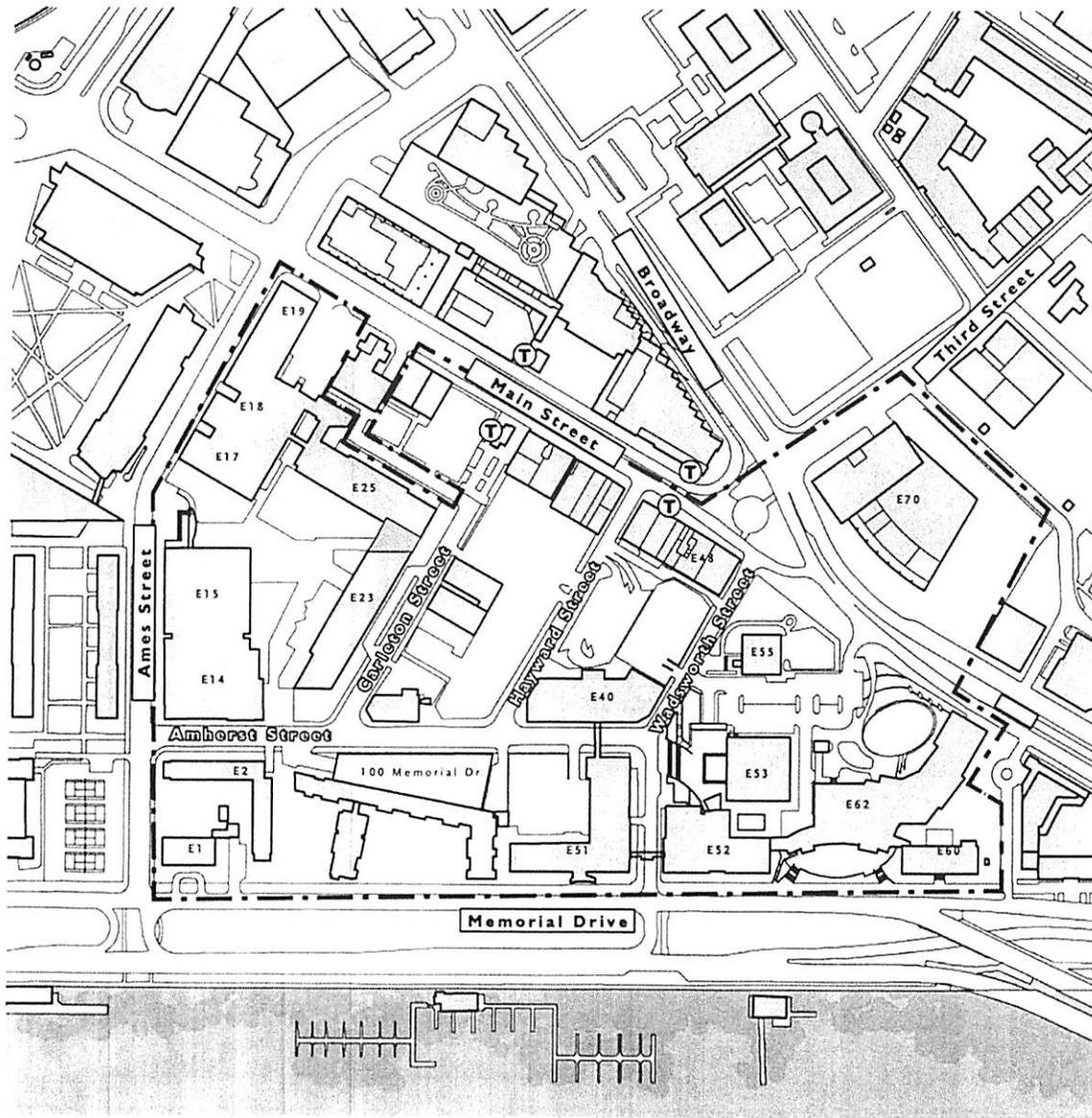
- broad support for doing this in Kendall Square
- the desire to understand this proposal within the larger context of Kendall Square and East Cambridge
- the need for more specifics about street level / retail uses
- the desire for specific, location-based placemaking
- the desire to increase the residential component of the proposal
- the need to consider the historic context of Kendall Square.

What we have done...

- commissioned Prellwitz / Chilinski Associates to initiate an urban design study of land use, identity and placemaking for the larger Kendall Square neighborhood
- engaged with Goody Clancy, the City's consultant who has undertaken a planning study for both Central and Kendall Squares
- added urban retail leasing experts CBRE / Grossman Retail Advisors to develop a more specific "merchandising plan"
- added Biederman Redevelopment Ventures to advise on the programming, planning and identity of the public realm
- increased the housing component to 120,000 sf
– approximately 120 units of housing
- evaluating ways to balance the historic context and the placemaking goals.

**URBAN DESIGN
GOALS AND
EXISTING CONDITIONS**

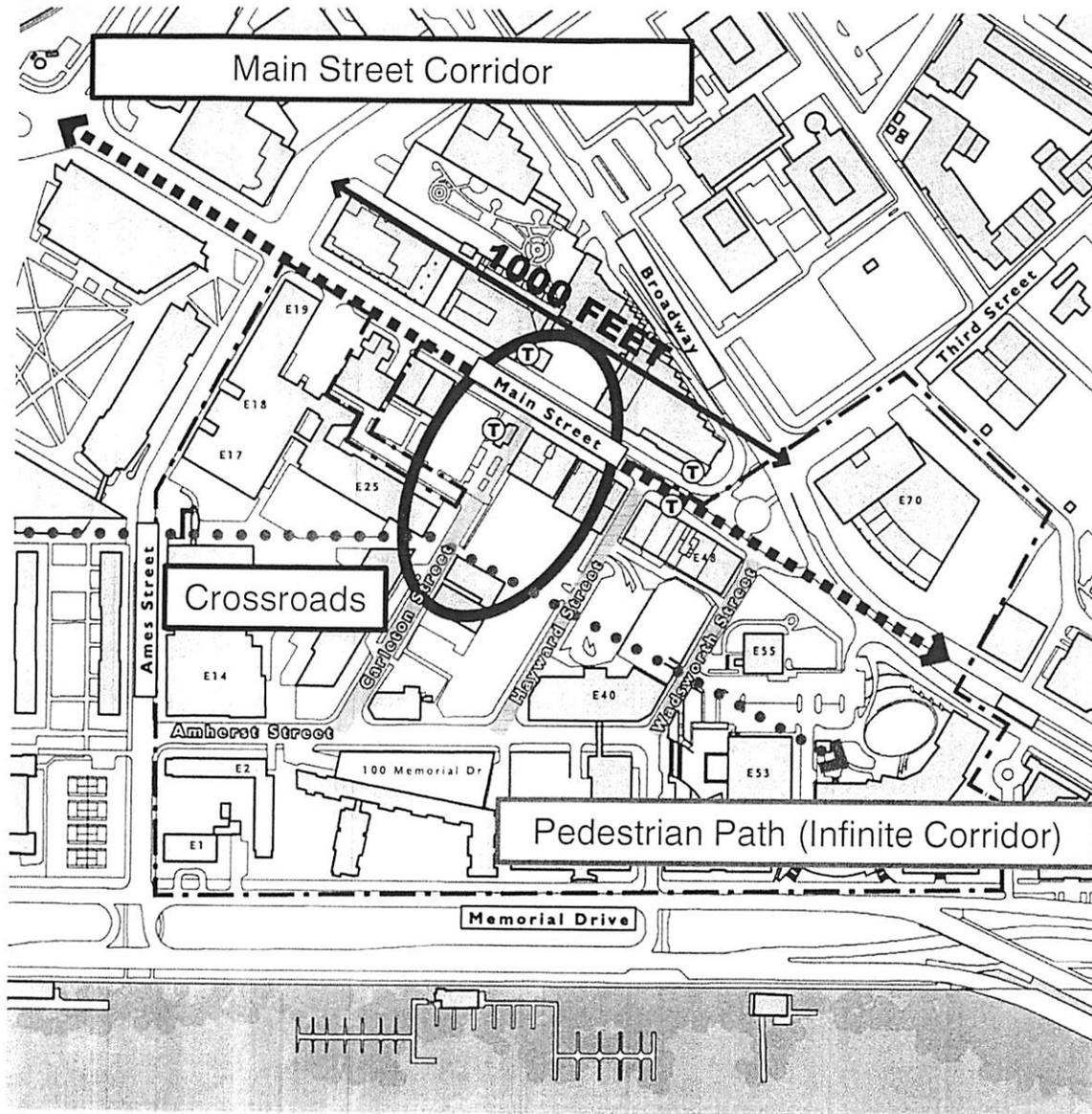
David Manfredi FAIA, LEED AP, Principal
Elkus Manfredi Architects



Proposed PUD-5

Urban Design Goals

- create places that expand the public realm and become a “common ground”
- respect the historic grid and scale of streets
- make more and better connections between community, commercial and academic land uses
- provide building opportunities for innovation tenants
- contribute to an integrated mix of uses in the district
- establish a prominent, welcoming new gateway to the Institute.



Location represents...

- The confluence of commercial Main Street and the academic spine
- The heart of public transit
- Adjacency to the Cambridge Center plaza
- A new gateway to MIT.

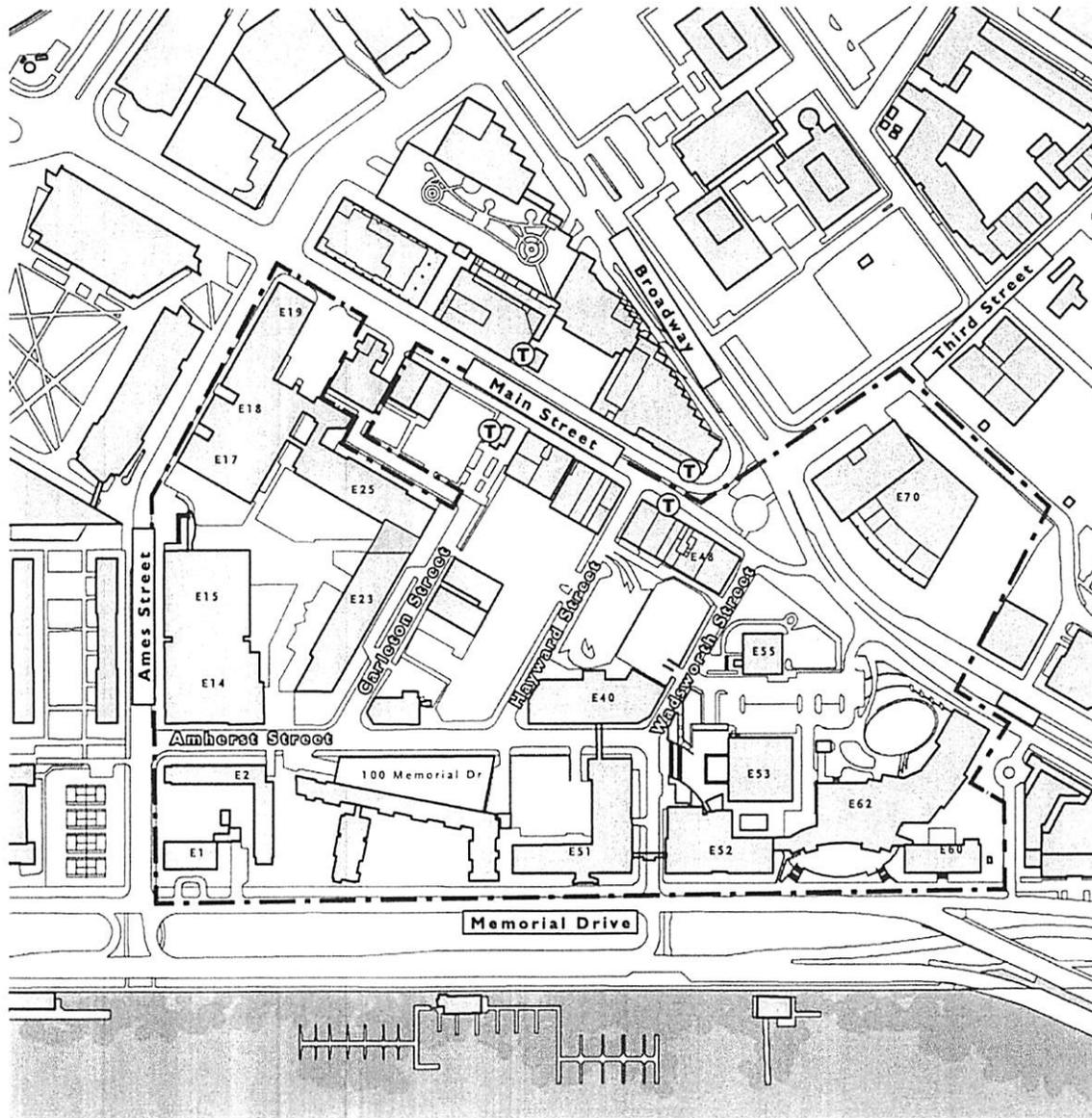
Existing Conditions : Desire Lines

PLANNING FOR

PLACE

INNOVATION

RESIDENTIAL



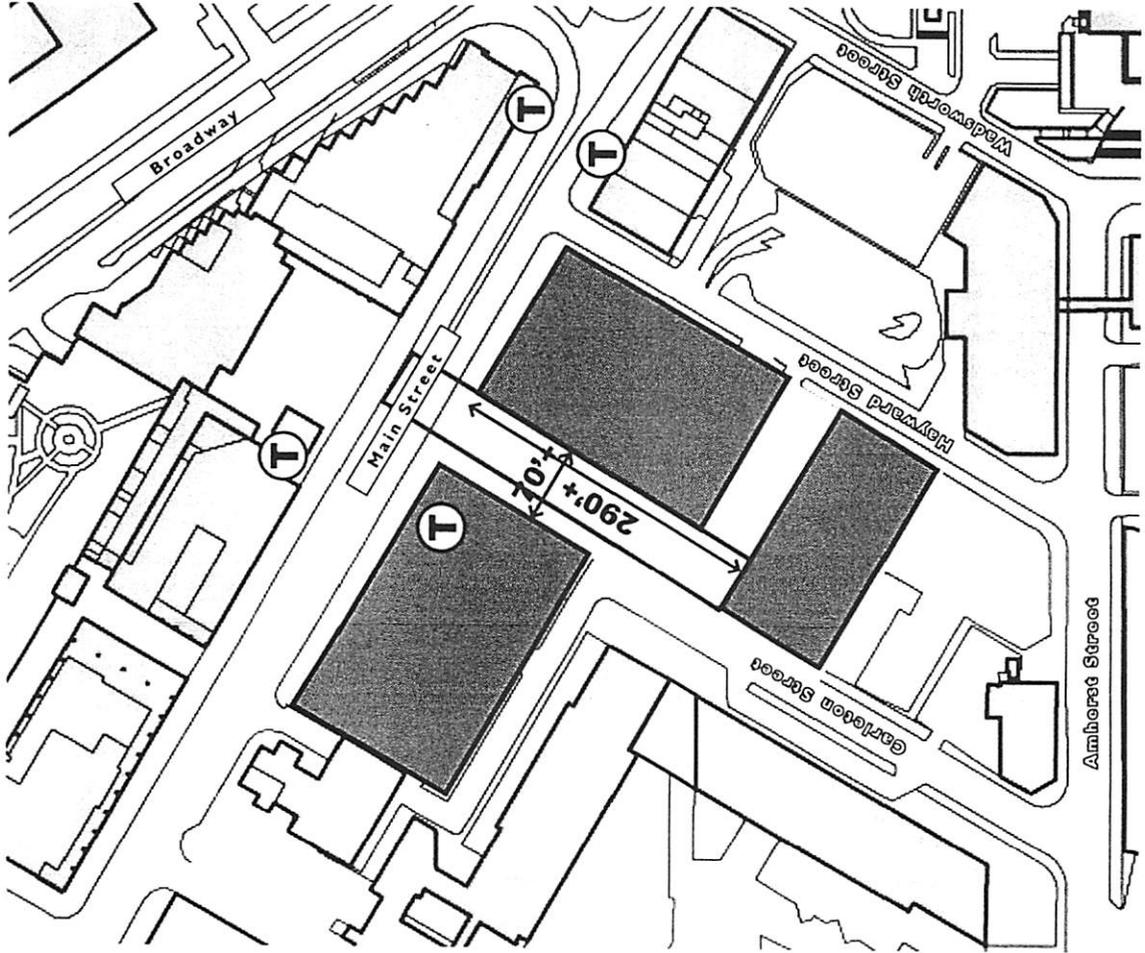
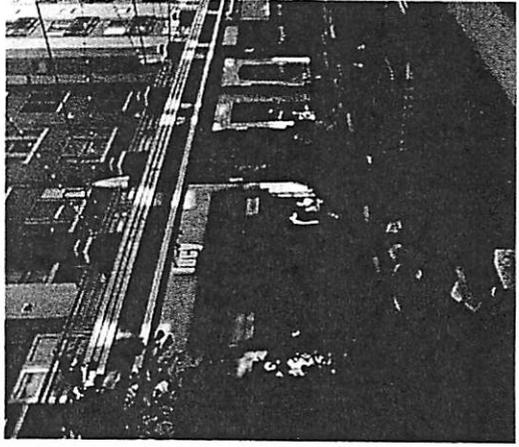
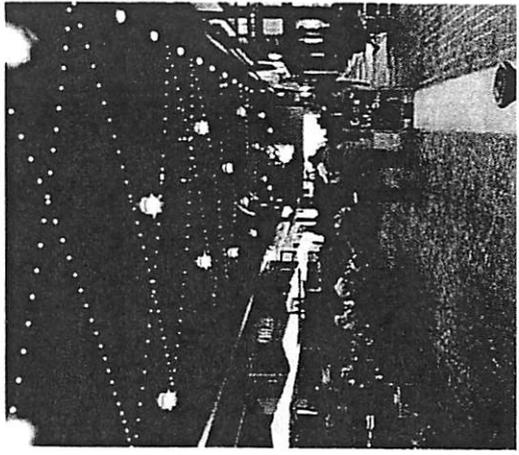
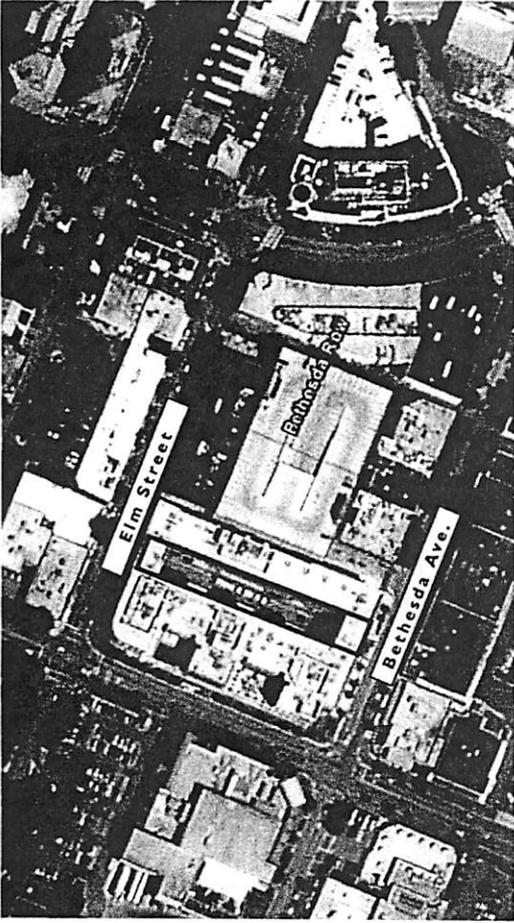
Proposed PUD-5

Urban Design Goals

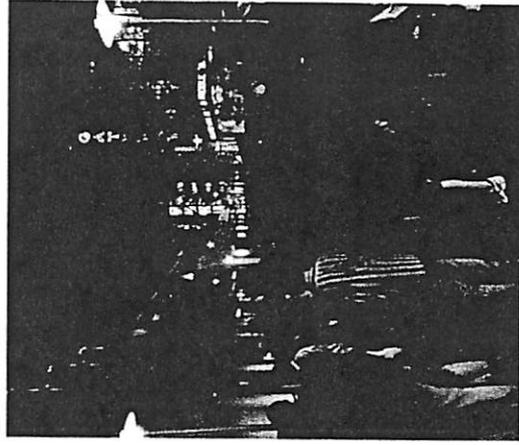
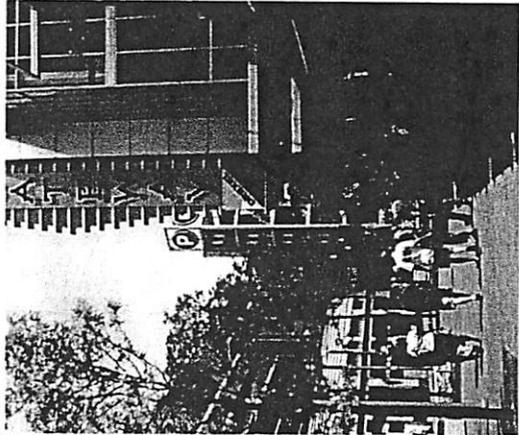
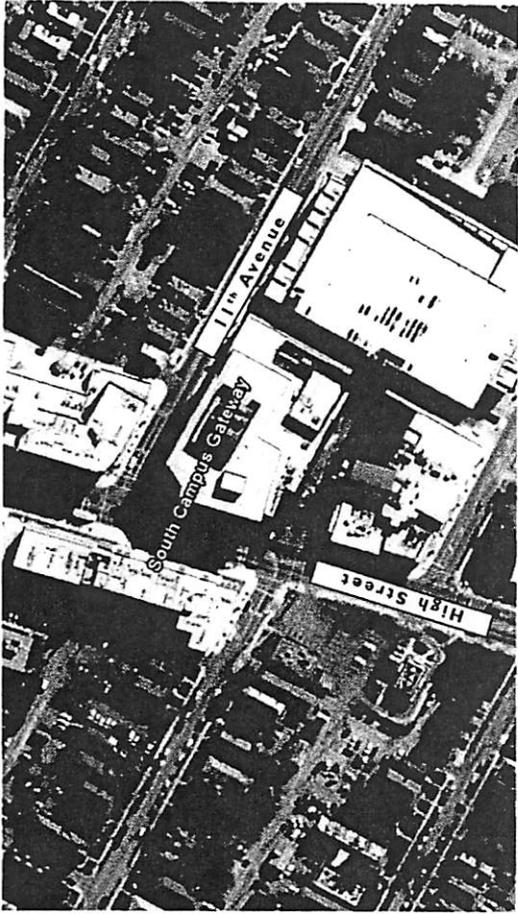
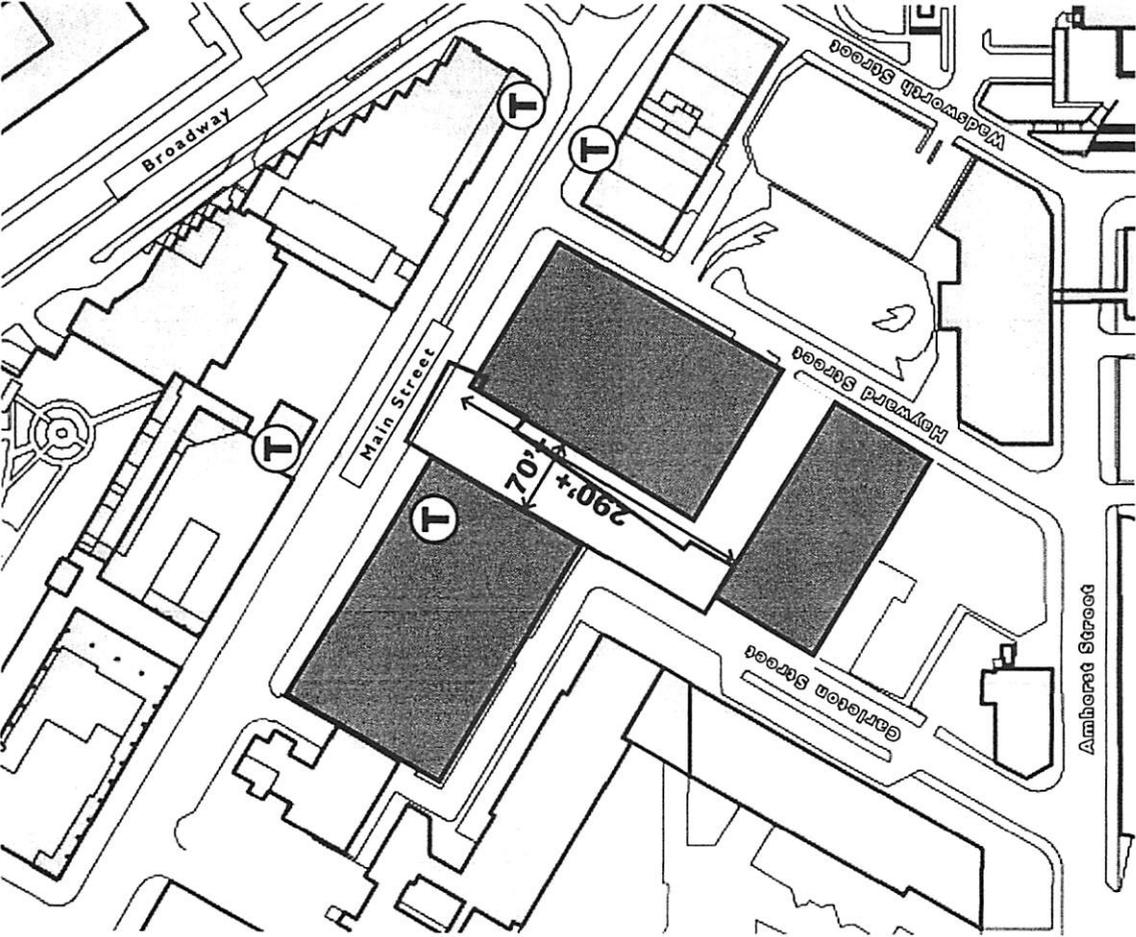
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Precedents for Comparable Urban Public Spaces

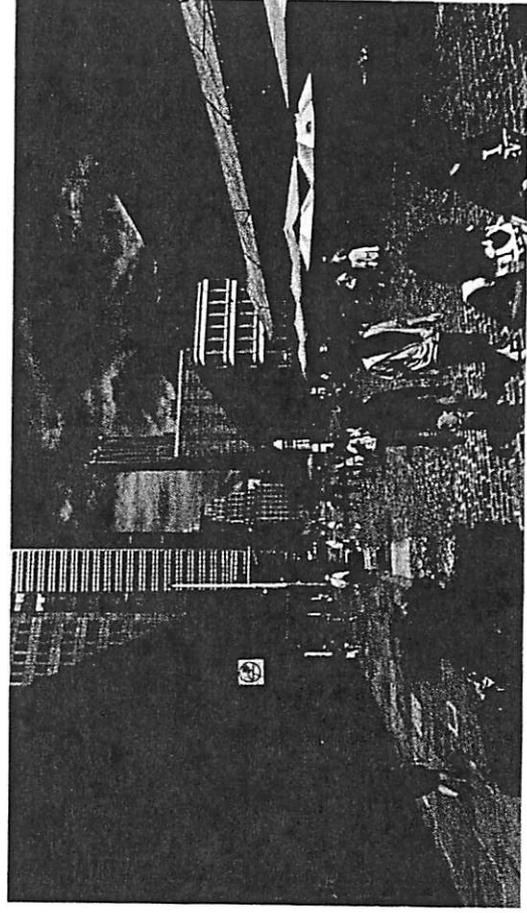
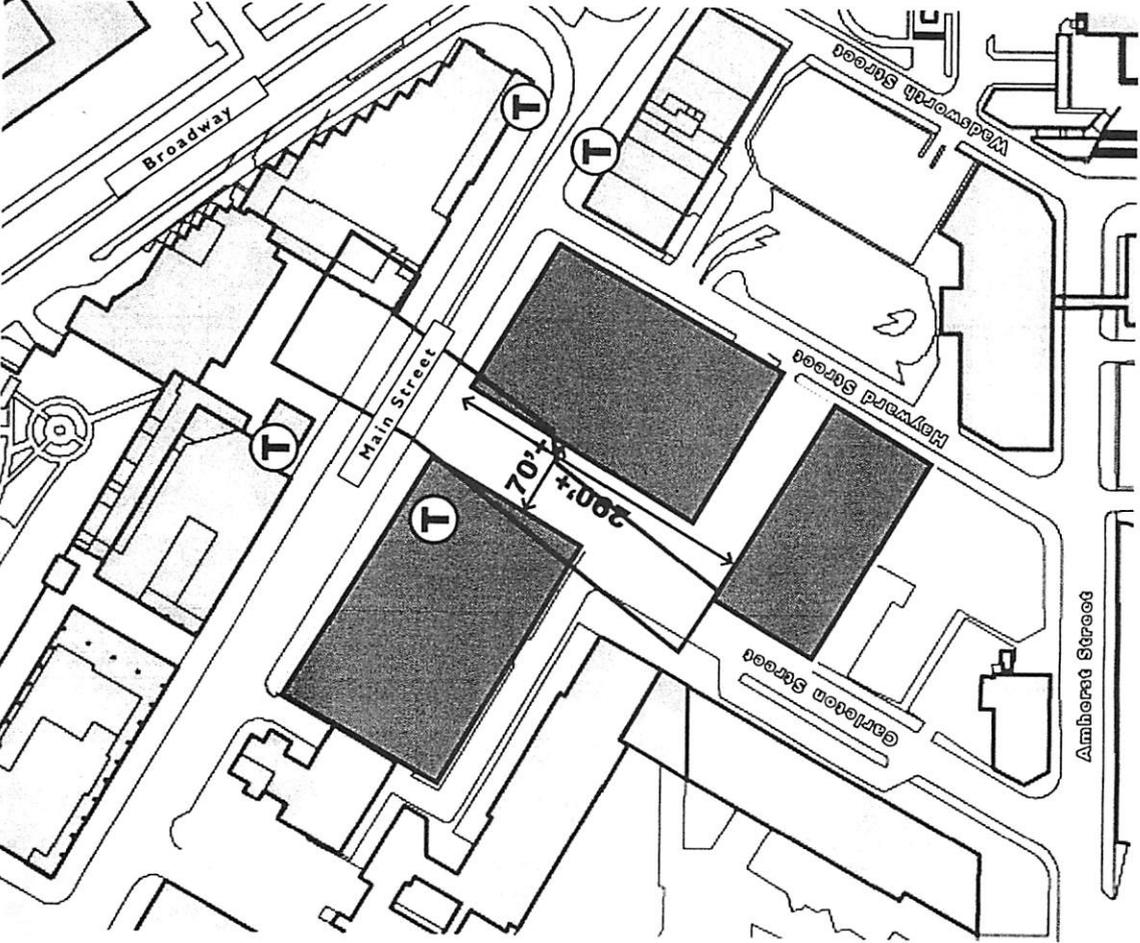
- Bethesda Row, Bethesda, Maryland
- South Campus Gateway, The Ohio State University, Columbus, Ohio
- South Street Seaport, New York, New York
- Church Street, Burlington, Vermont
- Palmer Square, Princeton, New Jersey



Comparison : Bethesda Row
Bethesda, MD

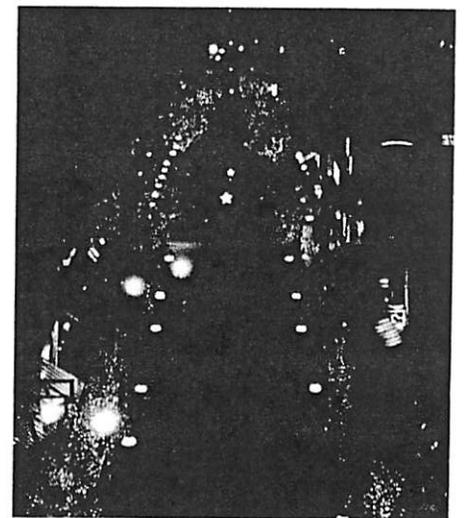
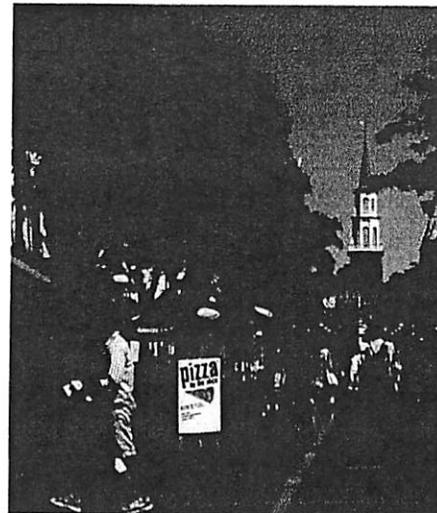
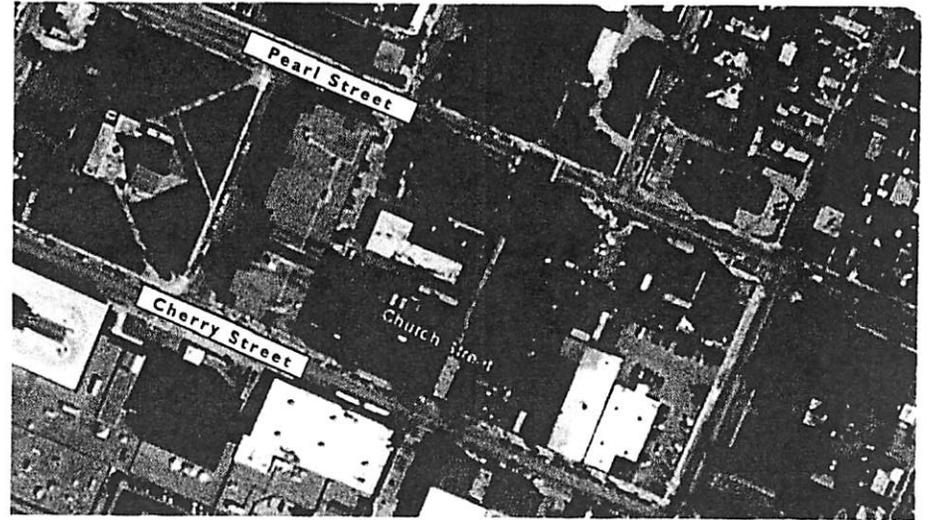
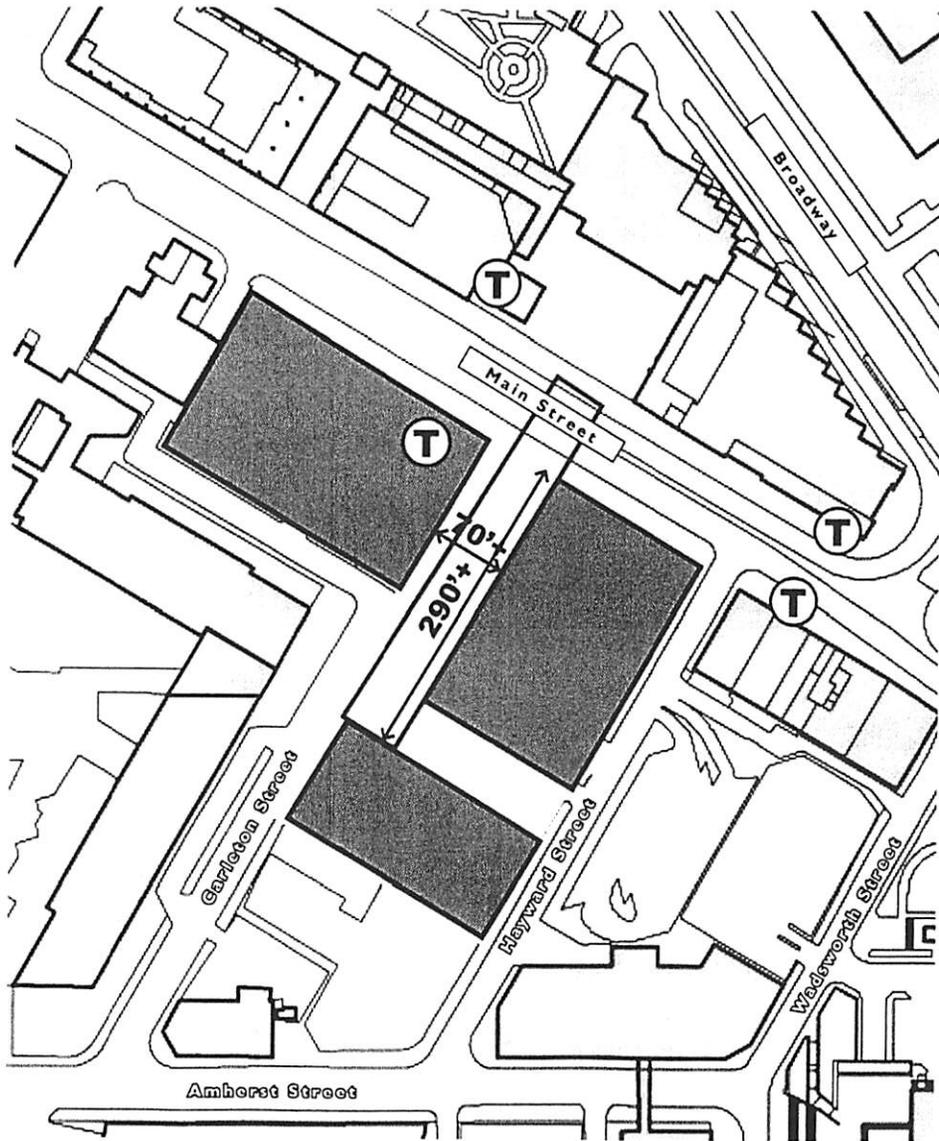


Comparison : South Campus Gateway
Columbus, OH

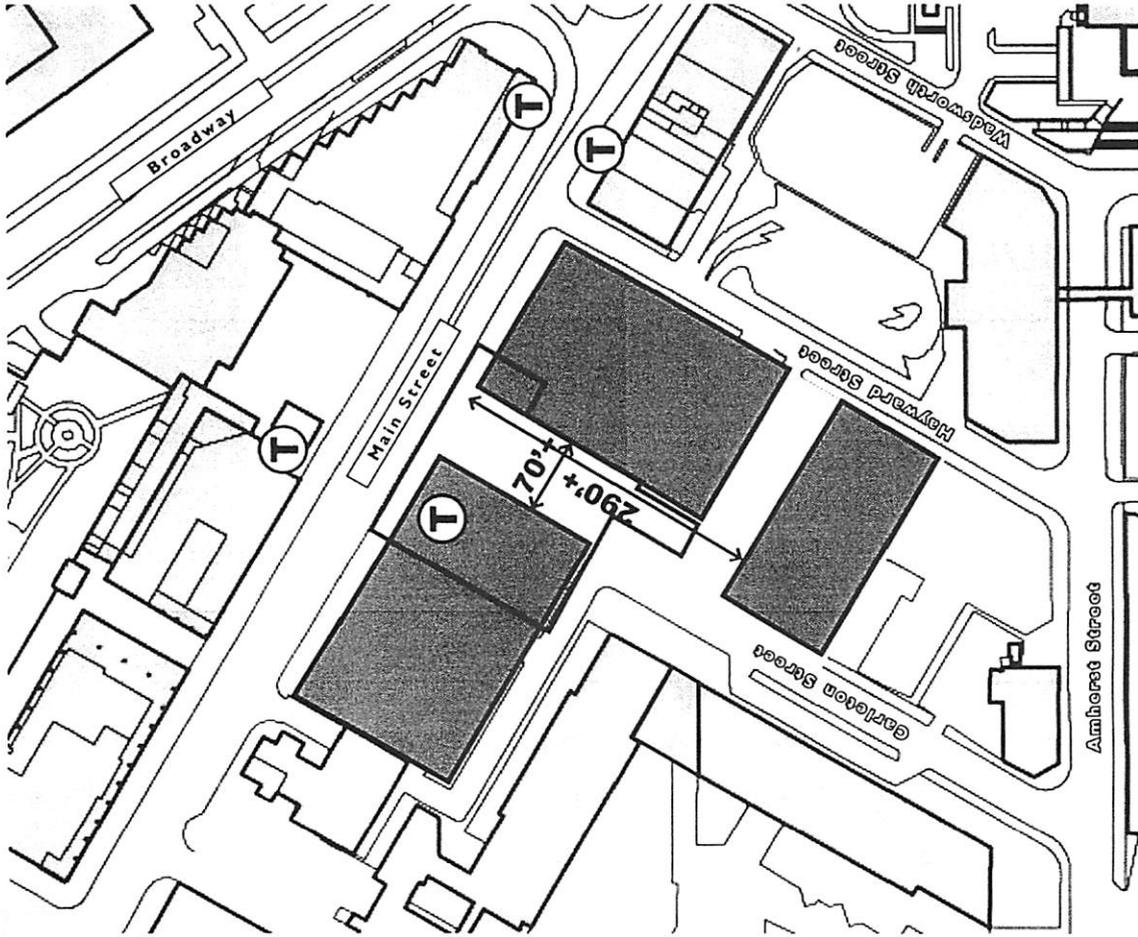
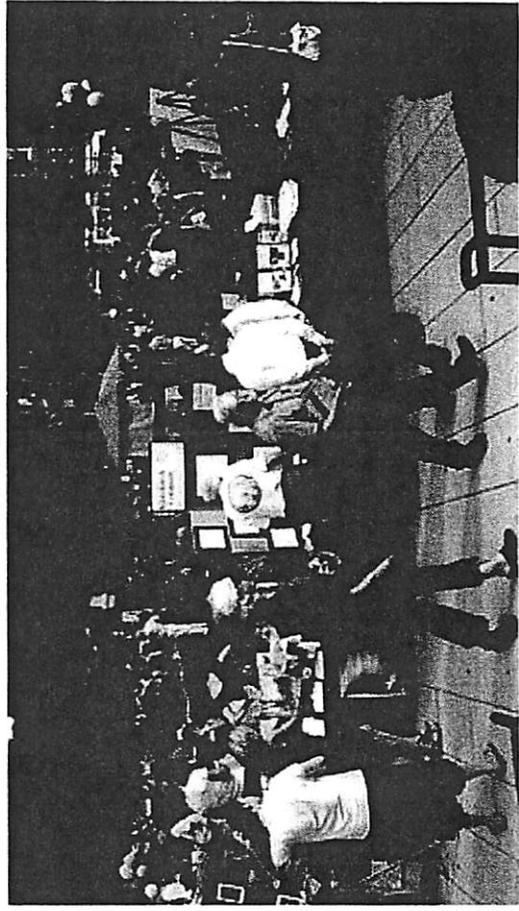
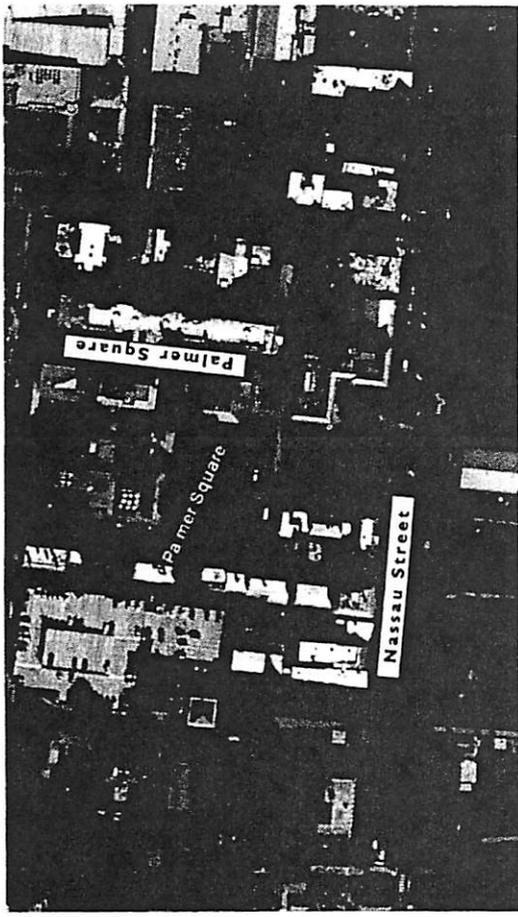


Comparison : South Street Seaport

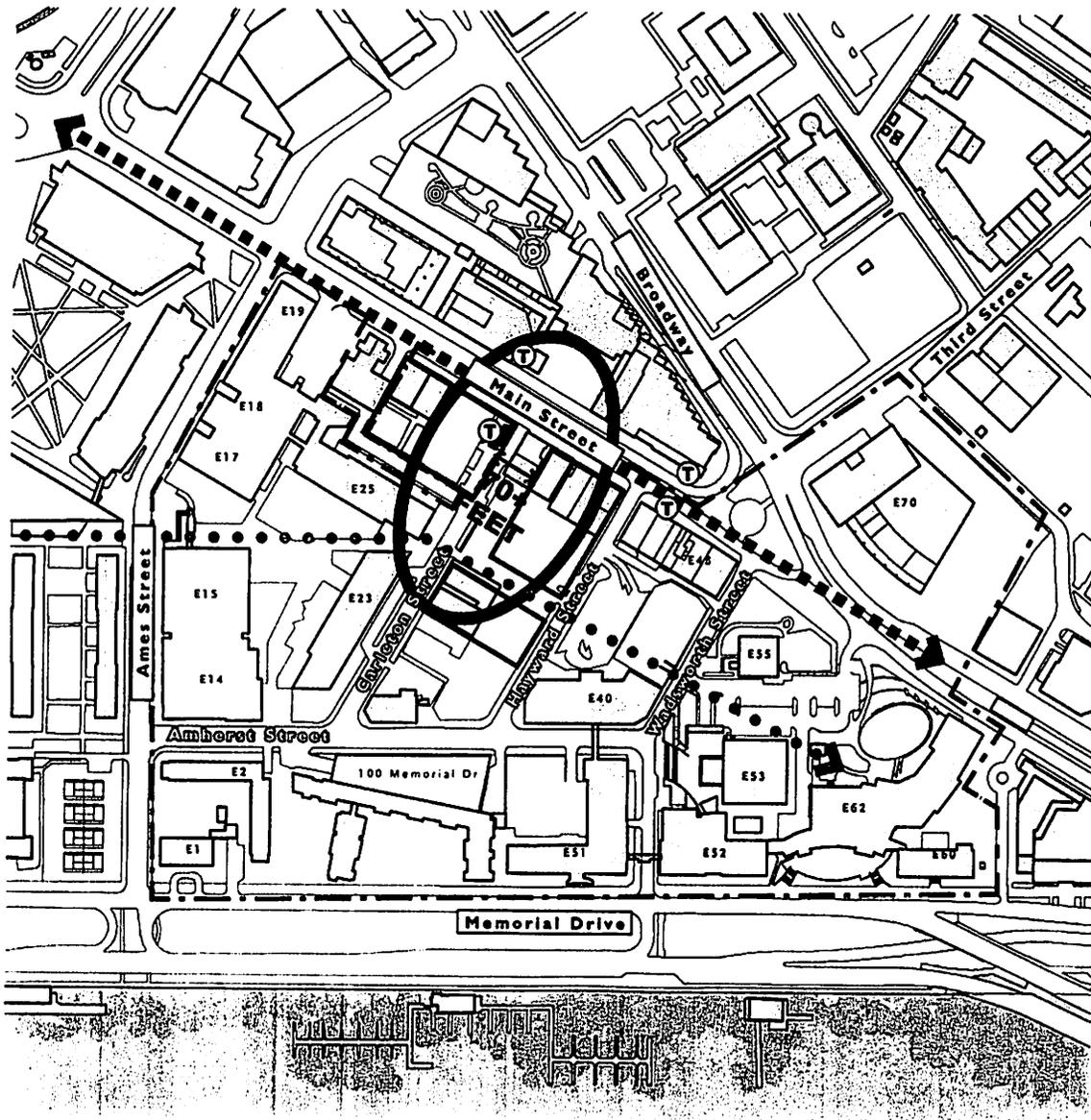
New York, NY



Comparison : Church Street
 Burlington, VT



Comparison : Palmer Square
Princeton, NJ



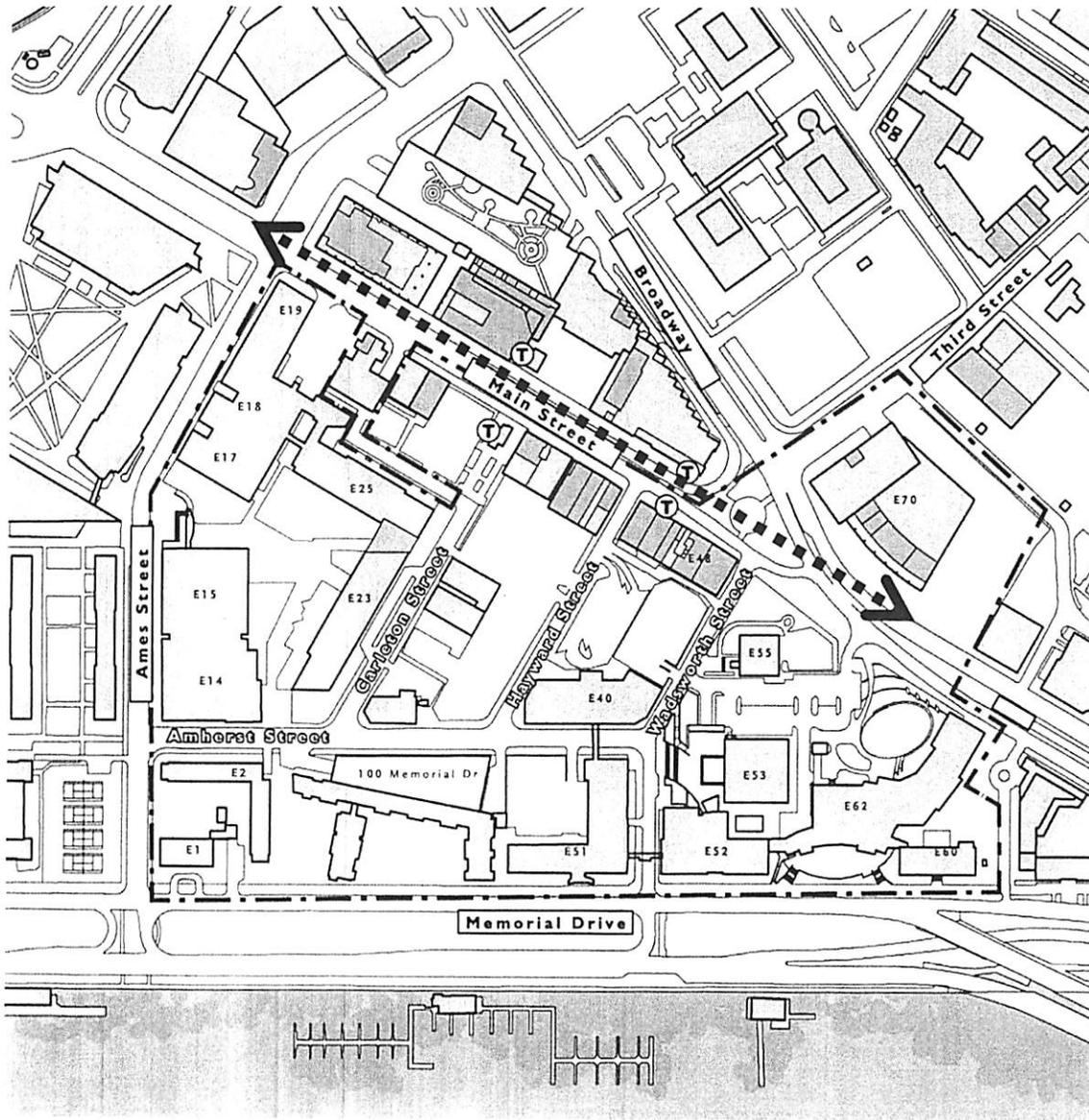
Proposed PUD-5

Urban Design Goals

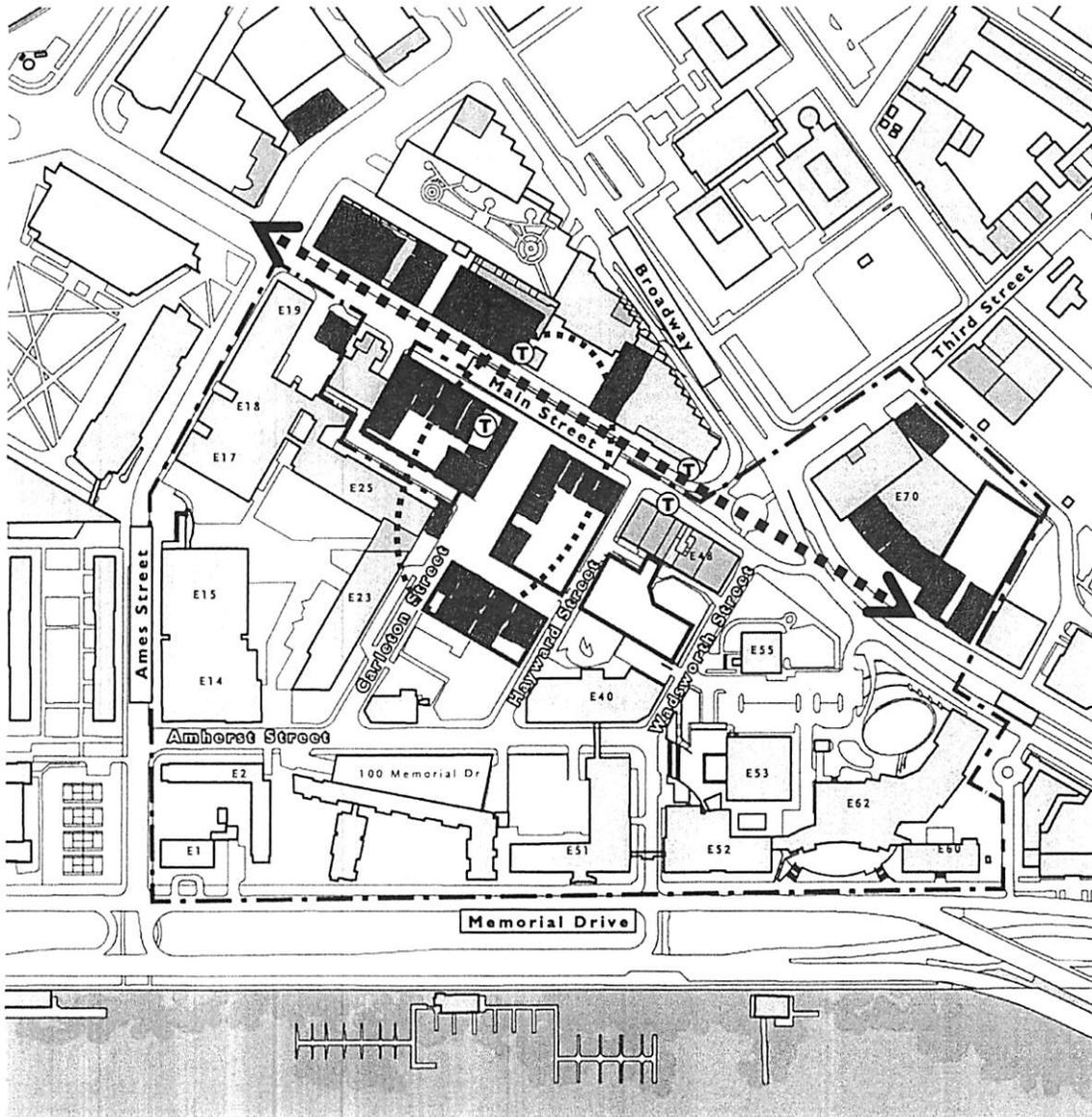
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Existing Retail Environment

- current environment is fragmented and lacks continuity
- approximately 110,000 sf on Main Street between Ames and One Broadway, though a significant portion of that space is not at grade
- approximately 160,000 sf total within a 5 minute walk



Existing Active Uses



Proposed Retail Environment

- two-sided experience is reinforced
- retail frontage is significantly expanded
- approximately 150,000 sf on Main Street between Ames and One Broadway
- approximately 260,000 sf total within a 5 minute walk, including 60,000 sf within the proposed plaza

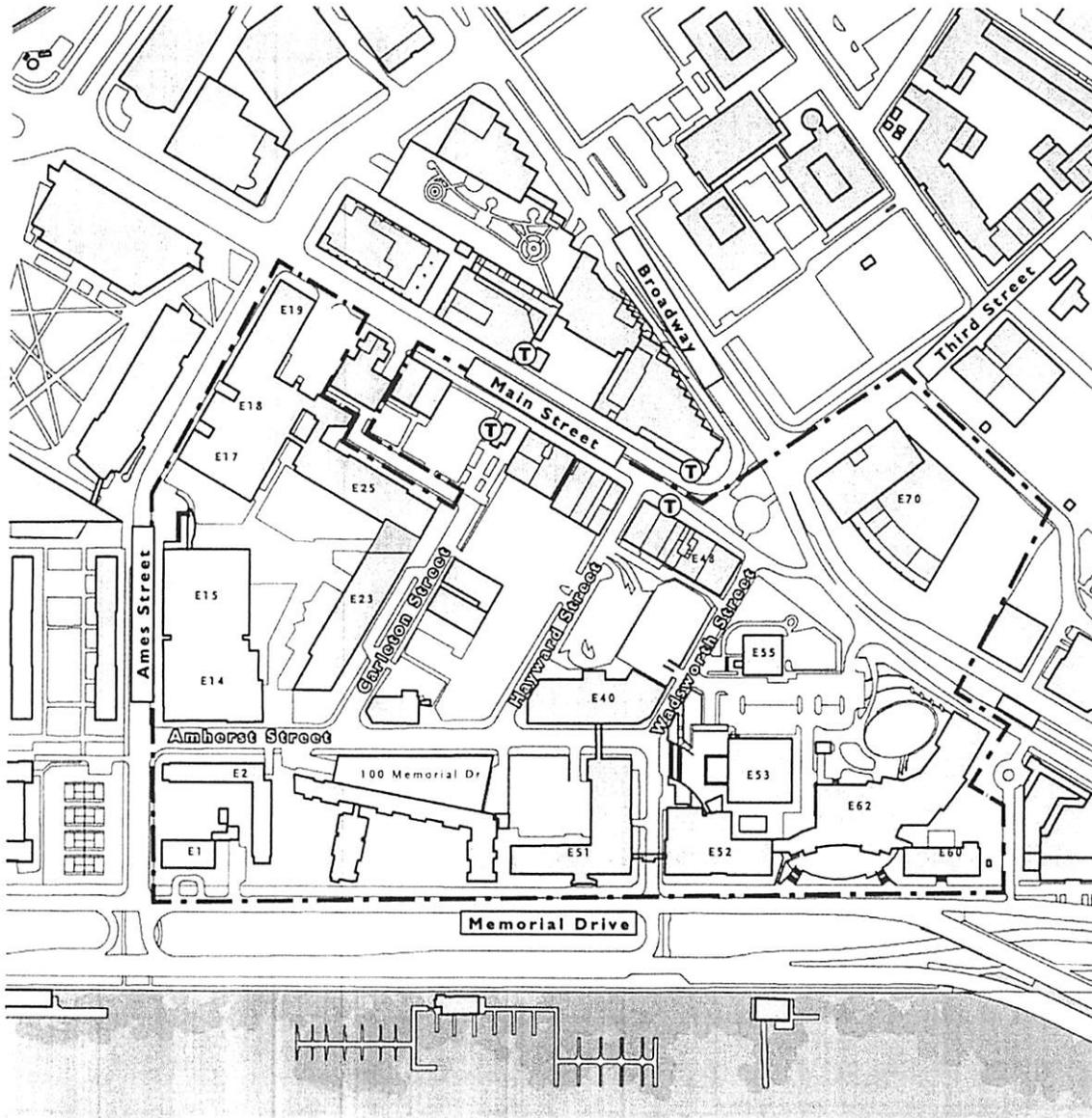
Future Active Uses

PLANNING FOR

PLACE

INNOVATION

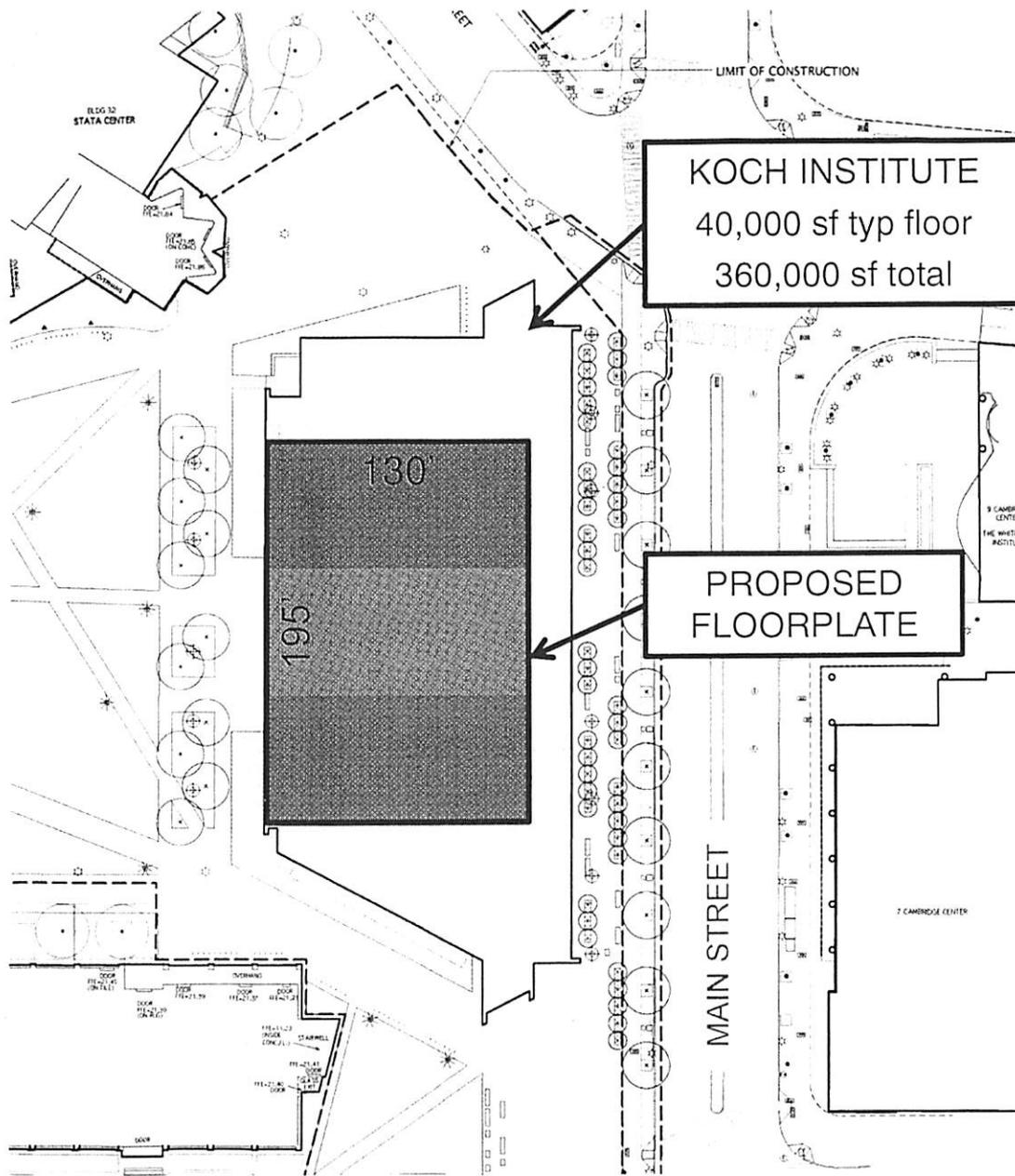
RESIDENTIAL



Proposed PUD-5

Urban Design Goals

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New generation of Innovation buildings...

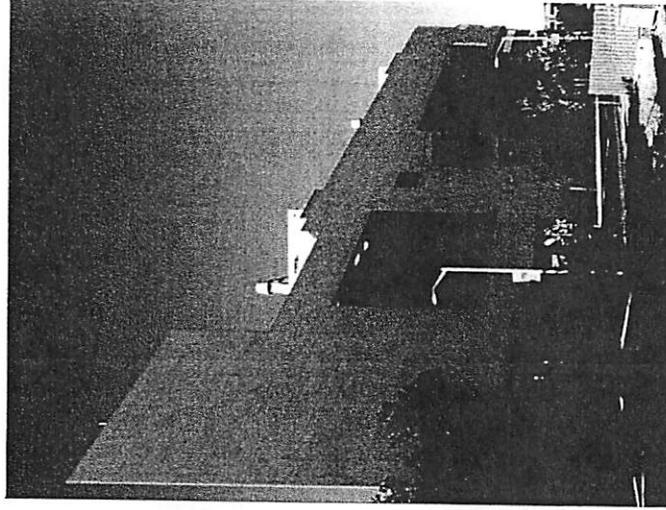
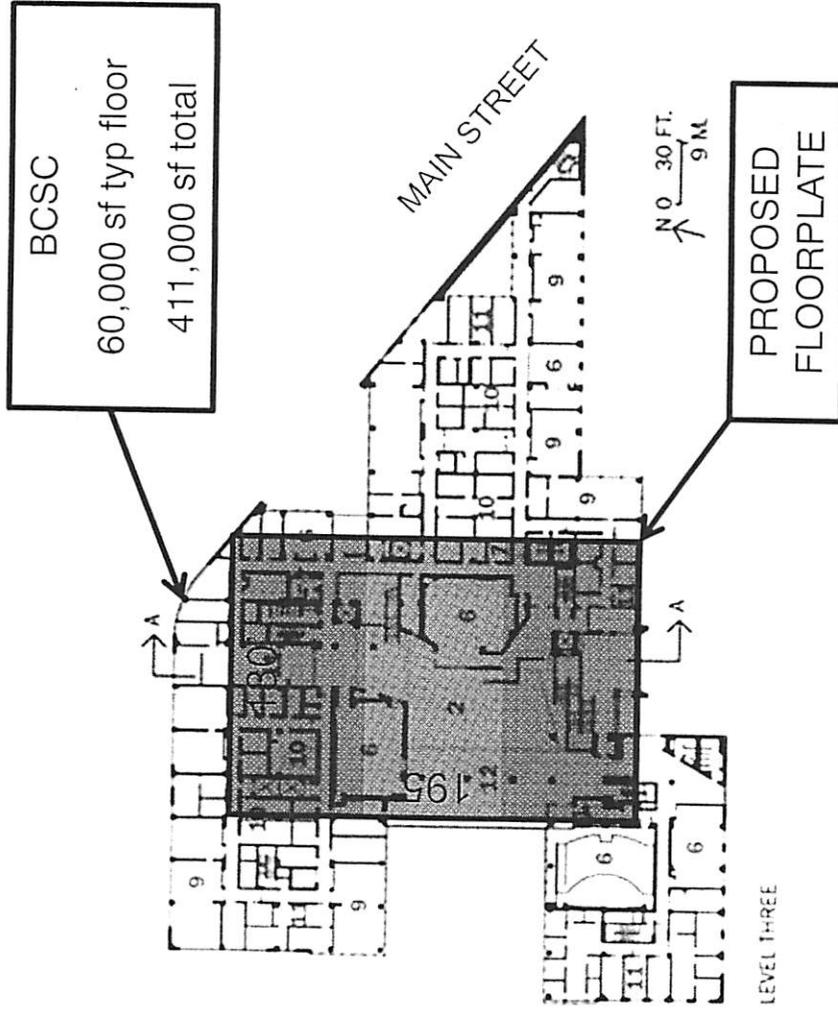
- have floorplates that are 25,000 sf to 80,000 sf
- have a total building area over 200,000 sf

We are proposing 25,000 sf floorplates on upper floors to preserve porosity and the historic street grid



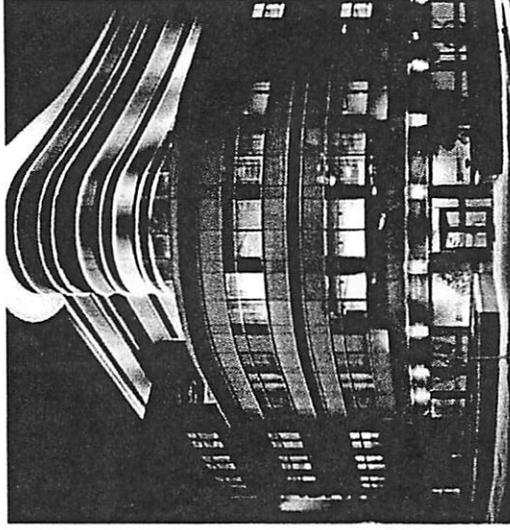
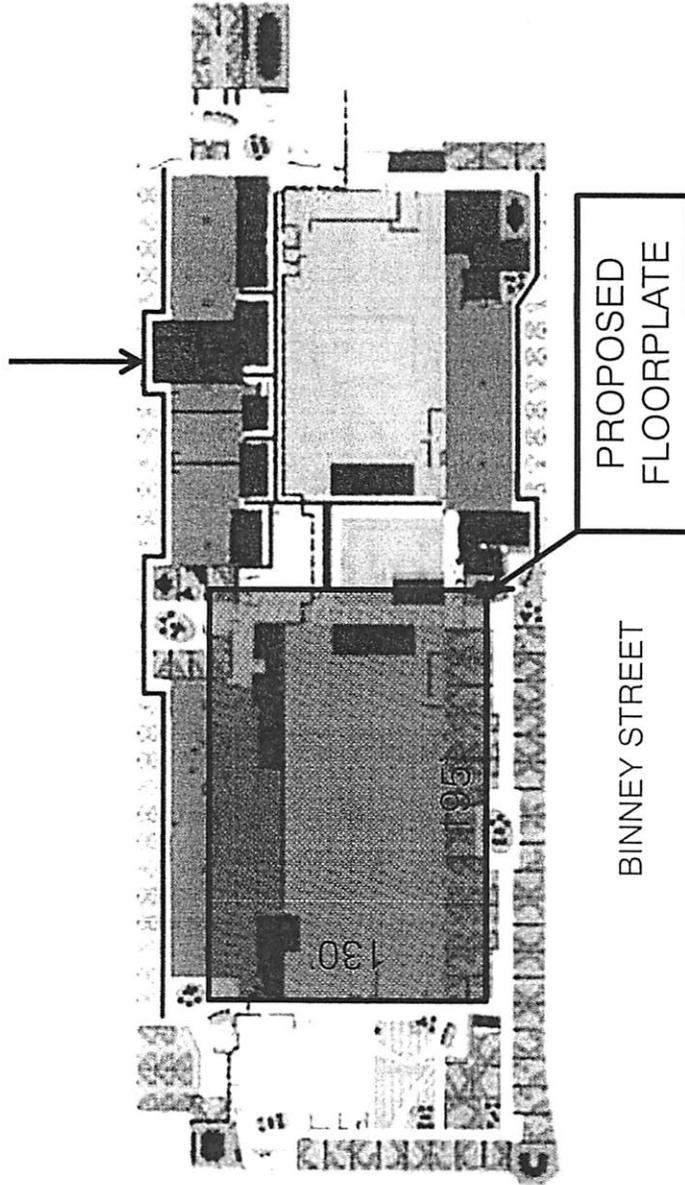
Comparison : Koch Institute for Integrative Cancer Research

Cambridge, MA



Comparison : Brain and Cognitive Sciences Complex
Cambridge, MA

301 BINNEY
83,000 sf typ floor
417,290 sf total

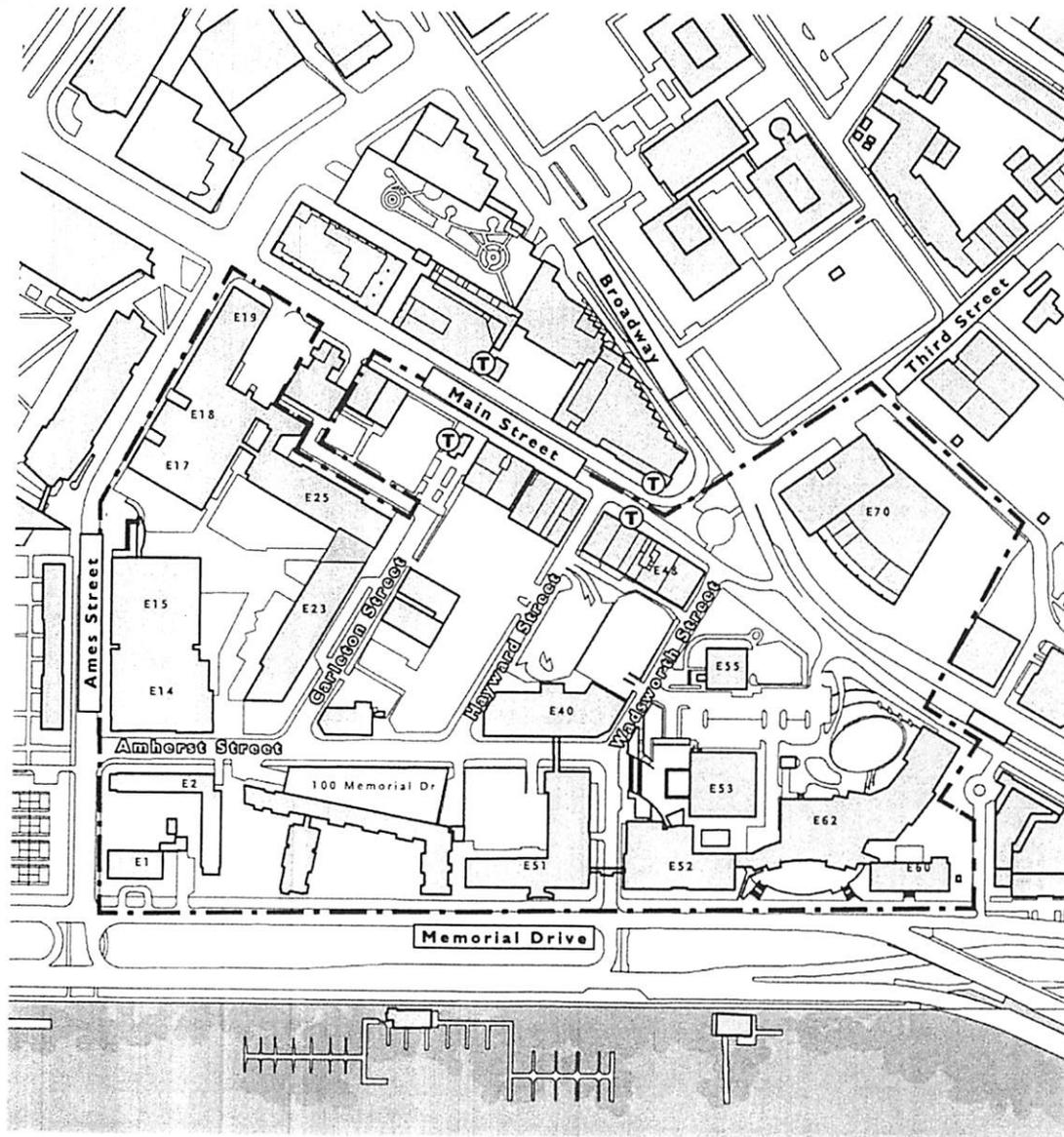


Comparison : 301 Binney Street
Cambridge, MA

PLANNING FOR

**PLACE
INNOVATION**

RESIDENTIAL



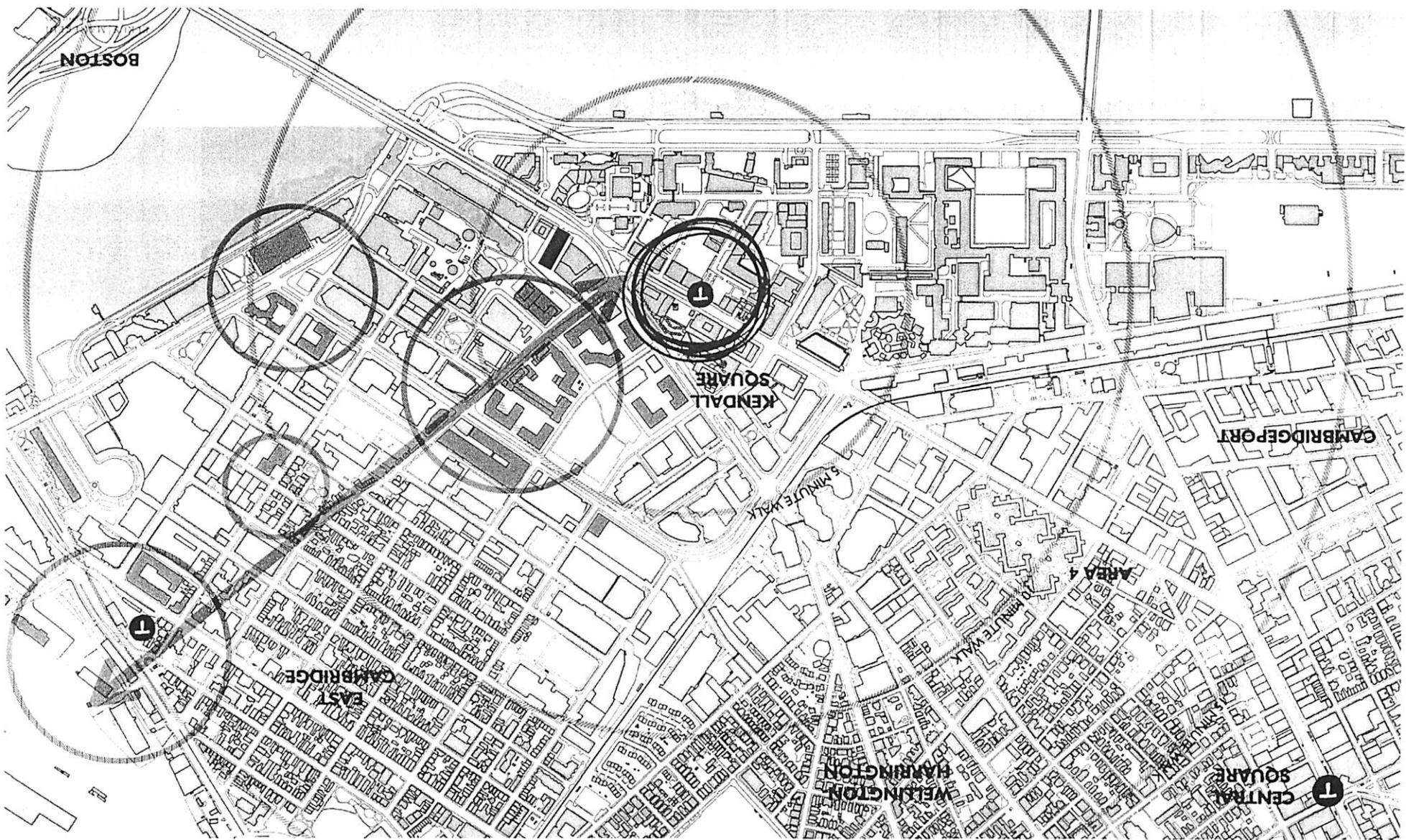
Proposed PUD-5

Urban Design Goals

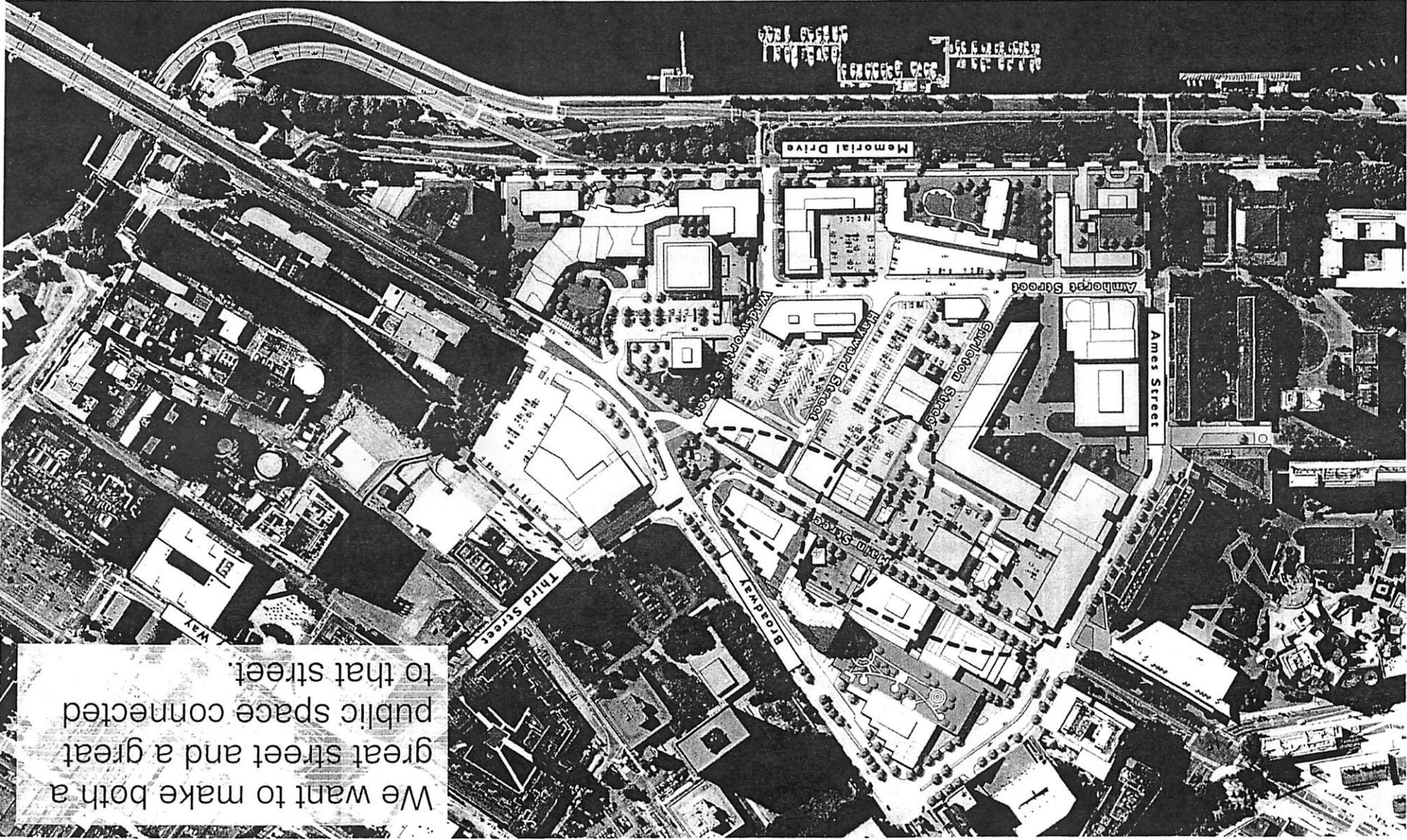
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Strong Emerging Residential Community Along 3rd Street Since ECAPS

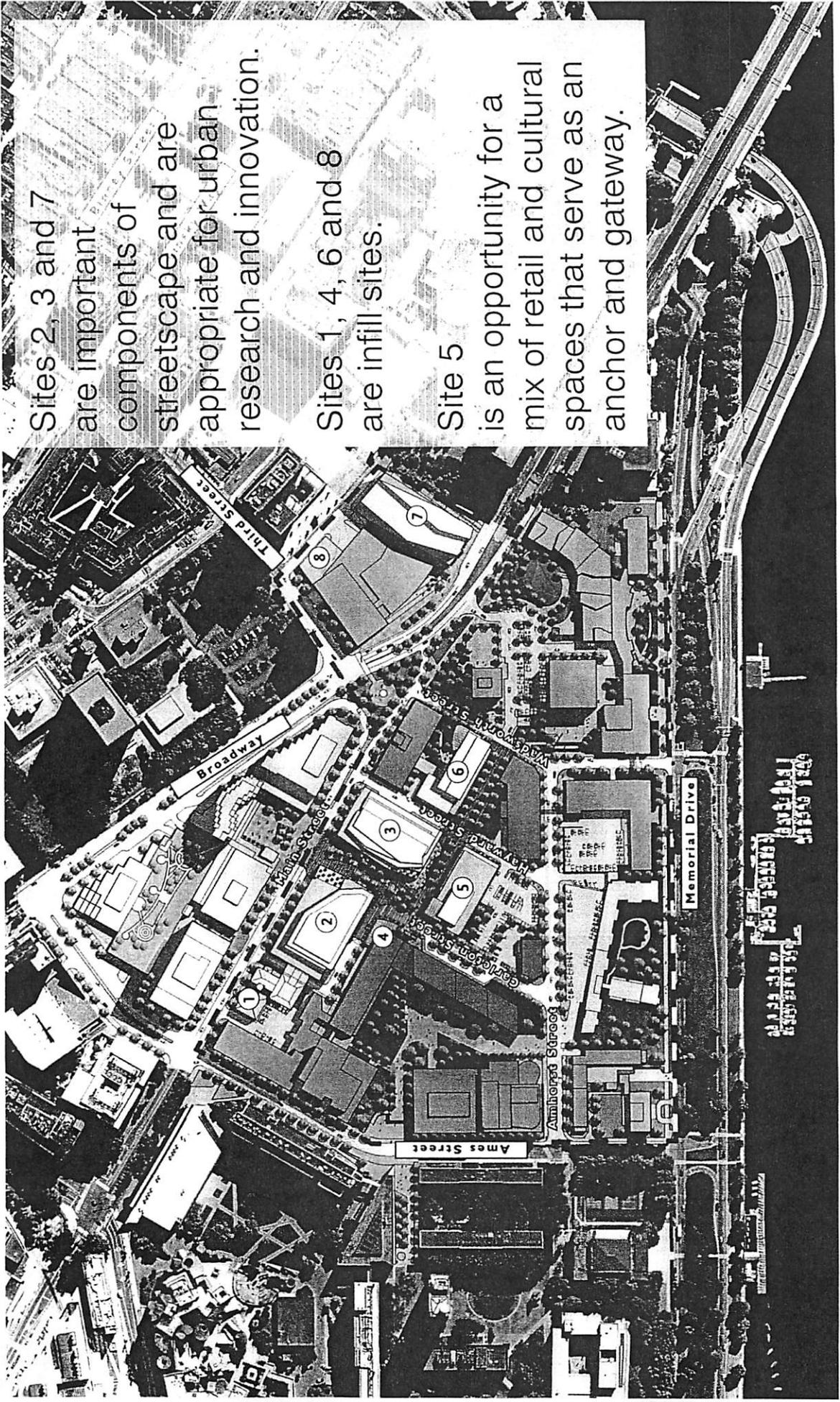
Major Existing and Anticipated Residential Development



PROPOSAL



We want to make both a great street and a great public space connected to that street.



Sites 2, 3 and 7 are important components of streetscape and are appropriate for urban research and innovation.

Sites 1, 4, 6 and 8 are infill sites.

Site 5 is an opportunity for a mix of retail and cultural spaces that serve as an anchor and gateway.

Proposed New Commercial Development

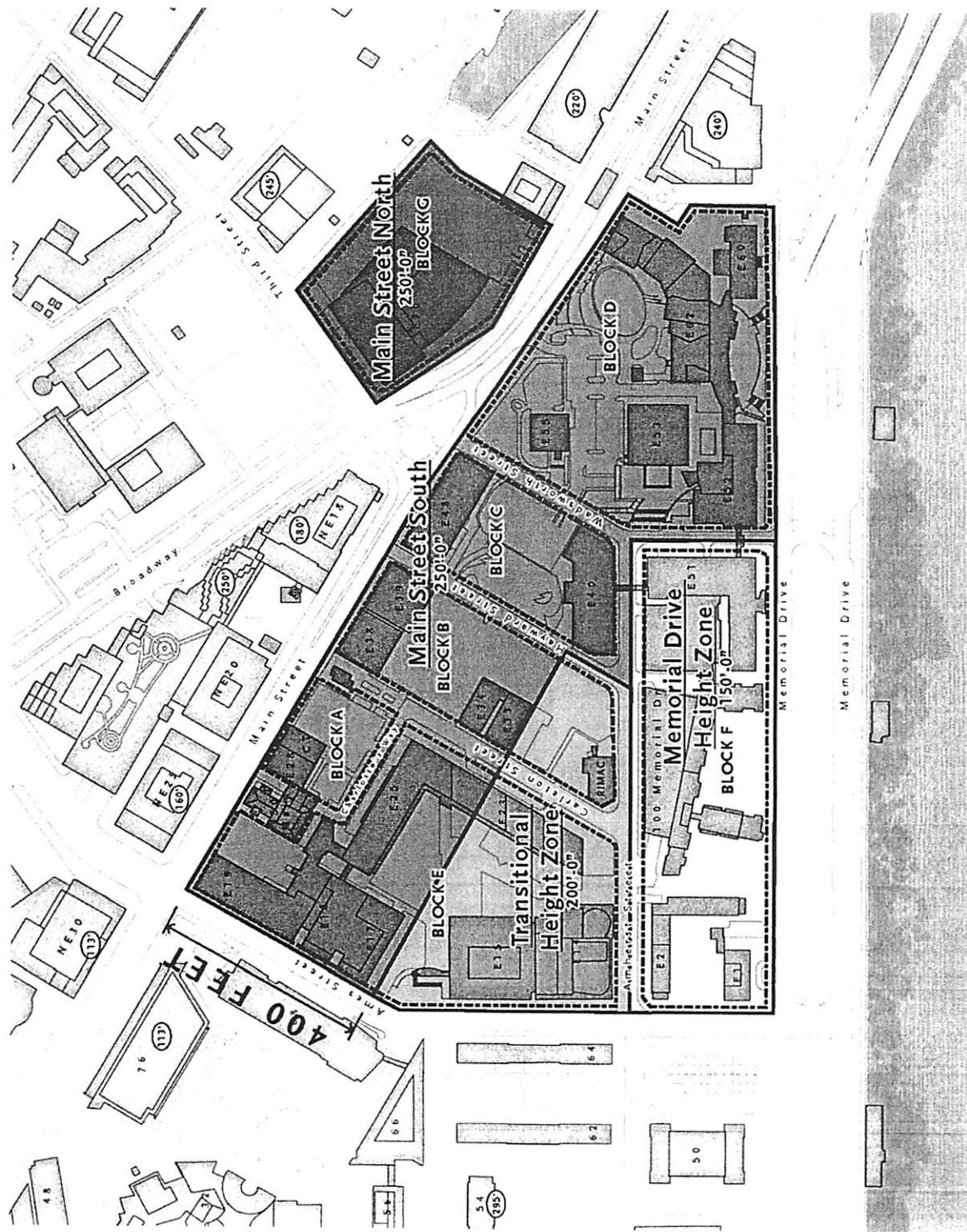
Proposed Program

Proposed New: Commercial Development

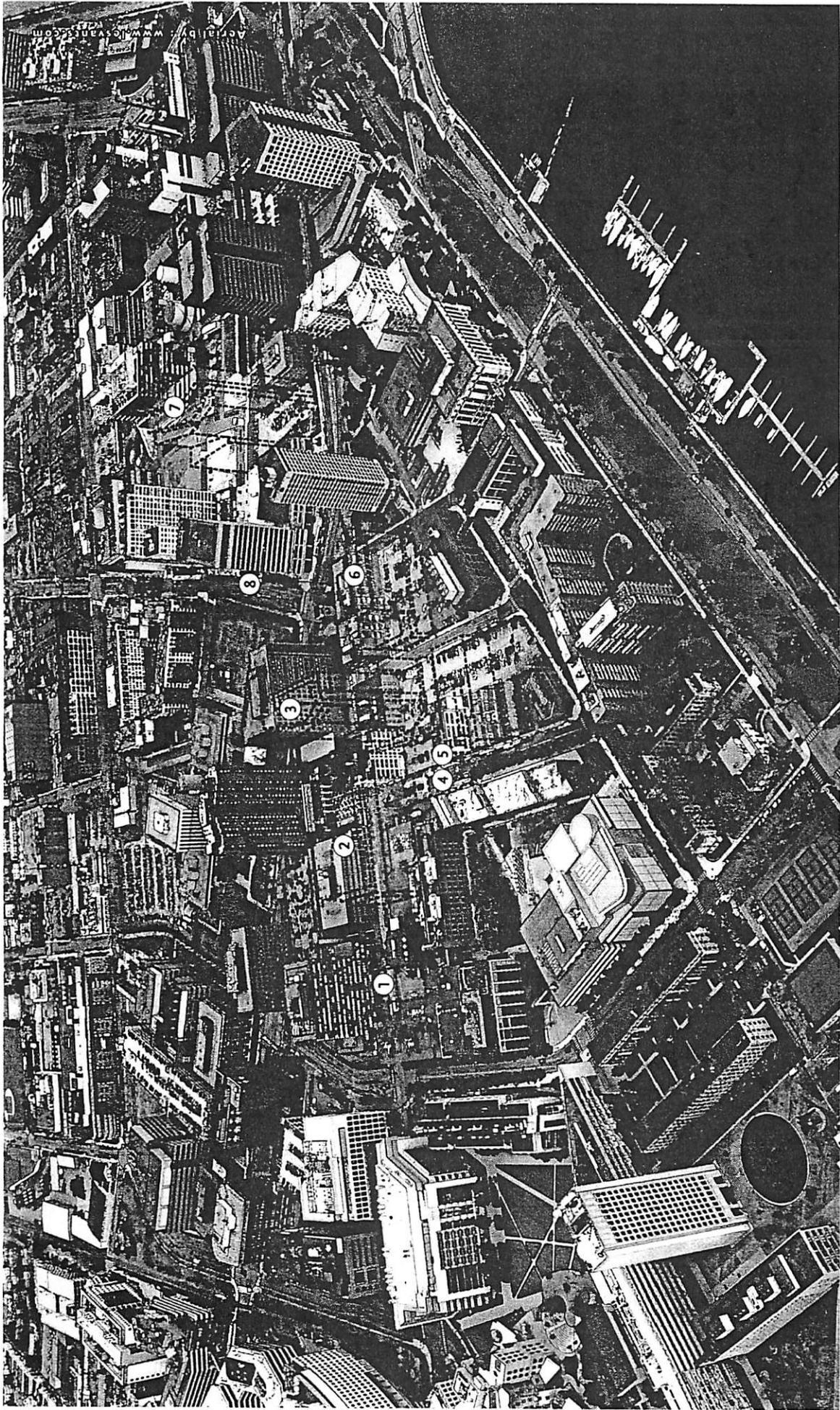
	12/21/10	4/28/11
Retail	100,000 SF	100,000 SF
Lab/Office	940,000 SF	880,000 SF
Housing	<u>60,000</u> SF	<u>120,000</u> SF
Total	1,100,000 SF	1,100,000 SF

Existing Entitlement to Remain: Future Academic Development

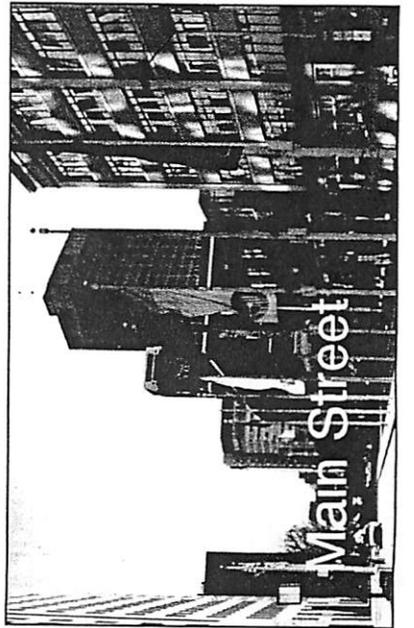
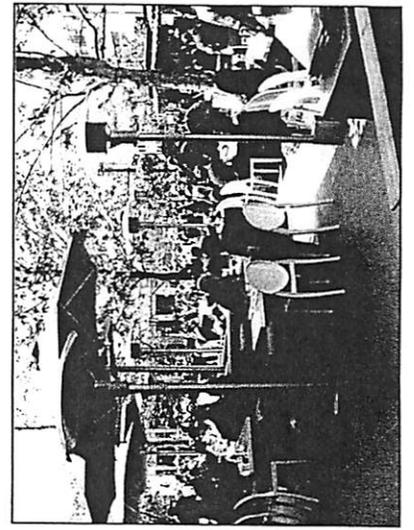
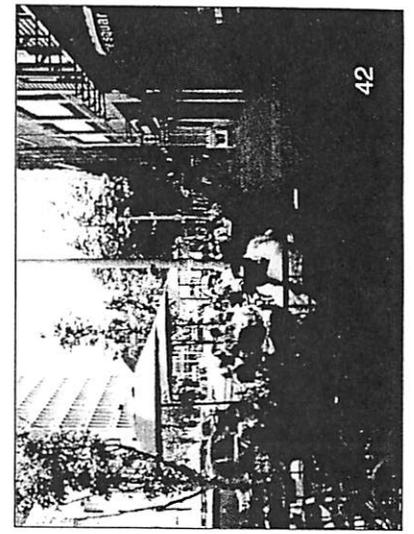
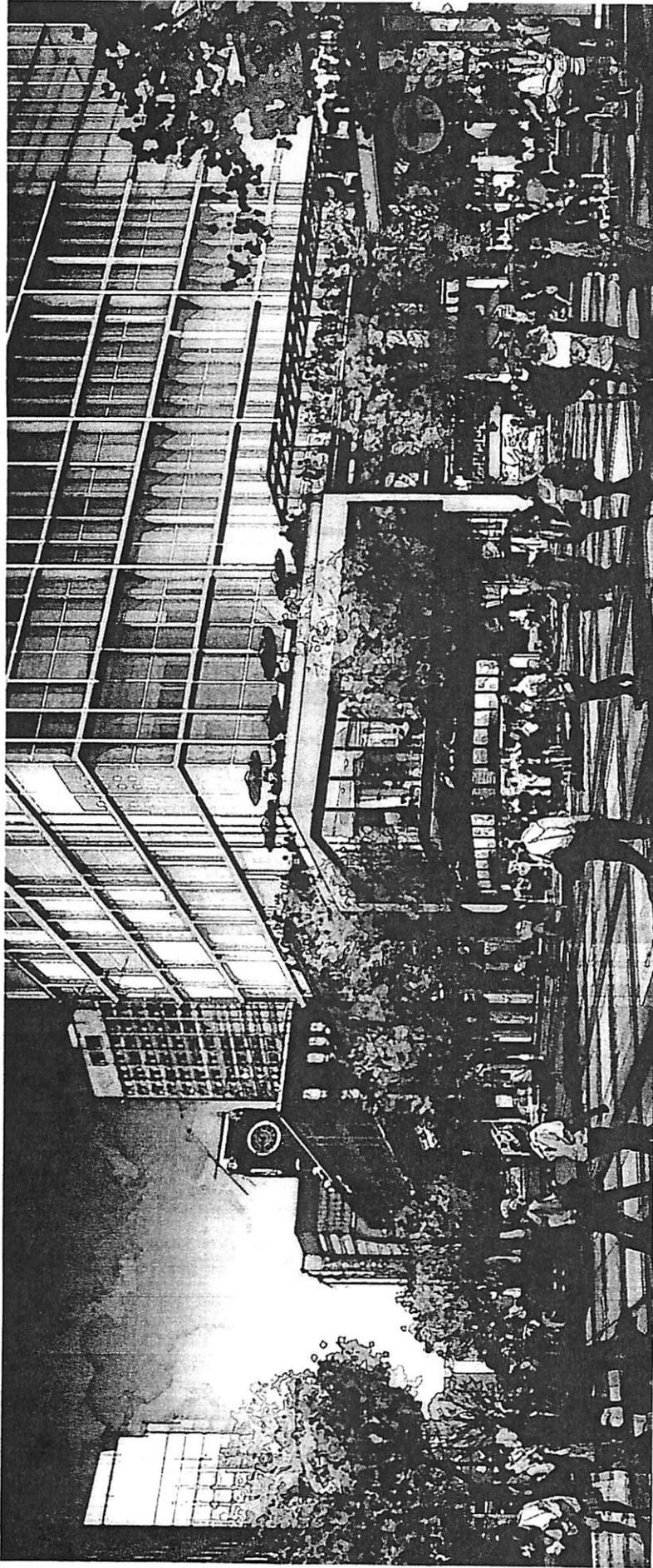
Academic Research	800,000 SF	800,000 SF
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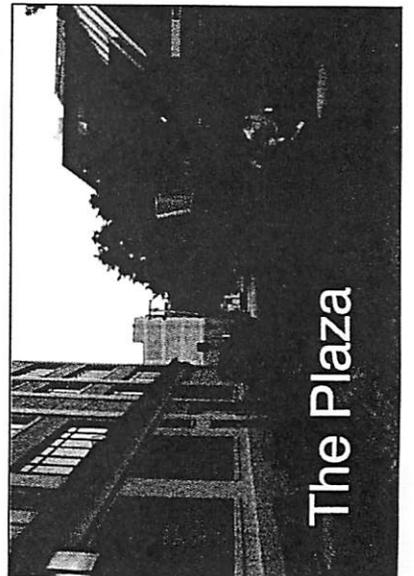
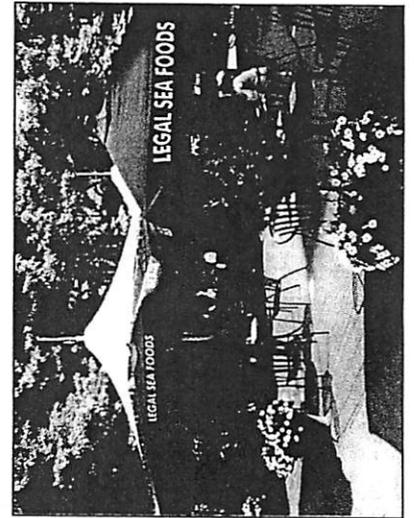
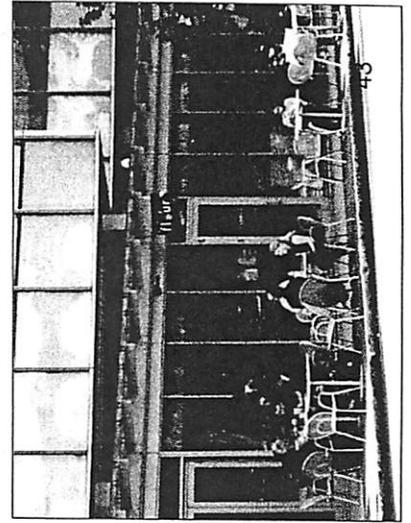
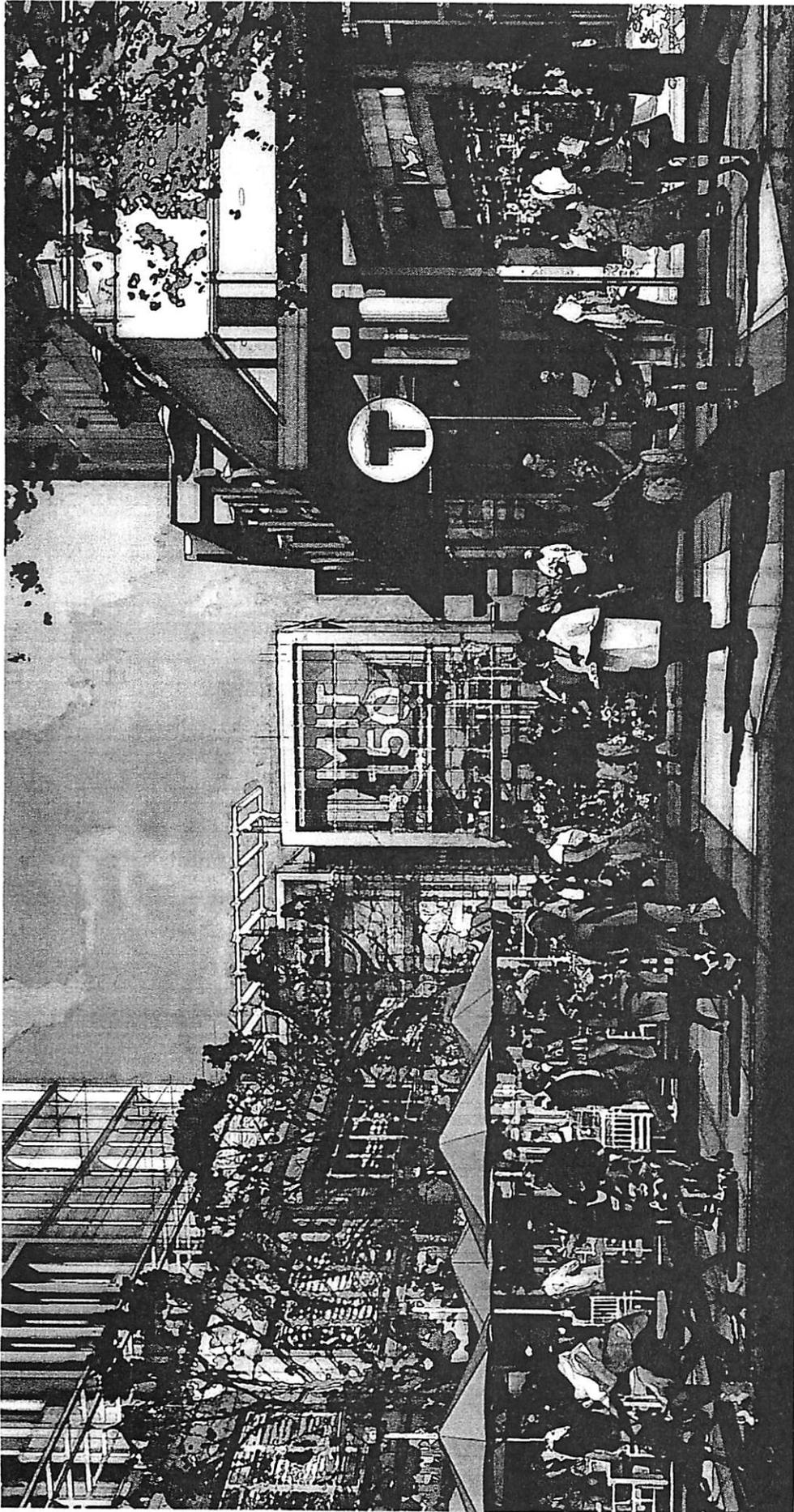


Proposed Height Zones

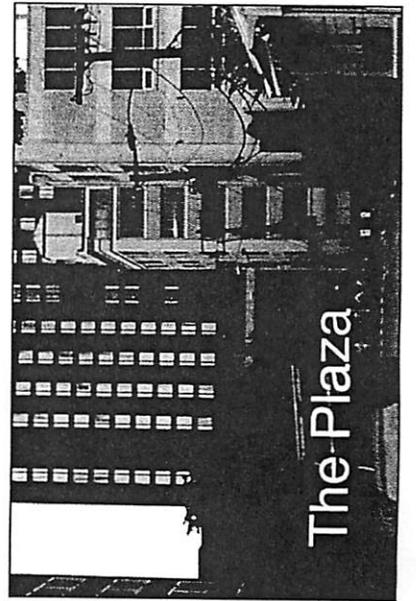
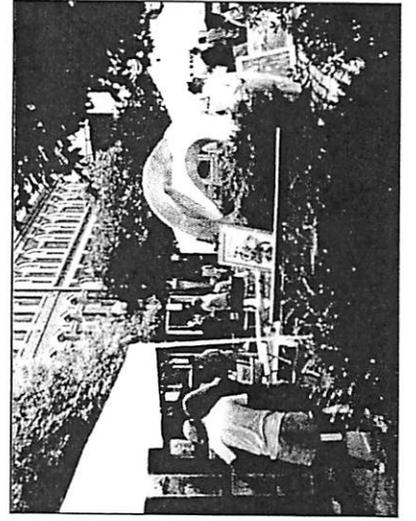
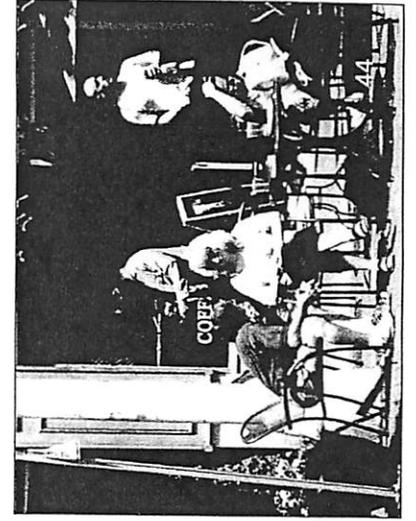
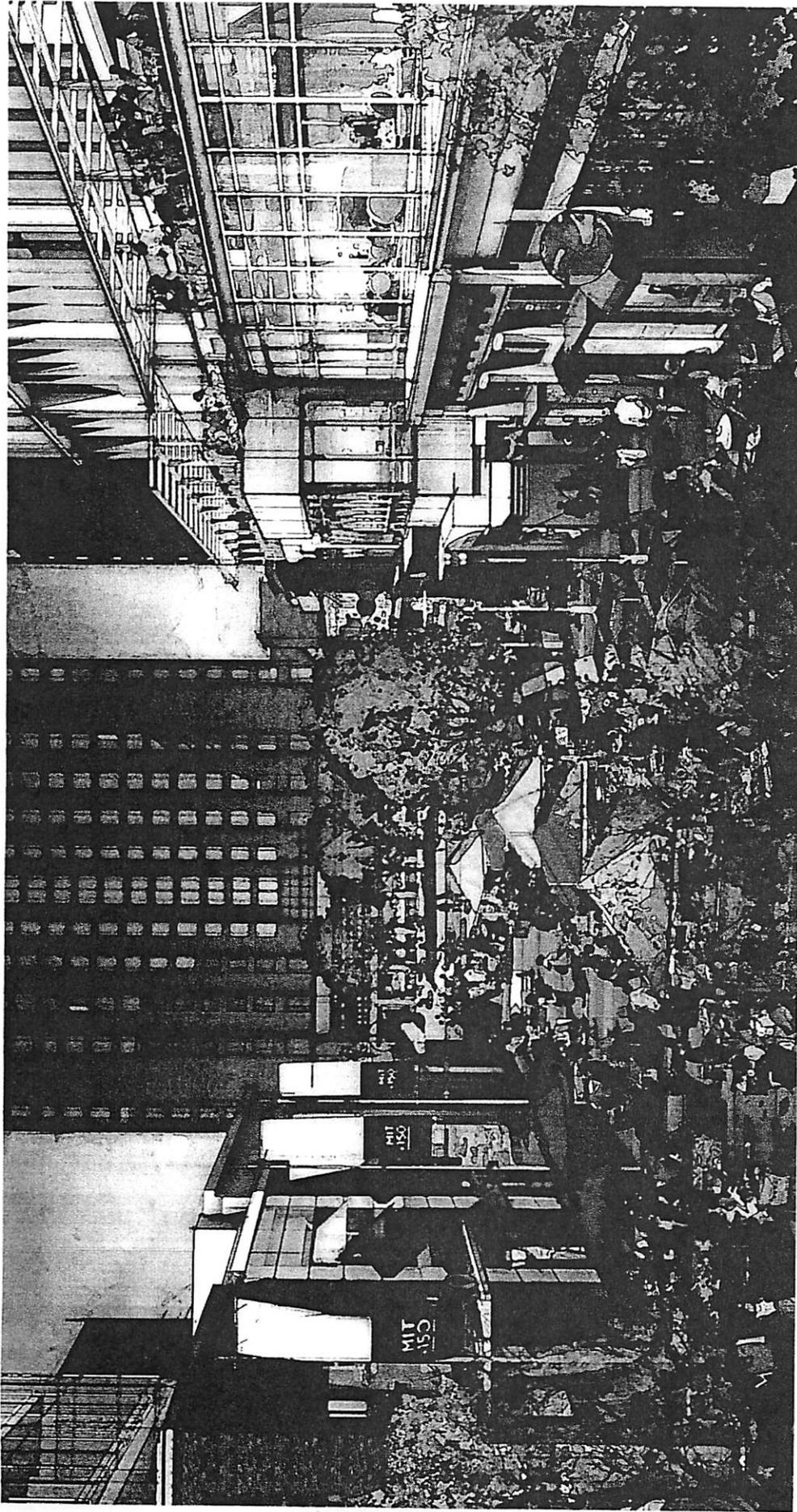


Near-Term Commercial Development





01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



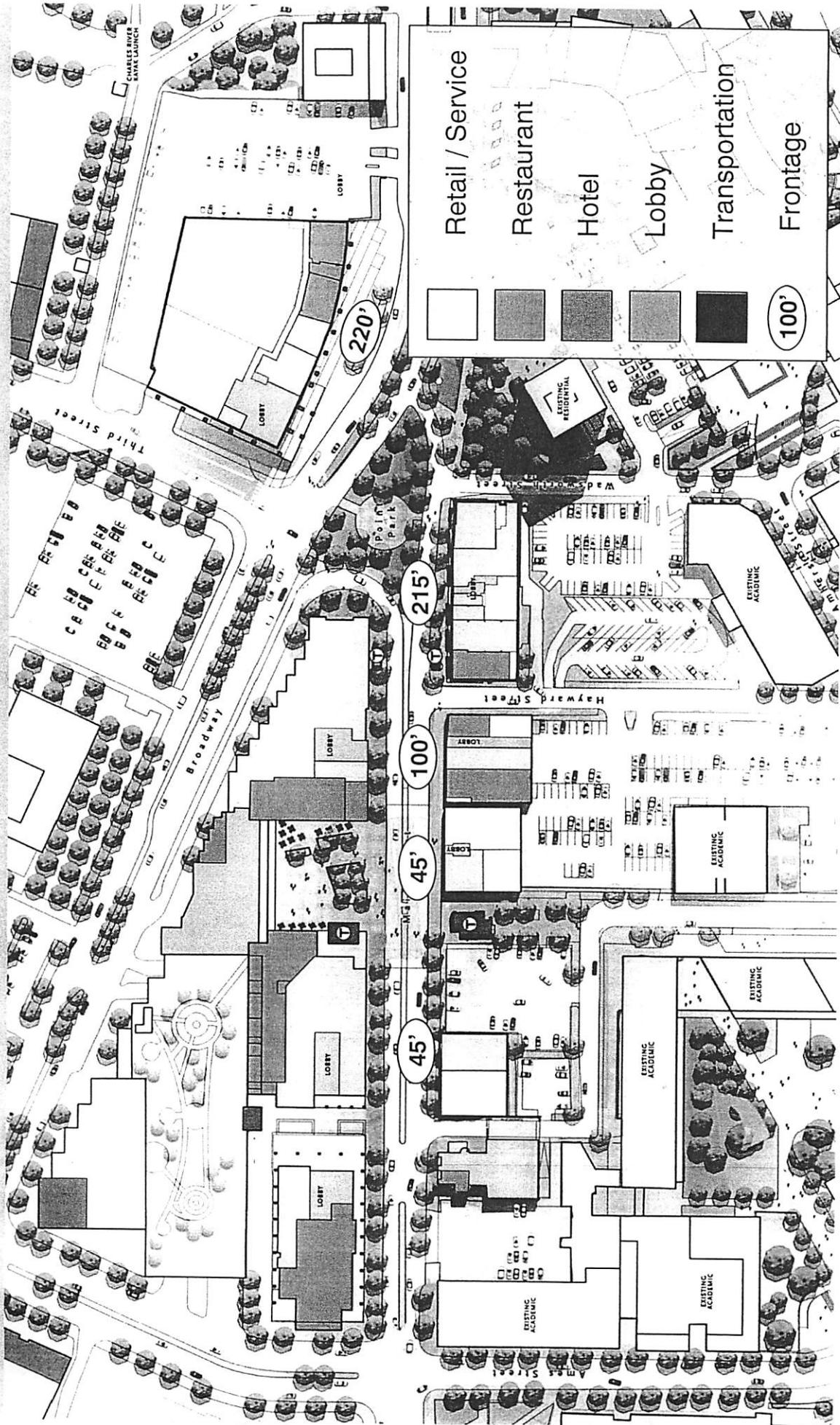
RETAIL

Jeremy Grossman, Senior VP / Principal
CBRE / Grossman Retail Advisors

Retail Goals

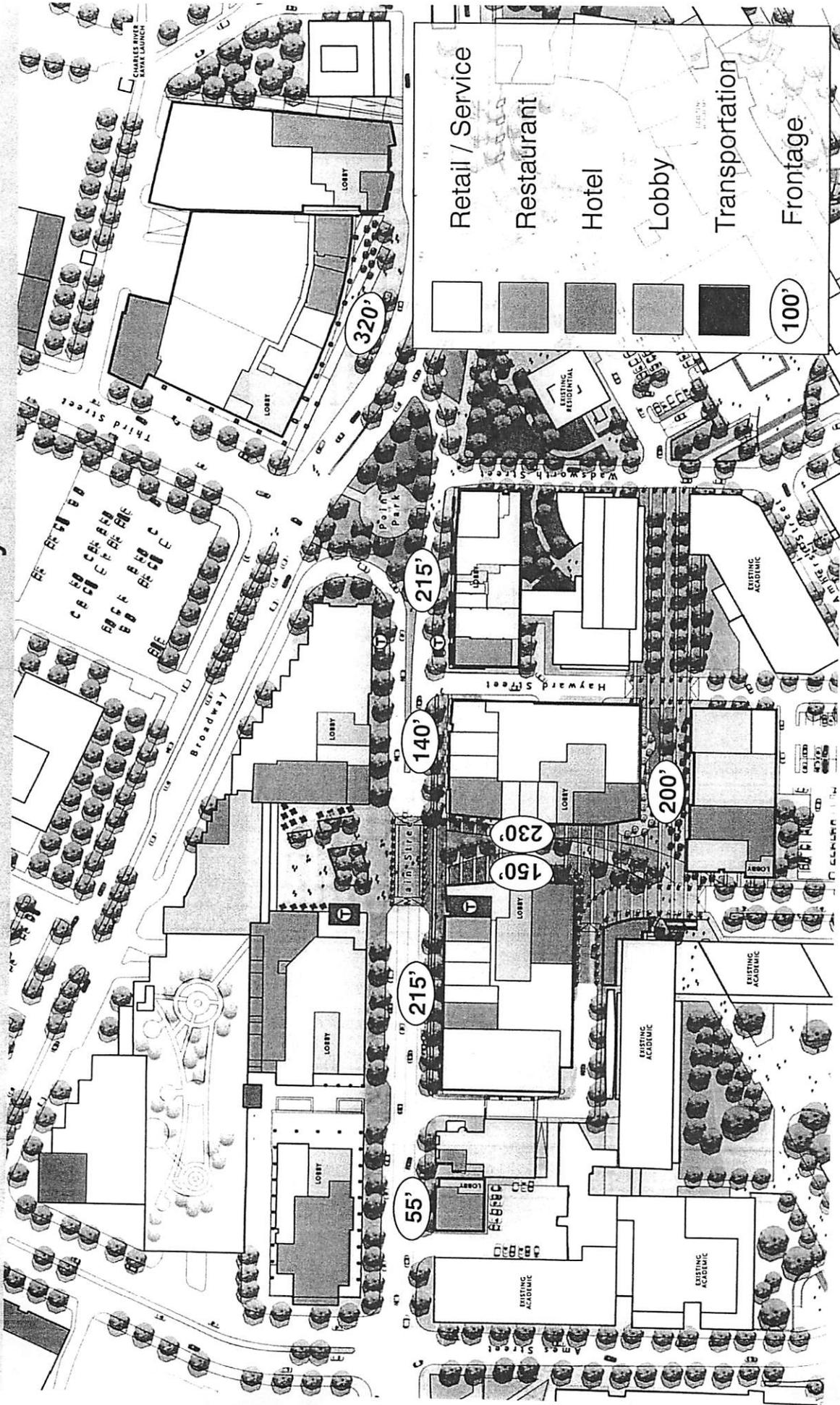
- Activity 18 hours a day/evening/weekends/year round
- Provide services and amenities that are in demand for the existing trade area
- Create a retail identity unique to Kendall Square with regional appeal

Existing District Active Use Plan



Existing street frontage within the proposal area = 625'

Preliminary District Active Use Plan



Proposed street frontage within the proposal area = 945' (+320' ~ 50%)
 Additional plaza frontage within the proposal area = 580'

Retail Strategy

- Design flexible retail spaces for tenants from the outset
- Merchandise with uses that enhance the street / public realm
- Diversify the mix of retail uses
 - local/regional/national
 - 18 / 7 / 365
- Unique, tenant-specific storefronts and signage is beneficial to creating a vibrant retail area
- Additional retail density and open space will help to transform the ground floor experience

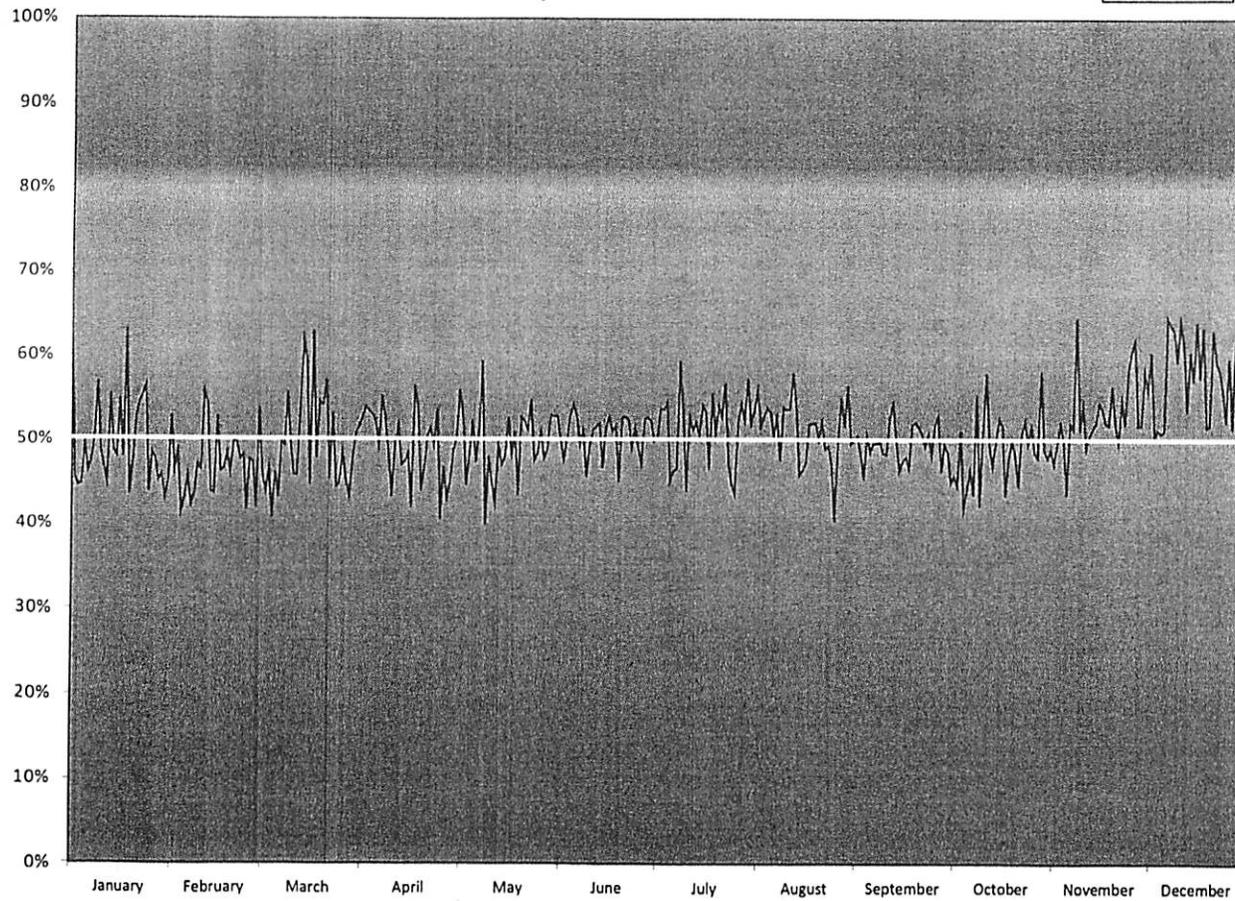
PUBLIC SPACE

Dan Biederman, President
Biederman Redevelopment Ventures Corp.

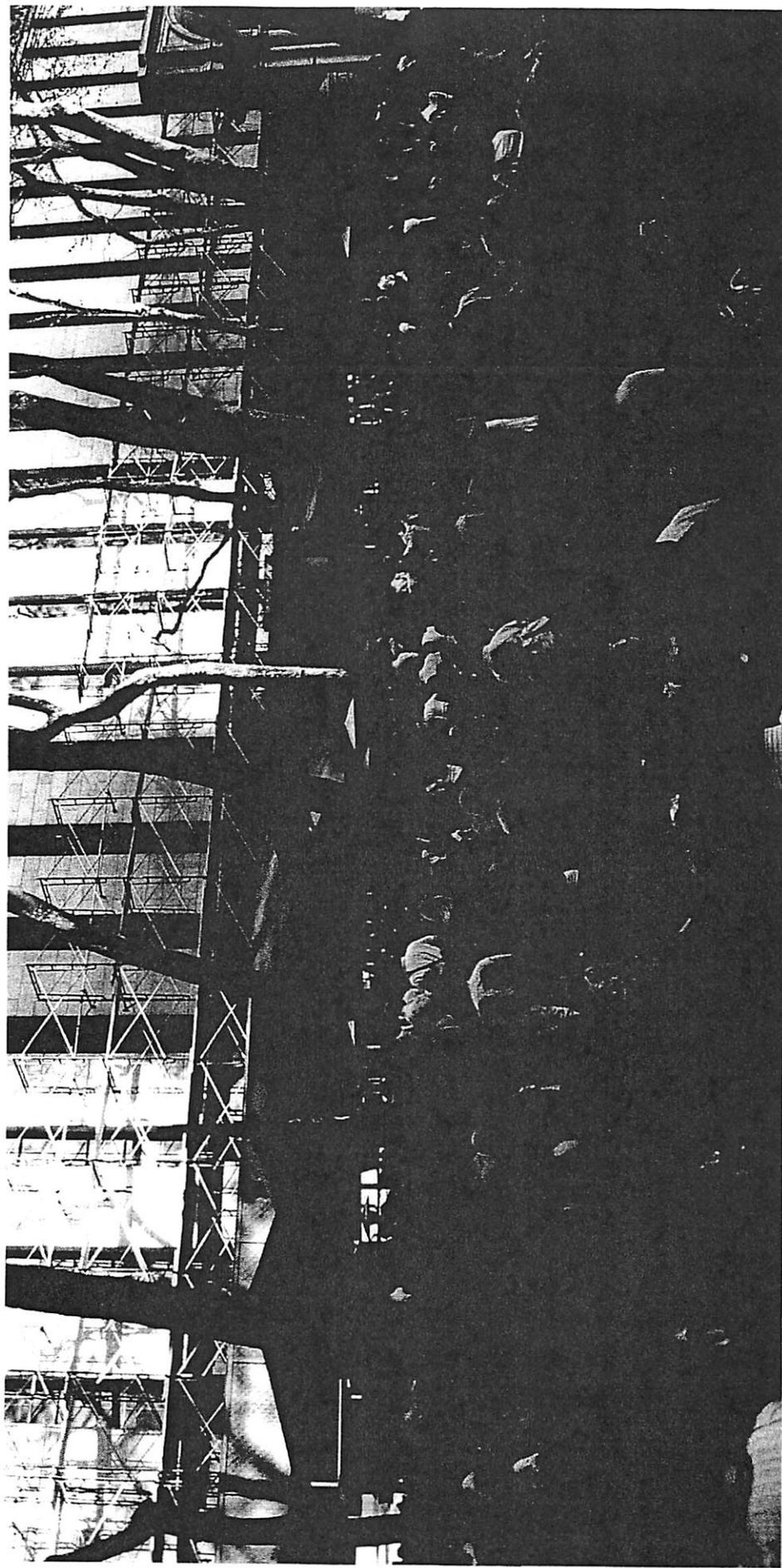
Key Users : Women

Percentage of Women and Men
in Bryant Park - 2010

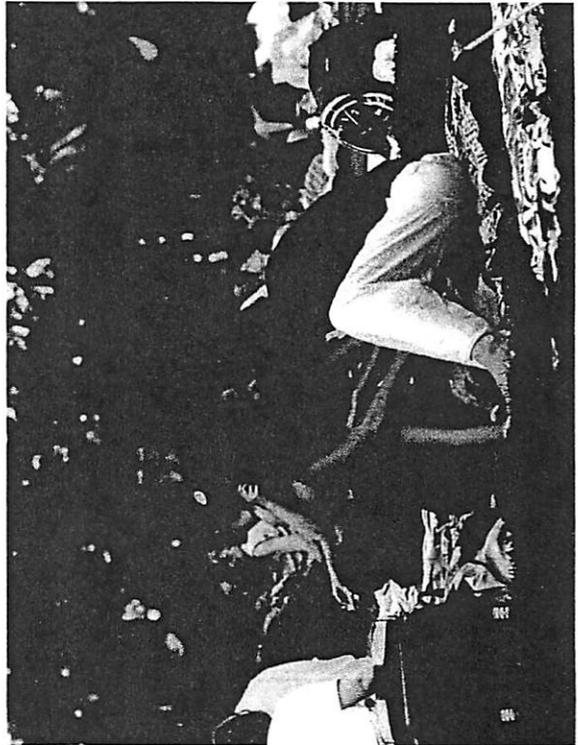
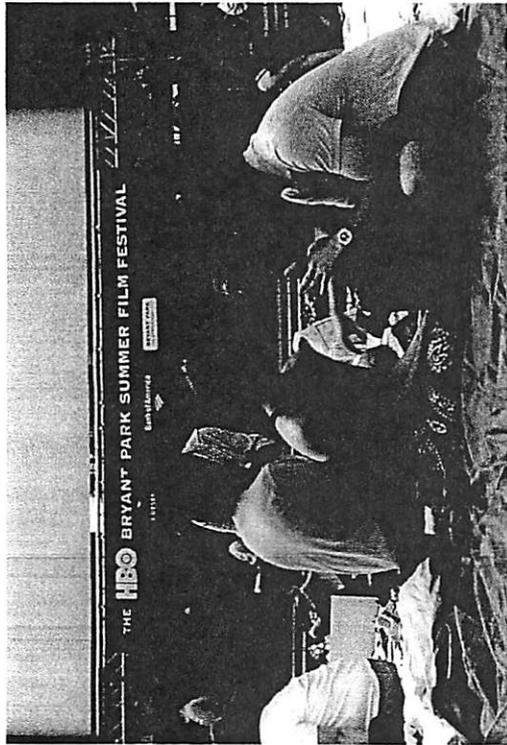
% Men
% Women



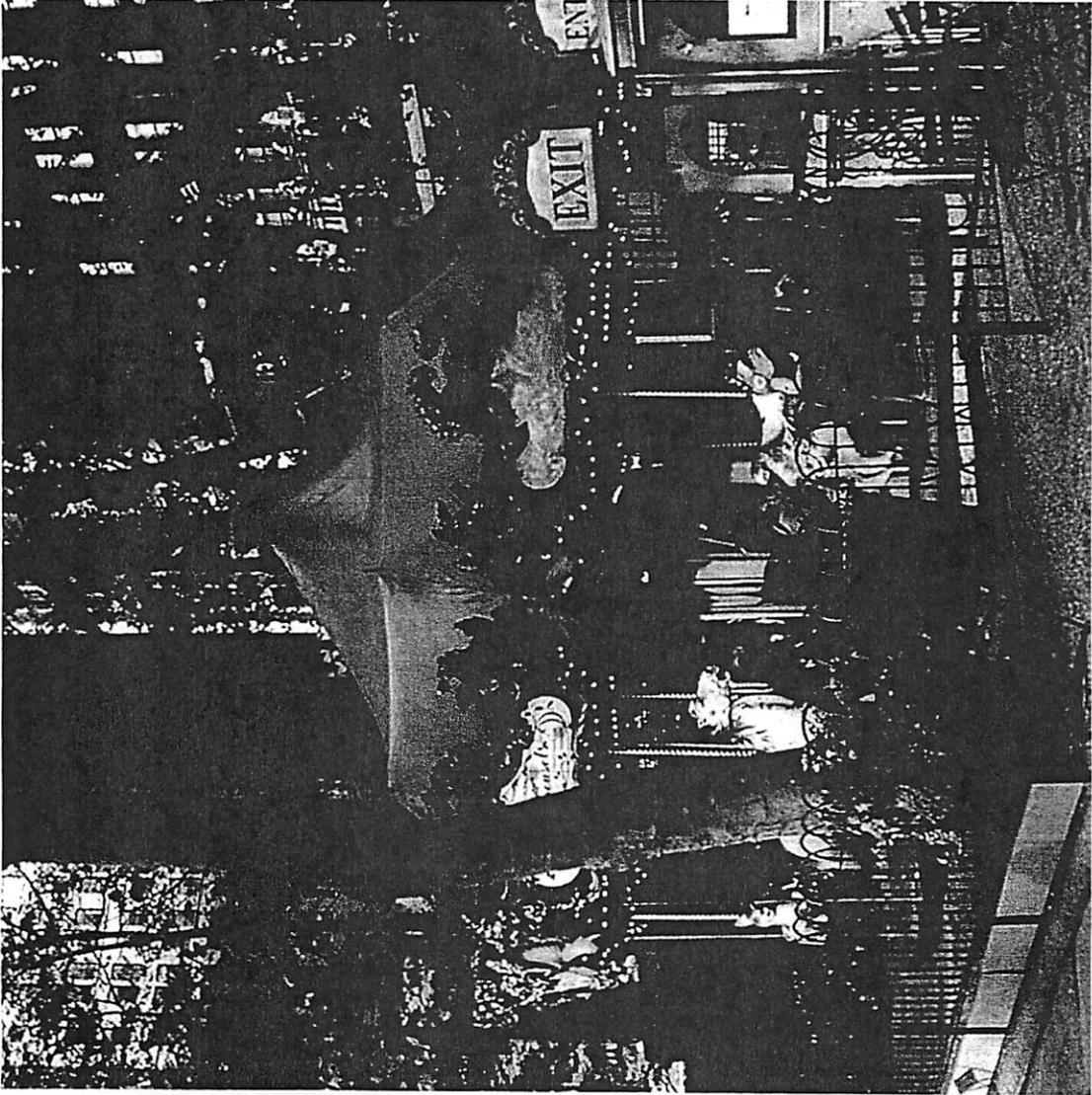
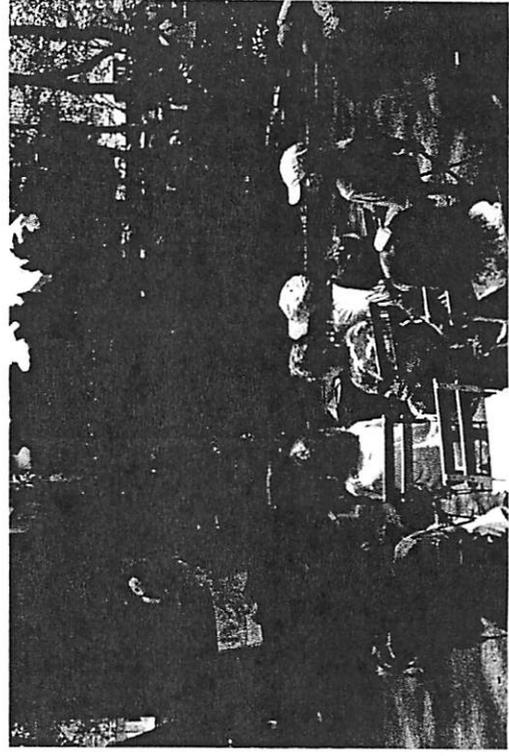
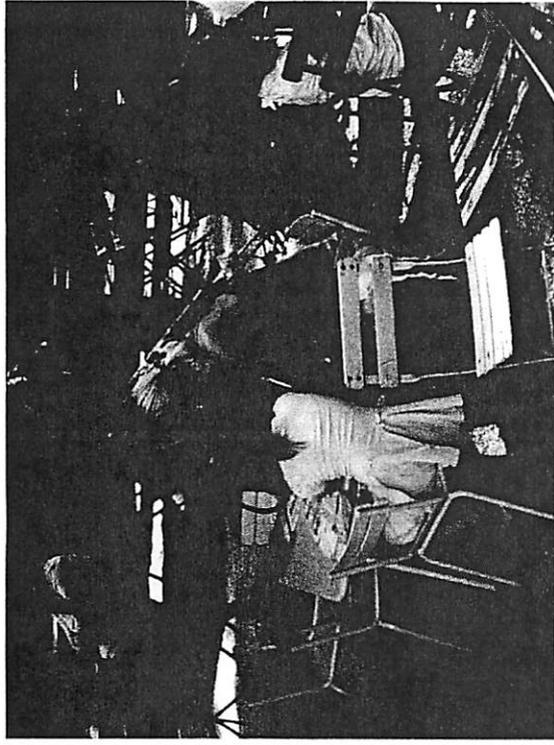
Key Users : Single People



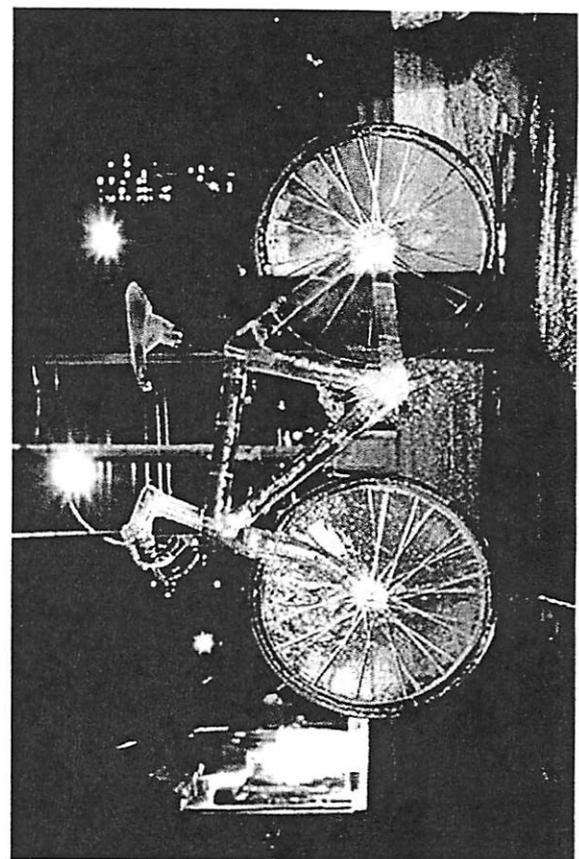
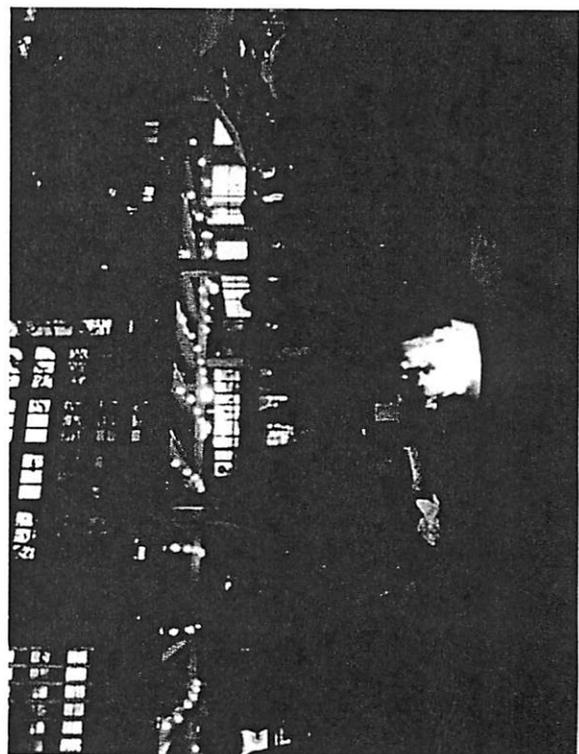
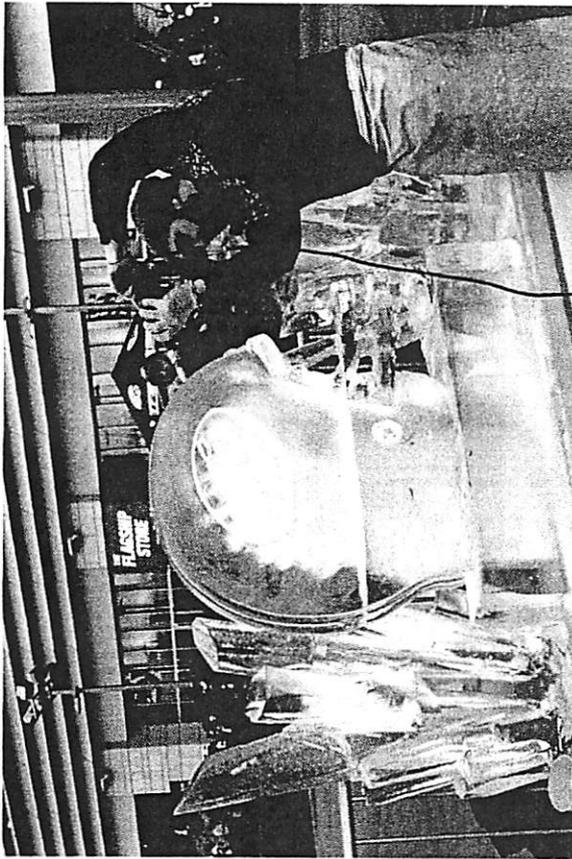
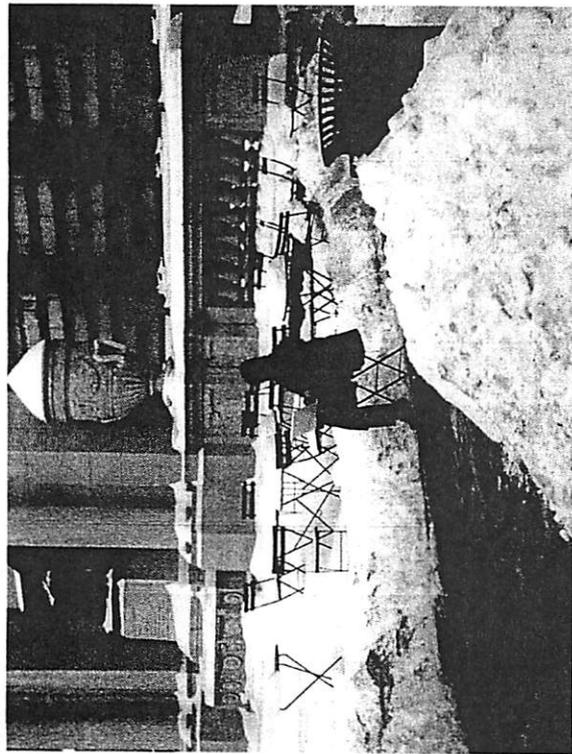
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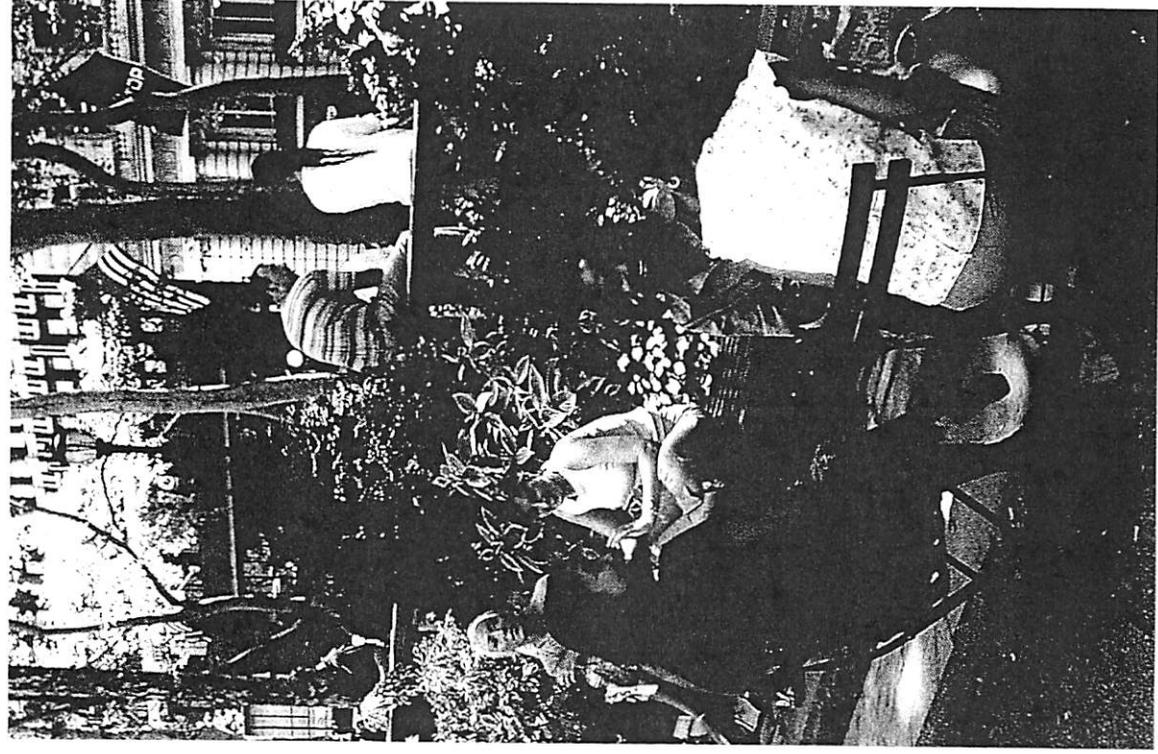
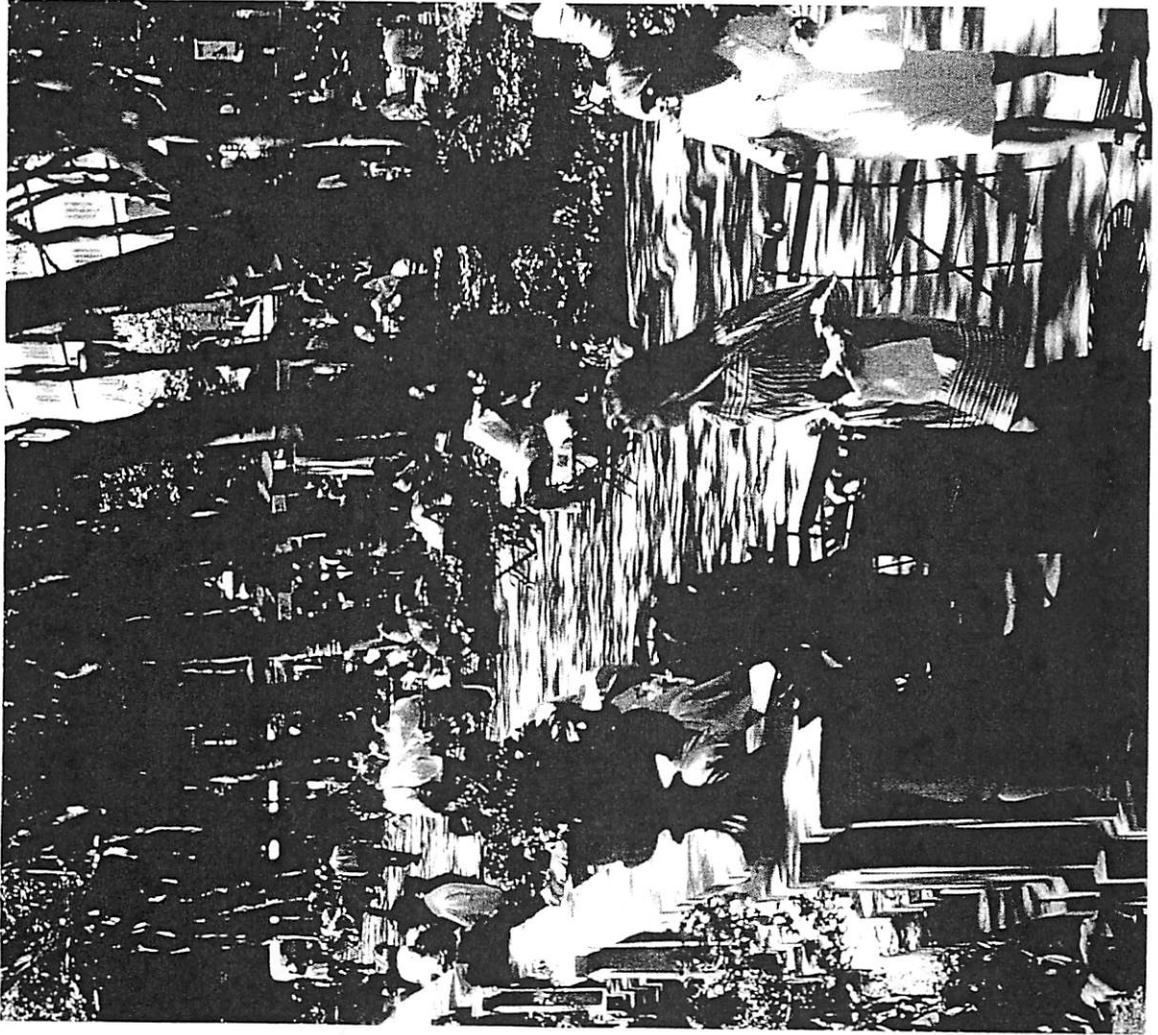
Key Users : Families



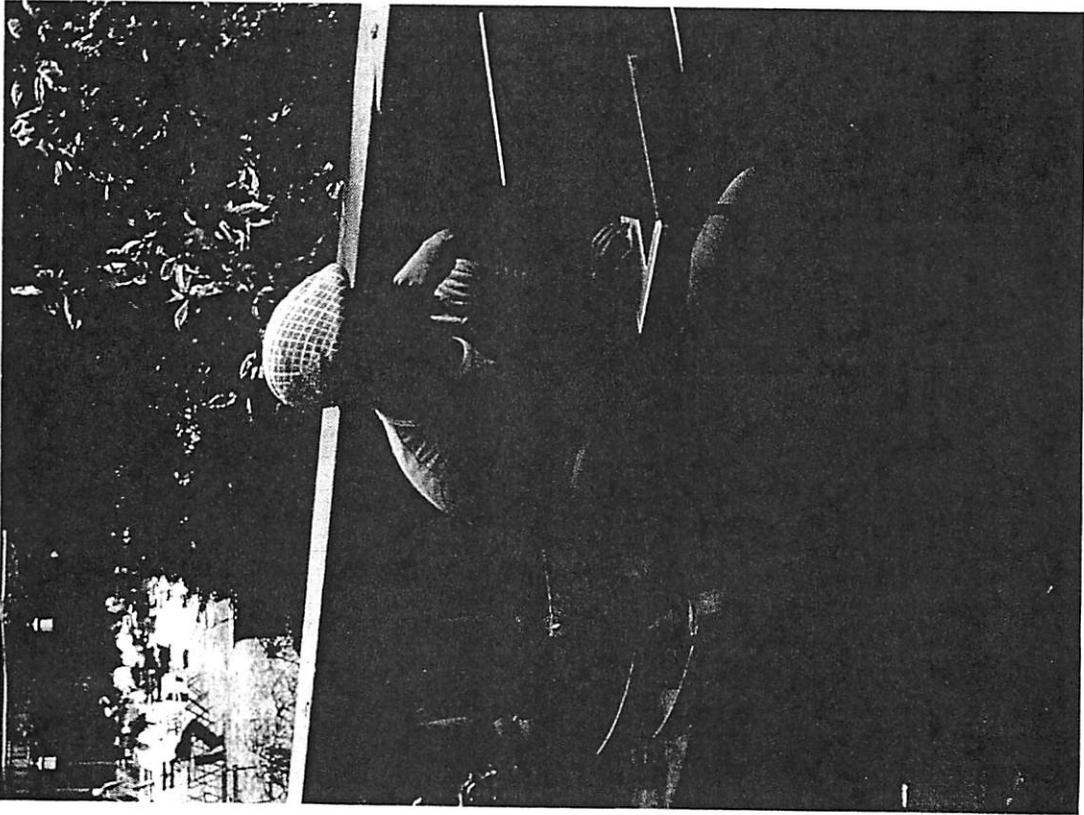
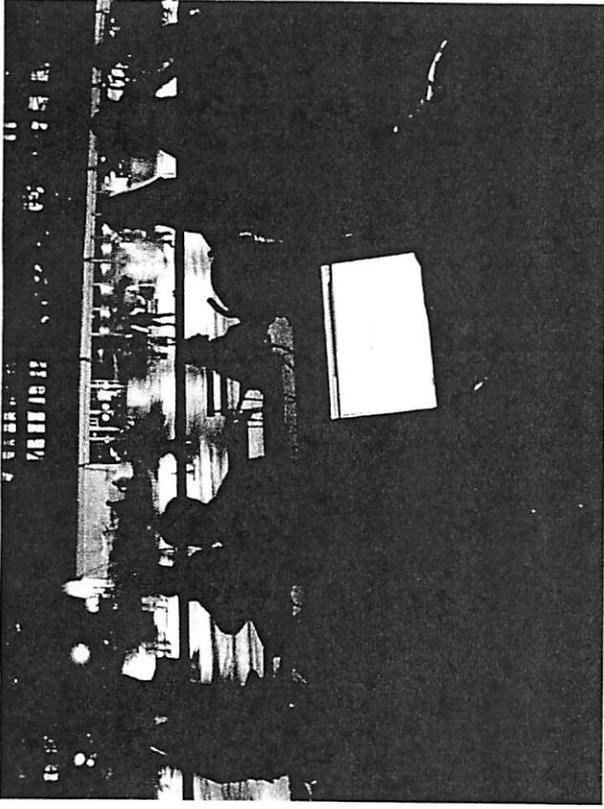
Changing Perceptions of Outdoor Temperature



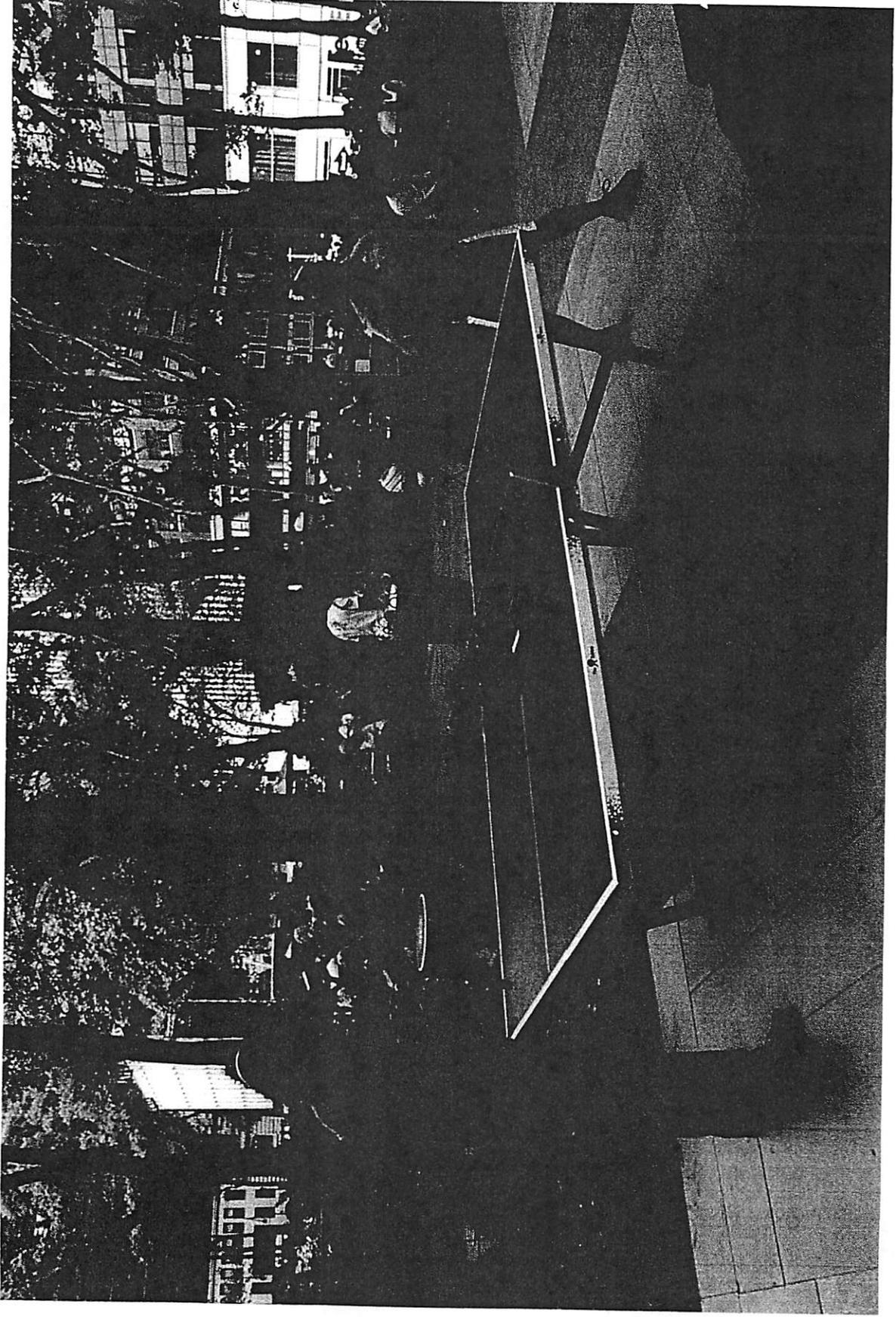
Movable Seating : Desirable



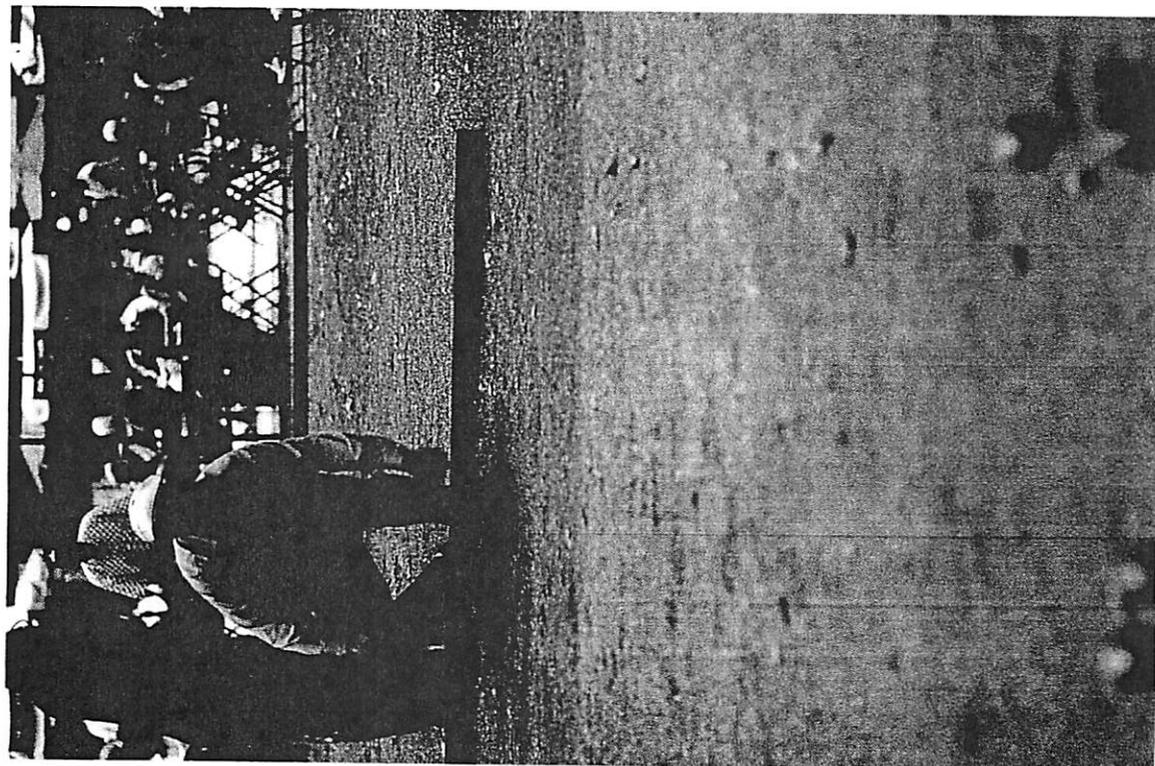
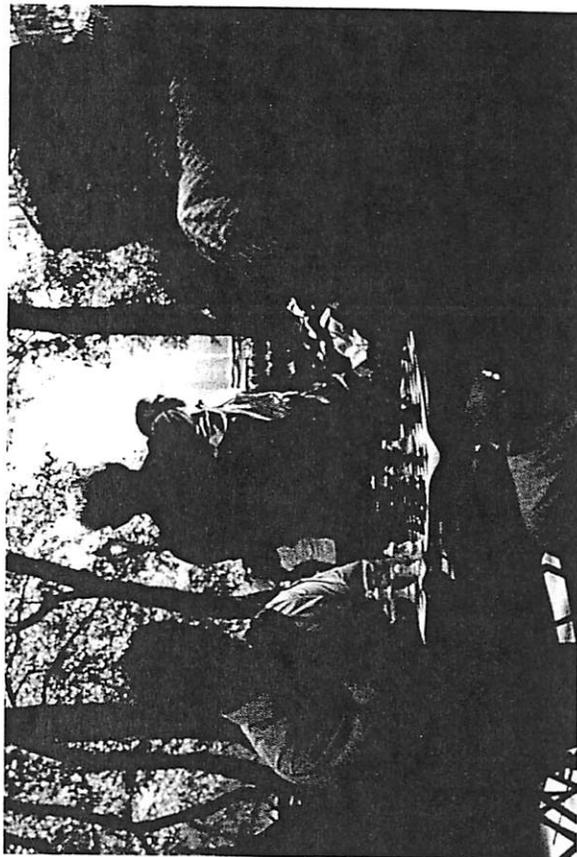
Programming : Wi-Fi



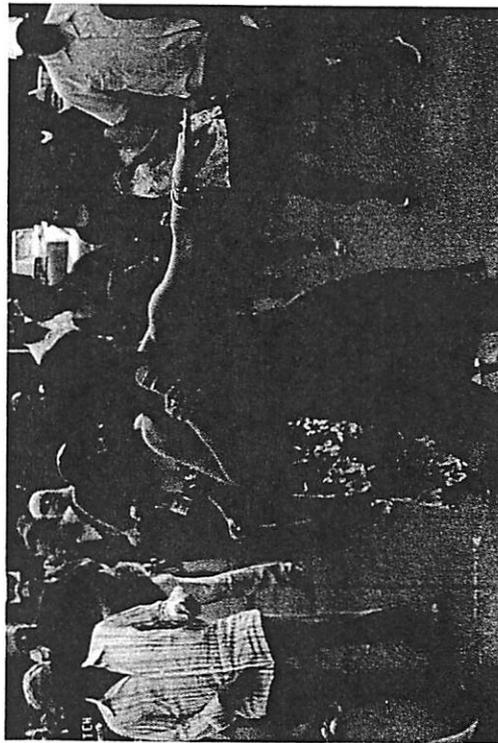
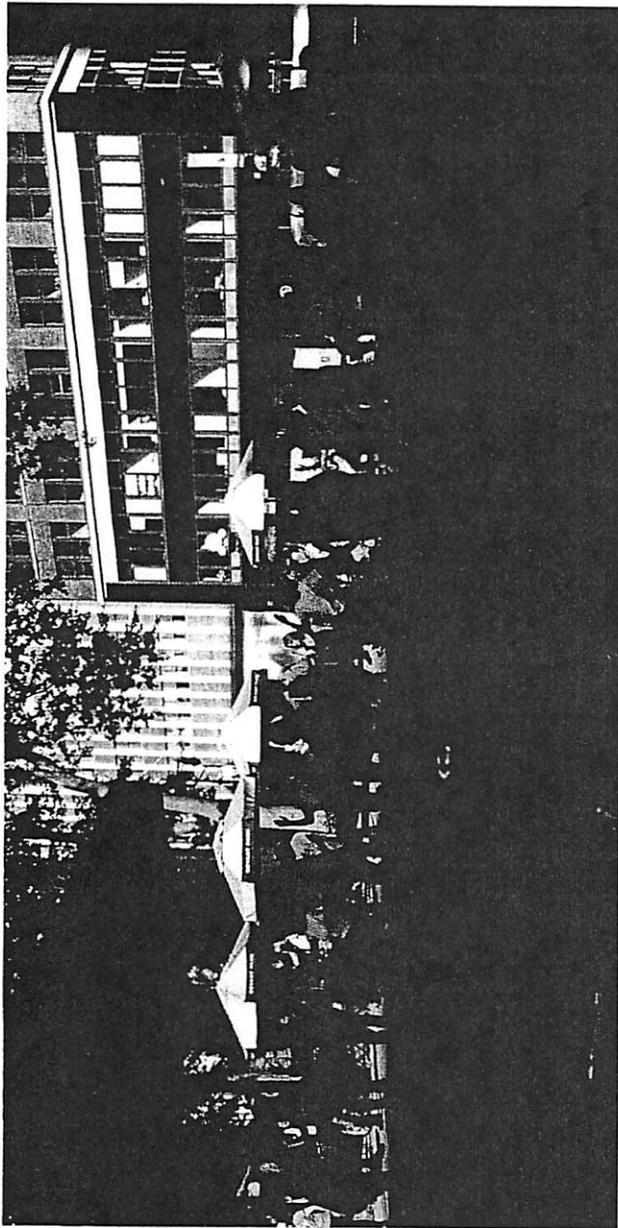
Programming : Games



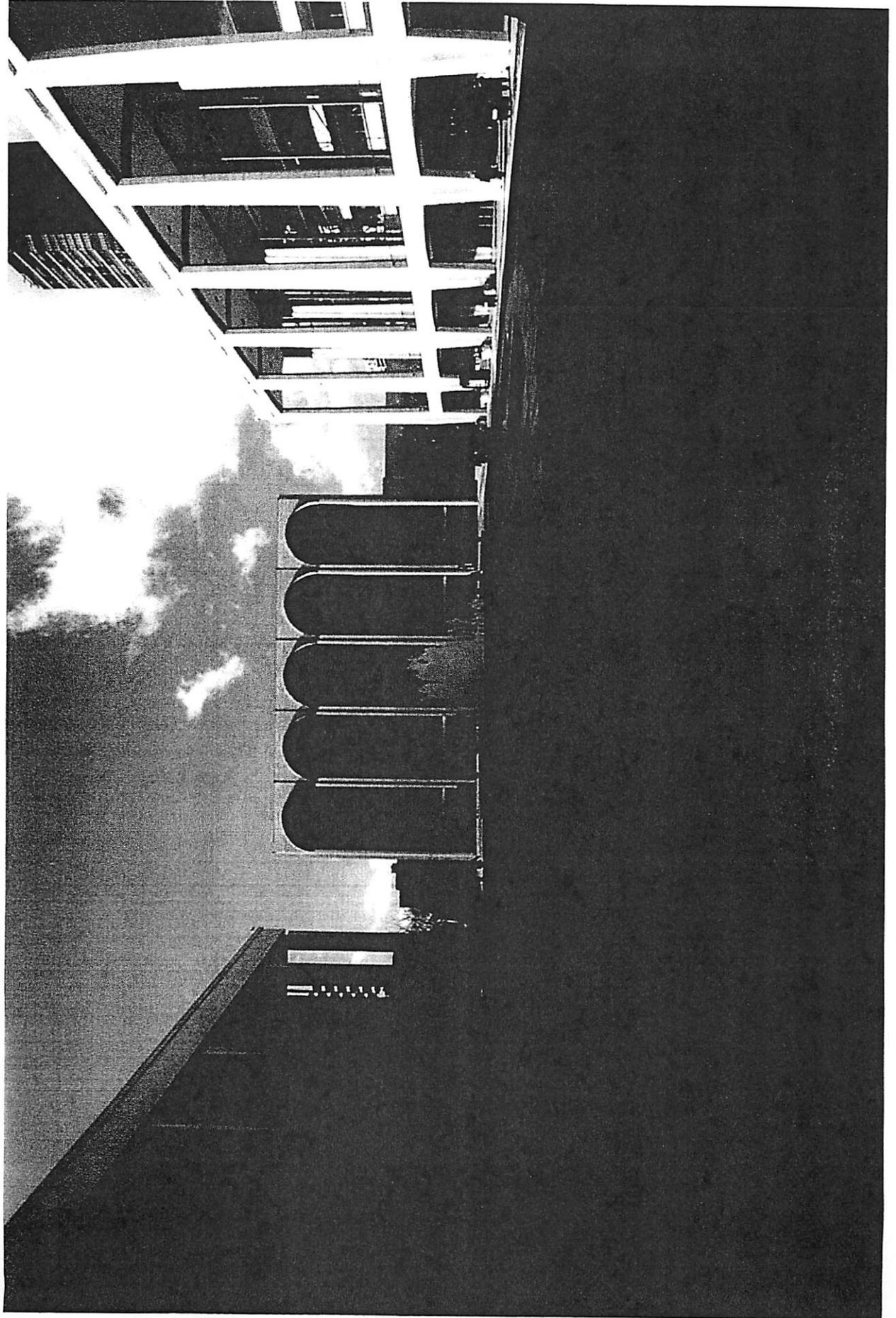
Programming : Games



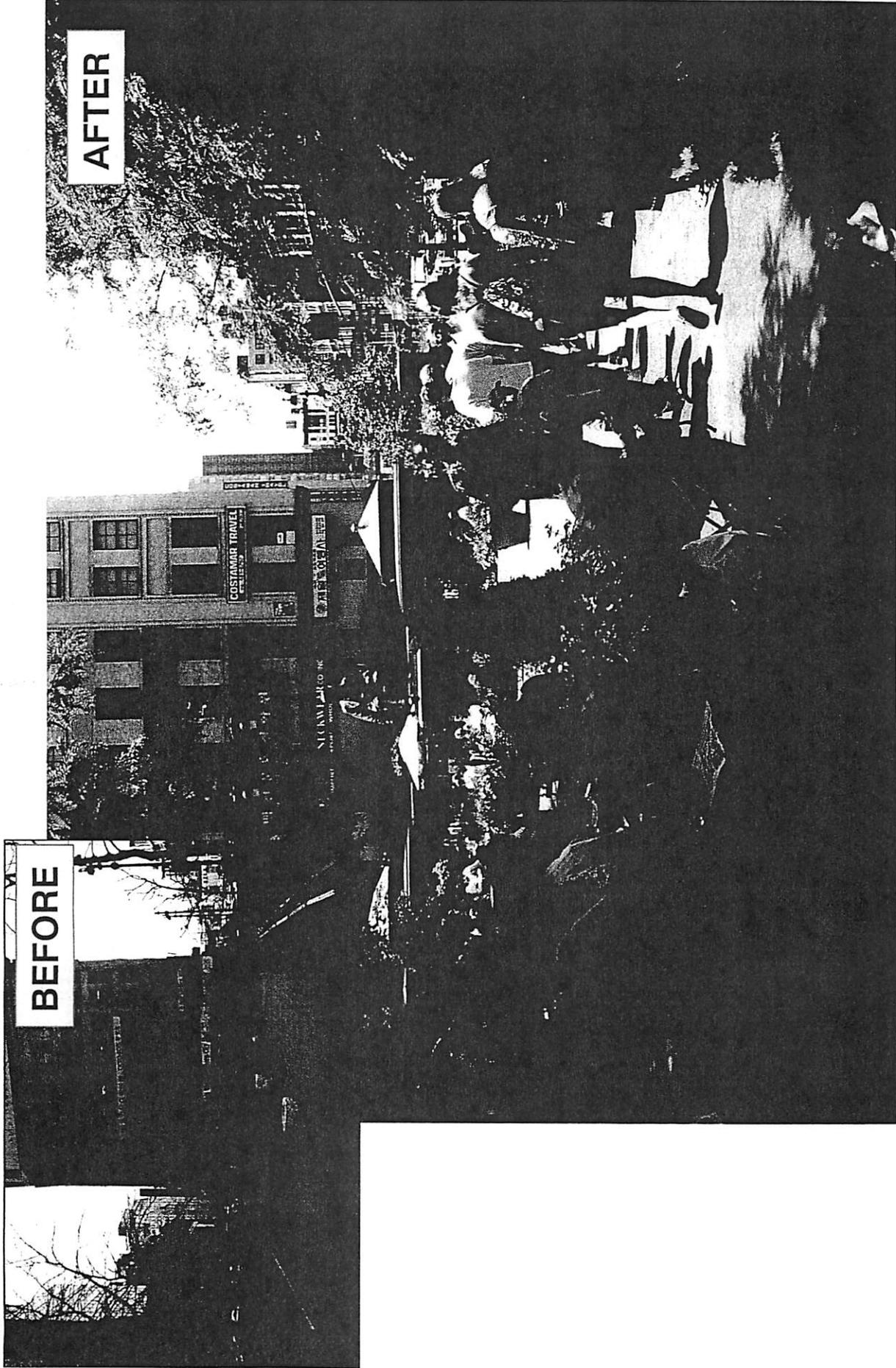
Programming : Group Exercise and Dance



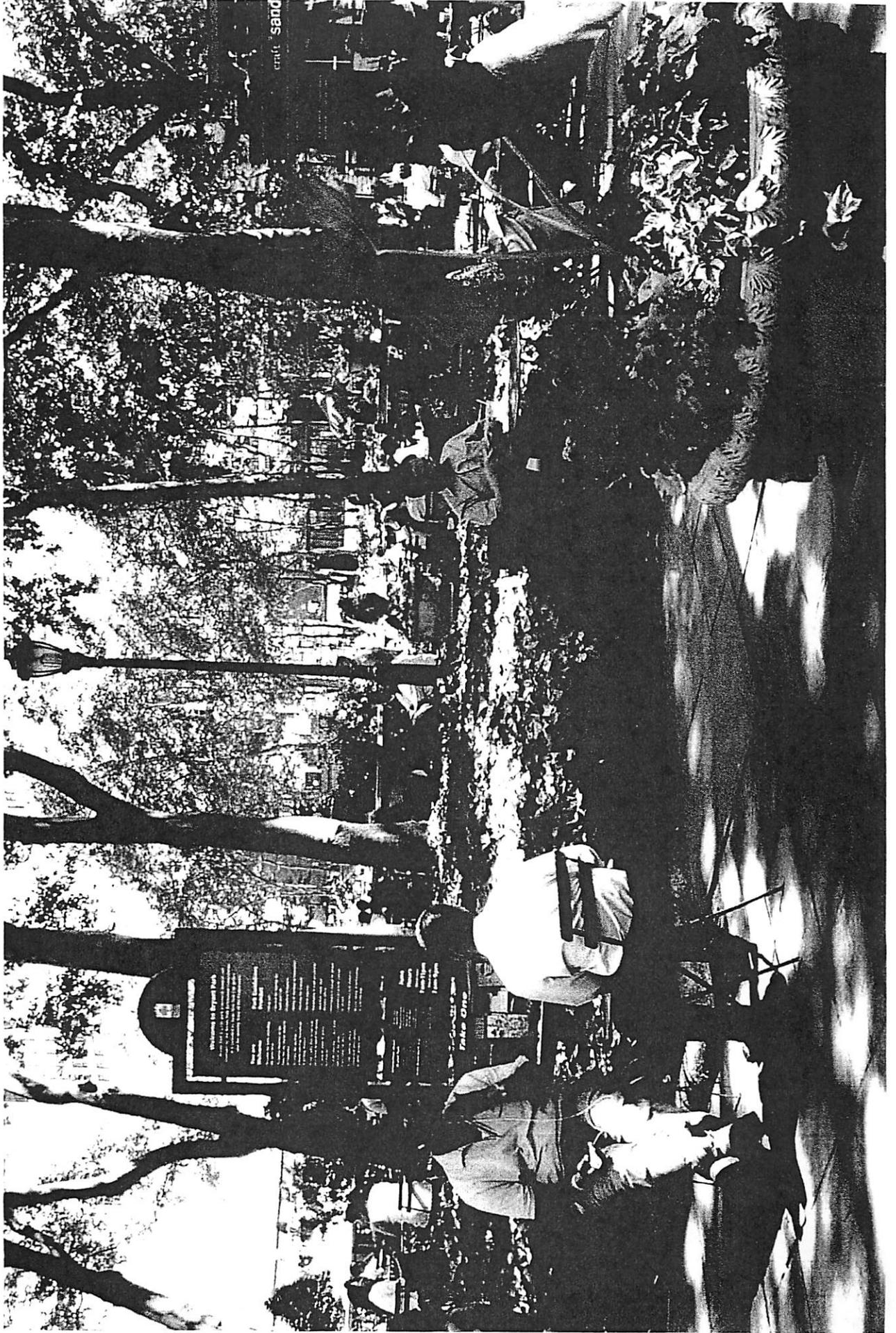
Hardscape : Hot in Summer / Cold in Winter



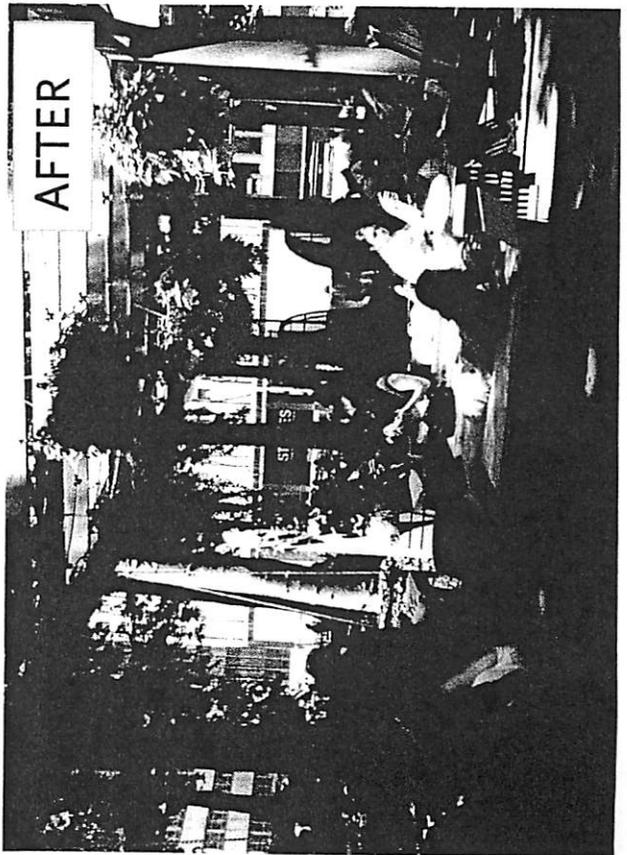
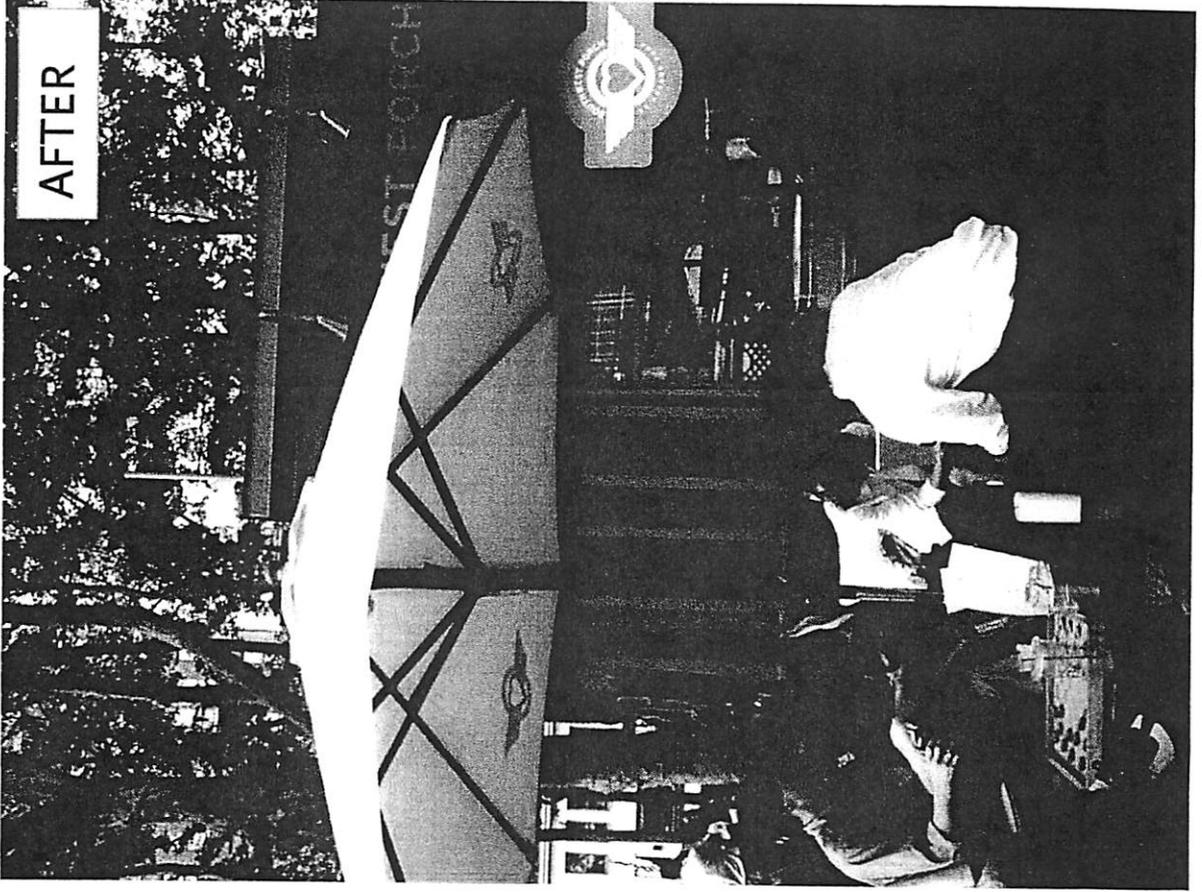
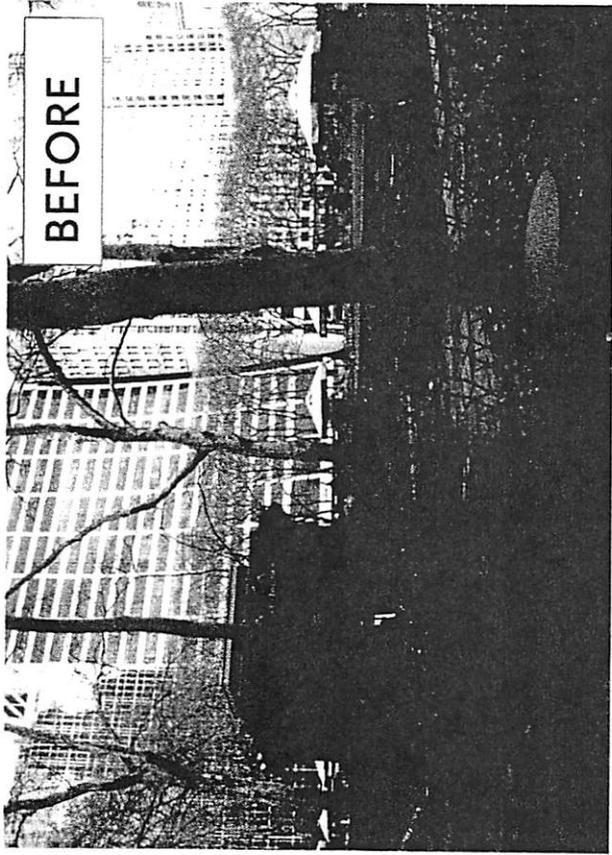
Transformation



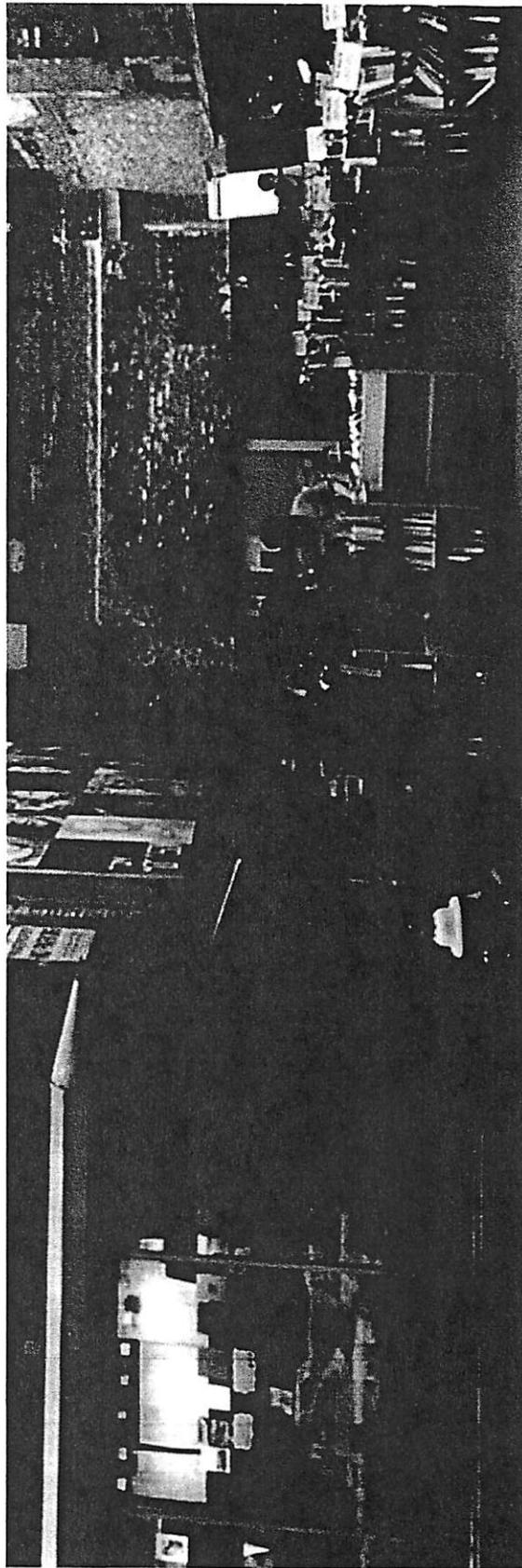
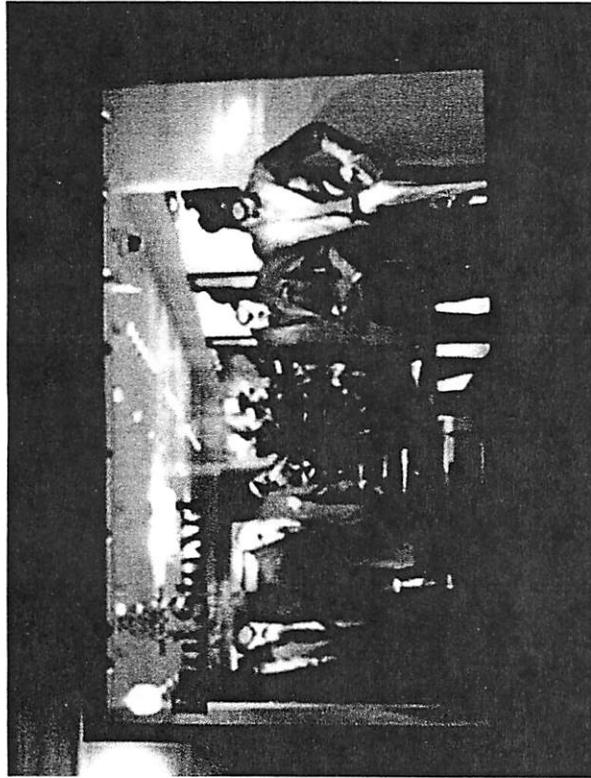
More Softscape is Desirable



Placemaking : Transition between Buildings and Public Space



Placemaking : Visually Interesting and Inviting Storefronts



Programming Workshops Reveal Local Interests

Woodall Rodgers Park, Dallas, Texas, USA

		Feature/Activity	AVG	IN PARK	
Highly desired programs and features	Open lawn space		4.70	☉	
	Restrooms		4.46	☉	
	Cafe/restaurant		4.41	☉	
	Shade structures		4.31	☉	
	Moveable seating & umbrellas		4.29	☉	
	Retail kiosks, newspaper stand		4.27	☉	
	Wireless internet access		4.20	☉	
	Tree groves		4.15	☉	
	On-street parking		4.13	☉	
		Performance area/stage	3.89	☉	
		Special lighting event at evening	3.89	☉	
		Interactive water features	3.82	☉	
		Transit stop	3.74	☉	
		Vendor carts	3.74	☉	
		Jogging trail	3.72	☉	
		Decorative water features	3.68	☉	
		Sculpture	3.54	☉	
		Children's playground	3.46	☉	
		Plazas	3.46	☉	
Desired programs and features		Multi-use pavillion	3.38	●	
		Botanical gardens	3.38	☉	
		Bike racks	3.37	☉	
		Landmark icon	3.35	☉	
		Benches	3.26	☉	
		Dog park	3.23	☉	
		Amphitheater	3.23	●	
		Exhibit space	3.21	☉	
		Picnic tables	3.20	☉	
		Projection screen	3.20	☉	
	Games: chess, croquet	3.07	☉		
	Berms/landforms	2.94	☉		
	Information/ticket kiosk	2.86	☉		
		Feature/Activity	AVG	IN PARK	
		Fitness course	2.52	●	
		Weekend farmers market	2.34	☉	
		Bike rental	2.31	●	
		Skate park	2.13	●	
		Temporary ice rink	2.09	●	
		Basketball	1.69	●	

CONCLUSION

Steven Marsh, Managing Director, Real Estate
MIT Investment Management Company

Conclusion

- Kendall Square is an innovation engine in a very competitive global environment
- Kendall Square must transform as a place to continue to foster collaboration
- MIT is positioned to drive the transformation by providing the basic research knowledge and real estate
- Innovation and placemaking can be complementary
- Our plan is the blueprint for the transformation of Kendall Square



The Plaza

C₁
Cosgrove, Marybeth

From: Drury, Margaret
Sent: Wednesday, July 13, 2011 10:52 AM
To: Cosgrove, Marybeth
Subject: FW: 7/10 7:55 p.m. Ordinance Committee re 7/13 Hearing - Rezoning, 28 acres "in the vicinity of" Kendall Sq. - Not signs again!
Attachments: ZoningKendall MIT Co.'s Signage - April Community&P.R.Presentation.doc; P1020236.JPG; P1020240.JPG; P1020243.JPG
Importance: High

D. Margaret Drury
Cambridge City Clerk
Cambridge City Hall Room 103
795 Massachusetts Ave
Cambridge MA 02139
(617) 349-4260

Please note that City Hall is open Monday 8:30 a.m. - 8 p.m.; Tuesday - Thursday 8:30 a.m. - 5 p.m.; Friday 8:30 a.m. - 12 noon.

From: Carol O'Hare [mailto:c.burchardohare@att.net]
Sent: Monday, July 11, 2011 8:20 PM
To: City Council
Cc: City Manager; Drury, Margaret
Subject: Fw: 7/10 7:55 p.m. Ordinance Committee re 7/13 Hearing - Rezoning, 28 acres "in the vicinity of" Kendall Sq. - Not signs again!
Importance: High

Dear Mayor Maher, Vice Mayor Davis and City Councillors, sitting as the Ordinance Committee:

As you likely know by now, MIT Investment Management Company's comprehensive rezoning application seeks to exempt its 28-acre area "in the vicinity of Kendall Square" (including .3-mile stretch along Memorial Drive) from the City's Zoning Ordinance Article 7 regulating and restricting "Signs and Illumination." You can find this surprise in 2 sentences at the top of p. 11 of MIT Co.'s 17-page rezoning application. Especially given the well-publicized, extended civic controversy of less than a year ago relating to the Building Identification Sign amendments, what can they be thinking?

Besides that, MIT Co.'s classy, 48-page April **Presentation** package (full of pleasing ideas and proposals and attractive images) includes no hint of any plans to exempt their signage from Cambridge zoning restrictions, prohibitions and requirements. See **Attachment**, "ZoningKendall MIT Co.'s Signage. . .," pp. 40-42 from their Presentation, <http://www.kendallsquareinitiative.org/site/wp-content/uploads/2011/04/Kendall-Square-Plan-April-2011.pdf>

I support the planning efforts being invested in redesigning the Kendall Square to become a vibrant mix of uses and a pleasant place. But, I take serious exception to exempting signage in this area from Article 7. I've reviewed MIT's campus map and taken a "field-trip" over there and found that, behind the .3-mile stretch along Memorial Drive, there's quite a lot of vacant, blacktopped land now used for parking, and there are also several possible "tear-downs" & "add-to's." Tall buildings could be erected in those areas. And so, if the exemption application is approved, high, illuminated signs on existing and new tall buildings that might very well be visible from afar, including from Memorial Dr., the River, East Cambridge & Boston. As you know, that would be just what so many people objected to last year.

I hope that you will also read my email directly below, including my more extensive analysis and discussion, in particular the 3 sections captioned: **"Developers' Standard Negotiating Tactic? Ask for the Moon. But MIT Co. is asking for the Stars, too!"**, including the photos attached above, **"My View"** and **"My Plea to MIT Co."** (I apologize; I simply ran out of time to edit it that email into a separate one to you.)

C2

I will certainly try to attend your Ordinance Committee hearing on Wednesday afternoon. But, for the record, in case I am unable to attend, I respectfully ask that the Ordinance Committee keep its July 13 hearing and hearing records open for both oral and written comments until well beyond the initial hearing dates. I make this request, among other reasons, because it appears that public notice of the signage aspect of this rezoning petition was inadequate; signage is a controversial subject in which thousands of Cambridge voters (as well as our neighbors across the River, who look at our skyline) have expressed an intense interest; because it's summer vacation season again.

Sincerely,

Carol O'Hare
Magazine St.

P.S. - Request to Ms. Drury: Please include this entire communication (including my email below) with the official record of the Public Hearing to be conducted by the Ordinance Committee on Wed., July 12, 2011 at 5 p.m.

cc: Separate emails to the Mayor, the Vice Mayor & the Councillors at their individual email addresses

— Original Message — Shortened some & edited for typos by C'OH.

~~From: Carol O'Hare~~

~~To: [Various friends, neighbors, people interested in the City's signage & some community groups]~~

~~Sent: Monday, July 11, 2011 7:18 AM~~

~~Subject: Speak Up Now! - Tomorrow & Wed. hearings - MIT Co.'s Unrestricted Signs, 28 acres~~

July 11, 2011

Hello, just 1 year later,

Summary: MIT Investment Management Company has applied to the City for a complete exemption for 28 acres in the Kendall Sq. area and along Memorial Drive from all Cambridge zoning restrictions and requirements relating to "Signs & Illumination." This surprise is buried within its 17-page rezoning application for "mixed use with increased development densities and heights" within the 28 acres.

Significant Effects: If such exempt signs were illuminated and located high up on existing or future tall buildings within the 28-acre area, they could easily be seen from far & wide, including from Memorial Drive, the Charles River Basin, East Cambridge & Boston (which, for brevity, I'll call Special Areas). Think: "Building Identification/Corporate-Branding Signs"

2 Hearings: Tomorrow & Wed., . . . maybe we'll learn more about MIT Co.'s application for a free-pass on signage.

MIT Co.'s Surprise:

What? MIT Co.'s rezoning application says at p. 11:

"13.89 Signage. The provisions of Article 7 of the [City's Zoning] Ordinance [re signs & illumination] shall not be applicable in the PUD-5 District [namely, MIT Co's 28 acres]. The Planning Board shall approve all signage for new development in the PUD-5 District." [Emphasis added.]

Plainly stated: There would be NO maximum sizes/dimensions; NO cap on height above ground-level; NO restrictions on sign illumination, location or design - simply NO clear, definite, measureable limits or approval criteria of any kind! (Just adding loose, vague approval standards won't cure the spread of illuminated signs filling our night skyline.)

Where? MIT Co.'s 28-acre area (much currently zoned residential) includes a considerable amount of potentially buildable space. See maps on pp. 16-17 of rezoning application @ http://www2.cambridgema.gov/cdd/cp/zng/amend/zngamend_mitpud5.pdf & buildings & vacant lots on campus map @ <http://whereis.mit.edu/>.

In April, prior to filing its official rezoning application, MIT Co. produced a very classy, 48-page Presentation - "Kendall Square in Process" "An Approach for Transformation" -full of attractive images. But, it includes no map showing the boundaries of these 28 acres or any hint of this exemption from the City's zoning limitations/requirements pertaining to "Signs and Illumination."

Who Knows of This? After reading *Cambridge Chronicle's* 6/30 legal notice and phoning several people, I found that everyone with whom I spoke and who I thought would be aware of this significant zoning exemption request, did not know of it. Summer vacation season certainly doesn't help. Need I say more?

Developers' Standard Negotiating Tactic? Ask for the Moon. But MIT Co. is asking for the Stars, too! Yes, it's a standard negotiating tactic for developers to begin by asking for much more than they actually want. (MIT Co.'s extreme starting position - **No Signage or Illumination Restrictions** - almost parodies this strategy!) Then, when they later seem to be compromising by agreeing to some insignificant restrictions and, perhaps, some vague, subjective review standards, they'll claim to have "negotiated in good faith" and "met the other side half-way."

My guess is that MIT Co. (cheered by the Chamber of Commerce) will claim, as we've heard before, that it "needs" such a zoning exemption (or some similar zoning relief) to be able to attract current and future corporate tenants, who will pay taxes, employ residents, do good works in the community, etc. Not everything needs to be bigger, wider, taller, higher, brighter and just more ginned up in order to get people's attention! And, businesses have long chosen to locate in Cambridge without any such in-your-sky-&-view, illuminated signs (however tasteful they may be) and will, for a host of reasons, continue to locate here.

Let's champion more like these three helpful "wayfinding" signs* along the Charles River:

Photo attachment: P1020243.JPG - **Sign @ Genzyme Plant Building**, Soldiers Field Rd., Allston

Photo attachment: P1020240.JPG - **Sign @ MSH Building** (landmarked, formerly Polaroid), 784 Memorial Dr., Cambridge

Photo attachment: P1020236.JPG - **Sign @ Infinity/Science Hotel/Alexandria Building**, 780 & 790 Memorial Dr., Cambridge

*Each sign is the only exterior sign at its building.

Consider this red flag: There need to be absolute caps; measureable maximums & limits; absolute prohibitions; and meaningful (not just sound-good) standards. Otherwise, even, with the best of intentions, Planning Board review of signage and illumination may well result in various, inconsistent, unpredictable, outcomes & high, illuminated signs everywhere.*

*For example, say Company A gets Planning Board approval for its building-top, illuminated, building identification/corporate-branding sign. So, why not Company B? And, why not Company C? And so on, . . . Planning Board members expressed concerns about this trend at their series of public proceedings last year. And, remember, too, that the Planning Board, appointed by the City Manager, is a changing group of volunteers, whose goals and views also change.

Relevant History After 5 months of civic discord, last year's Building Identification/Branding Sign Zoning Amendment was rescinded by public demand due to a successful, 3-week Referendum Petition process. A significant number of City officials and personnel favored high, illuminated building-identification/corporate-branding signage that would have been visible from the Special Areas mentioned above. They thought it would make Cambridge more attractive to tax-paying businesses & employers. The thousands who opposed the Amendment, did so for a wide variety of reasons, that I won't recount here.

My View MIT Co.'s Presentation includes many attractive and winning concepts and designs for the area, including Wayfinding & Retail Signs at or near street level (pp. 40 - 41). I think well-designed, well-planned signage (illuminated or not) at street level, below 20 feet, can make a City's bustling, business/commercial area lively. **But, I and many others oppose anyone's (whether Microsoft, Novartis or others) plastering our City with high, illuminated signs, a skyline directory of corporate names, especially if they're visible from any Special Areas.**

More leads to even more! For example, Novartis, which already has 2 high, illuminated signs on its building in Tech Sq., recently sought variances for 2 more signs on its building's other 2 sides. The Board of Zoning Appeals just barely denied variances by vote of 3 - 2, only because Novartis wouldn't compromise by lowering one of its 2 signs to its entryway, where it might actually have performed the "wayfinding" function that Novartis claimed for it. In different proceedings, the Planning Board has also approved such signs.

I take some comfort from our Zoning Ordinance's Project Review Design Standards for outdoor lighting in substantial projects in certain zoning districts, including PUD Districts. The Ordinance provides: "The building and site design should mitigate adverse environmental impacts of a development upon its neighbors. Indicators include: . . .(9) Outdoor lighting is designed to provide minimum lighting and necessary to ensure adequate safety, night

C4

vision, and comfort, while minimizing light pollution." §19.33. It also encourages "[c]ompliances with . . . evolving environmental efficiency standards." §19.34. If MIT Co. 28 acres is rezoned, it will be a PUD District.

My Plea to MIT Co. Just live with Zoning Article 7's reasonable sign & related illumination restrictions for your 28 acres, including all existing and future buildings/structures that are or may be visible from any of the Special Areas! If your space is attractive, prospective tenants will rent it, just as I gather they have done at your much-admired refurbished 640 Memorial Drive/B.U. Bridge building.

My Plea to Everyone Else, including City Officials

In Kendall Sq. and elsewhere in the City, we can certainly benefit from informative, well-designed signs for both "wayfinding" and conveying other information, like: "What do they sell in there?"

But, we don't need neck-craning, building-top, illuminated signs, that can't even be seen by nearby "wayseeking" drivers, bicyclists or pedestrians. Who needs to find Microsoft at night, anyway? It's not a hotel or motel. . . .

Thanks for your time & patience with this tiresome subject. I hope you can make it to the Tues. & Wed. hearings or, at least, email our public officials. . . .

Carol O'Hare

C6

STREETEXPERIENCE SIGNAGE

8. Wayfinding

Kendall Square depends on street signs for the safe and orderly choreography of thousands of people and vehicles every day. Yet, existing signage falls short of providing basic directional and parking information.

- >> Work with the city and the Kendall Square Association to develop prototype sign systems that will improve the neighborhood's visual landscape.
- >> Design a vocabulary of pole structures that will hold distinct groups of signs to guide drivers and pedestrians.
- >> Select a location for a pilot project, test and refine the prototype, and involve city agencies in evaluation for eventual neighborhood-wide implementation.
- >> Create unique wayfinding opportunities for Kendall Square that mark the entries and points of interest in the district.
- >> Research use of high-tech interactive directories.

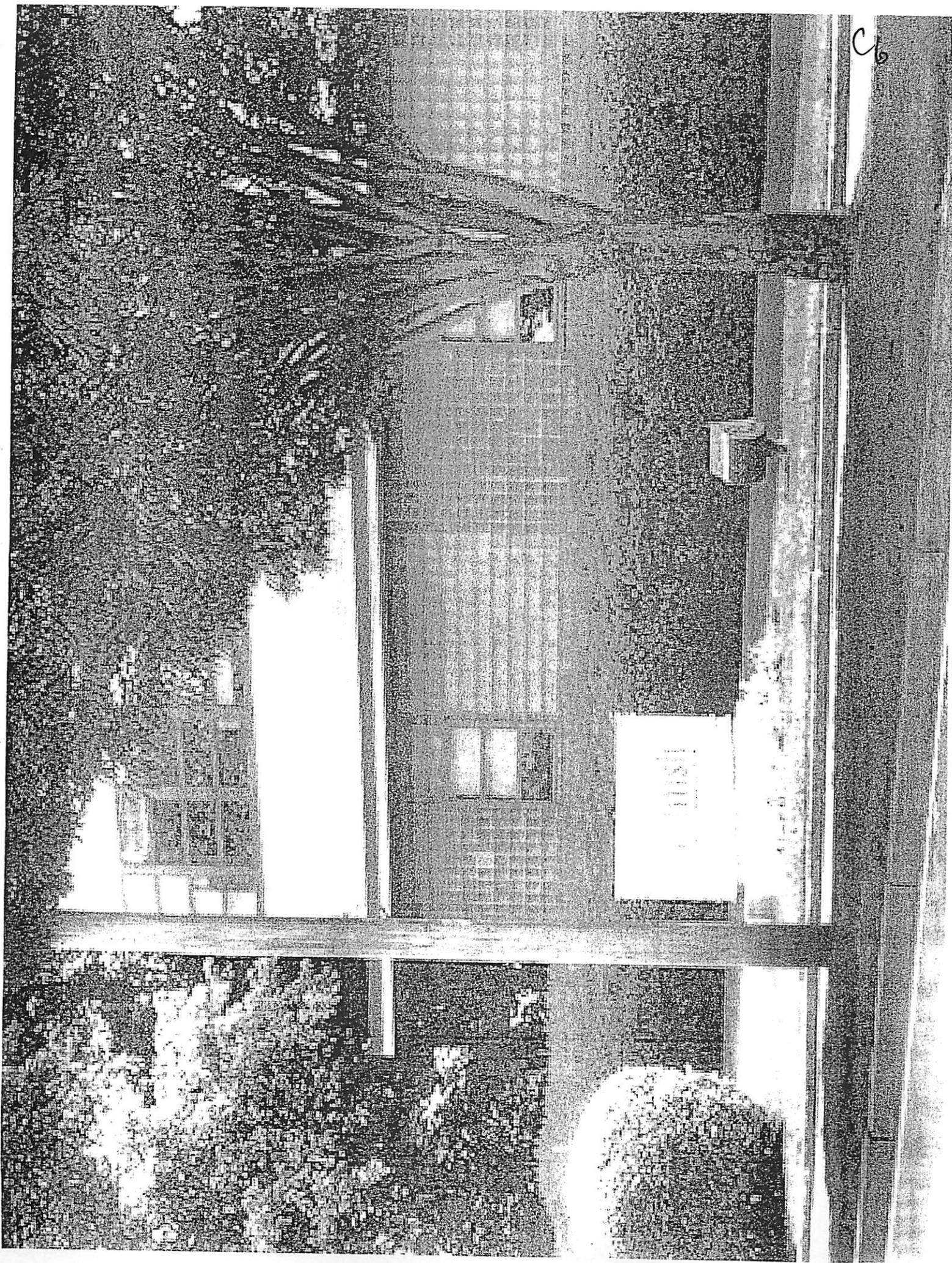
9. Retail signage

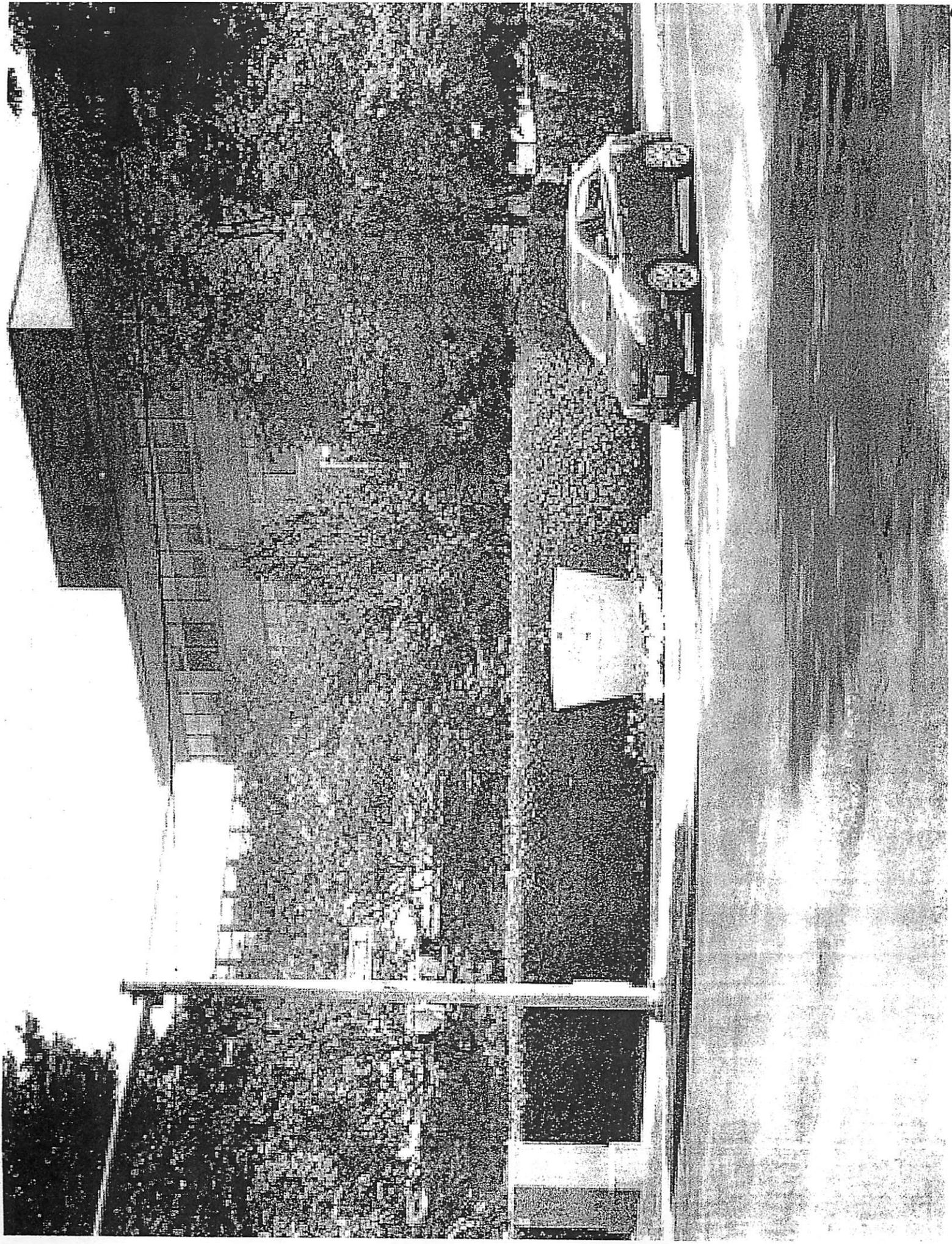
In Kendall Square, retail signs are controlled by individual tenants, so they are difficult to regulate. A proactive strategy should be developed to create uniformity - this reinforces a "sense of place."

- >> Target specific retail signs for replacement and provide design guidelines for new signs for these tenants.
- >> Encourage tenants and owners of targeted properties to participate in the program and assist in identifying funding sources.
- >> Evaluate the condition of awnings and identify those that need replacement.
- >> Provide incentives or requirements for more inventive retail signage—three-dimensional blade signs, for example.
- >> Develop guidelines for pole-support canopies where appropriate for outdoor seating and lobby entrances. These canopies provide inviting places along the street where people can linger and watch the passing crowd.
- >> Create places for the stalls and kiosks of retail startups.

Excerpt, MIT Co.'s Presentation text, pp. 40-41.
See accompanying photos, all of street-level signage for wayfinding & for retail businesses @
<http://www.kendallsquareinitiative.org/site/wp-content/uploads/2011/04/Kendall-Square-Plan-April-2011.pdf>

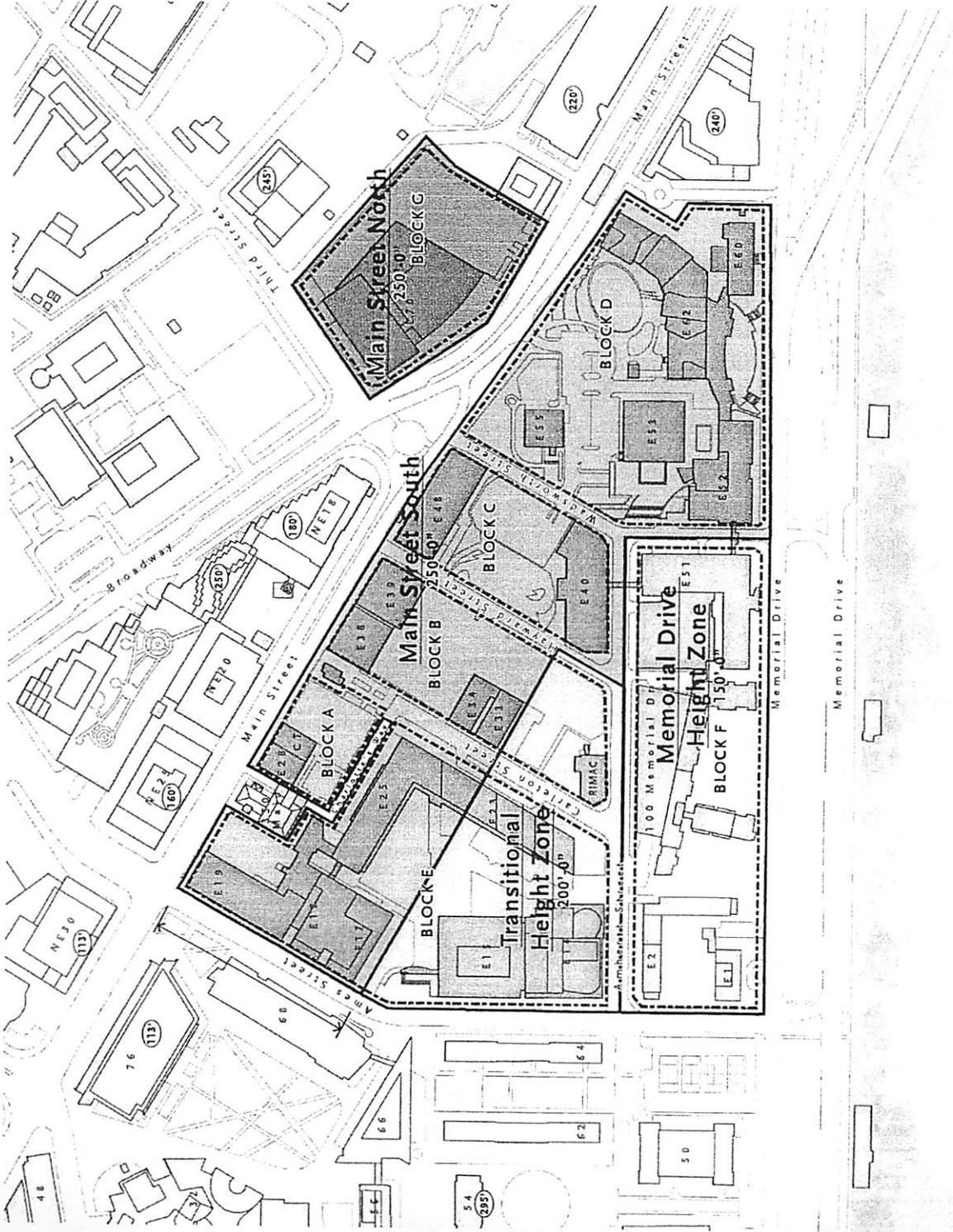
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D1



MIT Regzonia Petition
 April 28, 2014
 P.17 of 17

KENDALL SQUARE INITIATIVE
 MASSACHUSETTS INSTITUTE OF TECHNOLOGY CAMBRIDGE, MASSACHUSETTS

MITIMCo MASSACHUSETTS INSTITUTE OF TECHNOLOGY INVESTMENT MANAGEMENT COMPANY

ELKUS | MANFREDI ARCHITECT

Proposed PUD-5 District Building Height Zones

→ 2 maps copied for reference convenience by Carol O'Hare - July 2011 ←

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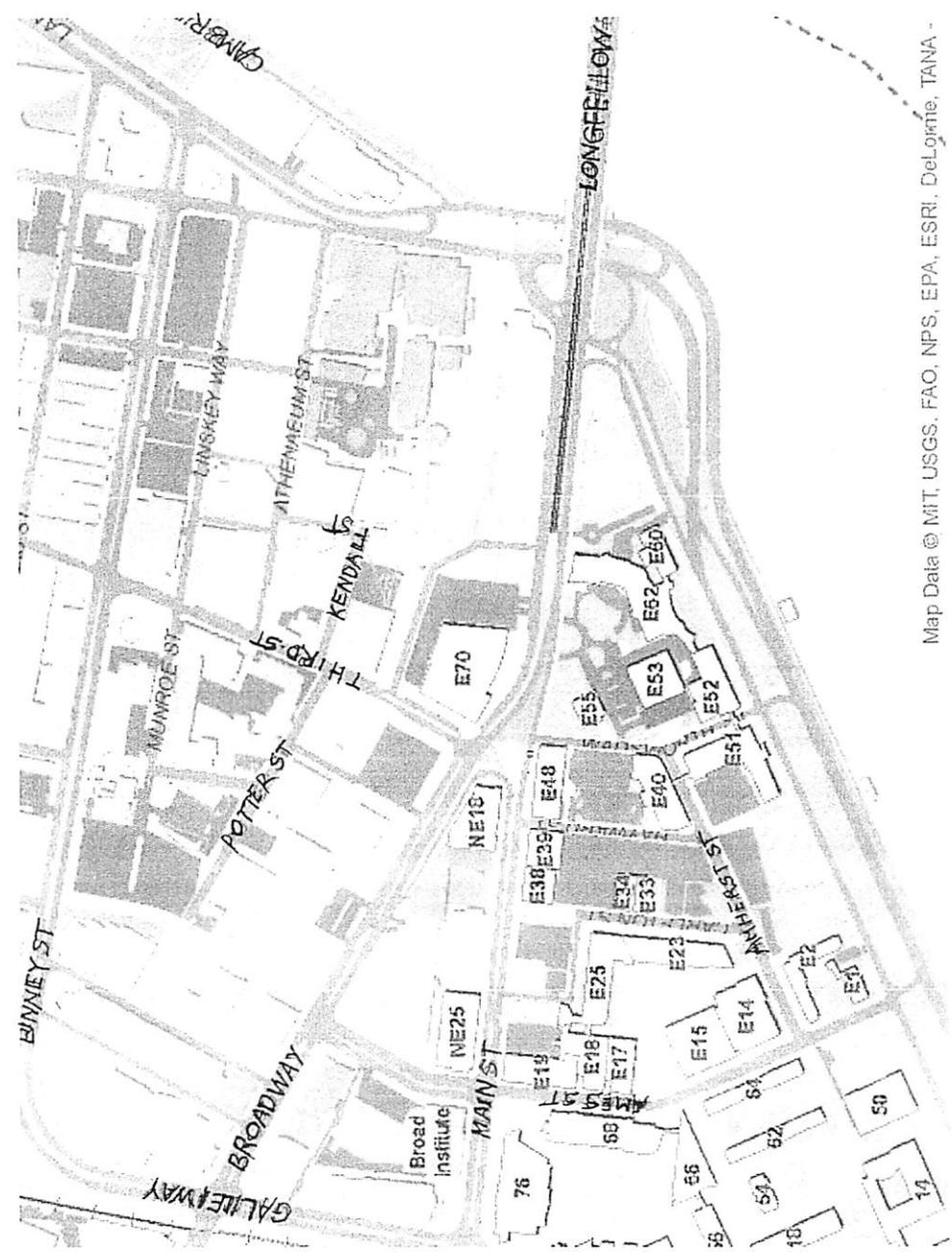
D2

MIT Campus Map

http://whereis.mit.edu/print_window.html?zoom=16&lat=42.36231753155566&l...

MIT campus map

massachusetts institute of technology • 77 massachusetts avenue • cambridge, ma 02139 • 617-253-1000



Map Data © MIT, USGS, FAO, NPS, EPA, ESRI, DeLorme, TANA -

D2

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1

O. ROBERT SIMHA

July 8, 2011

Cambridge City Council

Dear Members,

Tuesday evening July 12, 2011 you will be considering a petition from the MIT Investment Management Company that will have serious negative implications for the long term development of MIT and the City of Cambridge.

Much of what has been presented to you and the public suggests that this proposal will enhance the quality of life in Kendall Square, will enhance the revenues to the city and will adequately provide for the future needs of the academic community at MIT. In my view, nothing could be further from the truth.

The proposals put forward by Mr Steven Marsh, Managing Director of the real estate division of the MIT Investment management Company have several major flaws and raise a number of both legal and ethical questions that you should be aware of as you consider this proposal. I will summarize them below.

First, beginning in 1962 the Planning Board of the City of Cambridge embarked on a land use planning and rezoning process which established that it was in both the City's and MIT 's interest to focus the future academic development of the campus in the area south of Main Street from Central Square to the Longfellow Bridge. This position was embodied in the Land Use goals published by the planning Board in 1965. That principle guided MIT's land acquisition program for long range academic purposes. It also guided the commitment that MIT made to the city to undertake and/ or support new centers of economic development at Technology Square, the Kendall Square Urban Renewal area and University Park. All of which are north of Main Street.

This very sensible plan was embodied in several legal actions taken by the Planning Board which included the establishment, within the zoning ordinance, of an Institutional District for MIT and in its Growth Policy state-

ments that were to be used to guide institutional development in Cambridge.

Over the years, as MIT 's academic campus has required expansion, it has worked within this framework to everyone's advantage. Furthermore, through special legislation drafted and supported by MIT and other Institutions in the country, Cambridge came to enjoy a very substantial and much needed transfer of capital resources from the Federal government's Urban Renewal Administration to assist the city in financing the Kendall Square Urban Renewal Project. Under the provisions of this law, MIT promised to use property that it had acquired near the Kendall Square Urban Renewal Area exclusively for academic and support facilities. The city, through its redevelopment authority, received as a result of these promises, in excess of \$6 million dollars from the Federal government that made it possible for it to undertake the Kendall Square project at no cost to Cambridge tax payers. I have attached a chronology of these and subsequent events for your information. They describe the long and painful process of MIT's participation in revitalizing the Kendall Square area.

Now comes Mr Marsh representing the MIT Investment Management Company, a separate entity whose task is to enhance the value of the MIT endowment through a variety of investment vehicles. One of which is real estate. The employees of this organization, along with other investment managers, are compensated at levels far beyond the faculty and staff at the Institute and they are provided with incentive bonus payments for their success in increasing the value of their investment portfolio. They therefore have every incentive to seek to increase the value of the future academic properties they have under their temporary stewardship.

When Mr Marsh and his associates first announced their plan last winter I wrote to him advising him of the restrictions on the use of land both on Mass Ave. (the Novartis site) and south of Main Street in Kendall Square. I provided him with all of the documentation that represented the intent and actions taken by MIT with Cambridge.

As the MIT planner who was actively involved in the preparation of those agreements at the time, as well as a signer of these agreements with Cambridge and the Federal Government, I was most anxious that both the letter and the spirit of the law be respected. I have attached a copy of that letter.

In the months that followed, Mr Marsh's real estate lawyers sought to persuade the Department of Housing and Urban Development counsel's office in Boston and the City of Cambridge, that with the passage of time, MIT no longer had any obligations to honor the commitments made by the Institute to Cambridge and the Federal government. In short, they told us all, that the word of MIT was not to be trusted, that in spite of all the recorded documents placed before them they were free to ignore promises made and agreements signed when it suited their real estate investment purposes.

It is also clear, by their own admission, that neither the federal officials nor the city officials entrusted with ensuring the fulfillment of these agreements have fulfilled their obligations. No due diligence effort was undertaken regarding MIT's obligations when the Kendall Square Urban Renewal Project contract between Cambridge and the Federal government was closed out in April of 1985. With the sum of \$6.2 million dollars in public funds involved, this may yet be matter for further official public inquiry. One can hope that public officials will yet remind MIT of its legal as well as ethical obligations in this matter and thereby avoid further public scrutiny of this matter.

With respect to the zoning proposal before you, as it relates to the area south of Main Street, you should be aware that the MIT Planning Office had prepared a development plan for the area south of Main street that was fully in conformity with the agreements made with the City of Cambridge and the Federal Government. This plan is consistent with the agreements made by MIT and the City of Cambridge with respect to the transfer of rights in Carleton and Hayward Streets to the Institute, made some years ago. The plan (attached) provides for the expansion of academic buildings that through their horizontal organization encourage the kind of communication between faculty and students that has been the hallmark of MIT's success. It also provides for the creation of an open courtyard that like other such pleasant open spaces on the campus at Memorial Drive and in the new north court just completed in association with the new Koch Cancer Institute would be open to the community and usable for a variety of purposes including an area for quiet enjoyment as well as for celebratory events. In addition, the plan embodied MIT's commitment to building housing for its graduate students and staff on sites reserved for that purpose east of Wadsworth Street. Finally, the plan anticipated the development of additional retail space (above the current 50,000 square. feet already in place on the south side of Main Street) at

the ground floor through out the site. thereby substantially increasing retail and service options for the community.

In summary, the proposal before you has many flaws that I hope you will consider as you review this proposal. They include:

The proposal violates the long standing city plan for the development of an MIT Institutional district south of Main Street for academic, residential and service purposes.

The proposal violates agreements with the City of Cambridge and the Federal Government made in good faith in order to finance the Kendall Square Urban Renewal Project.

The proposal violates the city's growth policy guidelines

The proposal ignores the commitment to provide affordable housing for MIT graduate students and staff on the MIT campus, adjacent to Kendall Square.

The proposal would significantly increase the number of employees in the area without an adequate commitment to building housing.

Furthermore, based on over forty years of experience as MIT's planner, between 1960 and 2000, I would point out that there are longer term implications of this proposal that will result in severe penalties for both MIT and Cambridge resident and commercial taxpayers. The development proposed by the MIT Investment Management Company will result, if successful, in an initial increase in tax revenue. However, given the on going needs of the MIT faculty for space to conduct their teaching and research functions in the years ahead, there will inevitably be a time when the commercial buildings will be needed for academic use and will be removed from the tax roles. While the blow will be softened for a few years due to the current payment in lieu of taxes (PILOT) program, the inevitable shift of the tax burden to residents and other commercial property will be significant. It does not take too much imagination to foresee serious conflict emerging between MIT and the community at the time of such a transfer. In addition, the increased investment value placed on these properties will mean that when they are needed for academic purposes they will have to be purchased by the academic faculty at their investment value. The greater expense will be translated into less money for scholarships, salaries and other needs. If the cost is too high for these properties then

members of the faculty with academic space needs will seek other alternatives either in less desirable locations in Cambridge or at other institutions.

With respect to the specifics of the proposed 13.80 PUD district I would recommend that :

1. You restrict the allowed uses in the Main Street South, Memorial Drive Heigh zone and transitional height zone to Institutional and retail and service functions. That you permit the other uses proposed on the Main Street north section of the proposed PUD district.
2. You require the establishment of a major open space, plaza or court in the main street south sector in the area from Carleton to Wadsworth Street
3. In 13.82.9 you restrict the density of new development in the area south of main street to 600,00 new square feet. Of which 100,000 square feet would be restricted to retail and service functions.
4. In 13.82.9 you restrict the density of new development in the Main Street North to 400,000 new square feet
5. In 13.85.1 you permit an arcade option within the building line to expand the covered sidewalk opportunities
6. In 13.86 - Height - In the main street south, Memorial drive and transitional heigh Zone you restrict the height of all buildings to 120 feet with the exception of residential uses which should be restricted to 300 feet (equal to the existing Eastgate graduate student residence at 60 Wadsworth Street)
7. 13.887- Publicly Beneficial Open Space- A contiguous landscaped open space of no less than 2 acres be established between Carleton and Wadsworth Street.
8. 13.88.12 Loading Bays- That in the Main Street South area loading and service facilities should be located within the underground parking and service facilities to insure the least conflict between pedestrian and vehicular activity on the surface streets and open space.
9. 13.89 - Development in the PUD should not enjoy an exemption from Article 7, the sign ordinance

10.13.810.2 Housing - that a minimum of 600 units of housing should be required. Two hundred units for graduate student and staff families and 400 units for rent or sale. The requirements for rental or sale housing may be met within the PUD or within 2,000 feet of the PUD boundary. 200 units of housing to commence before the issuance of a building permit for development of each 250,000 square feet project of either academic or commercial buildings.

I sincerely hope you will give due attention to the considerations I have placed before you. I would be happy to answer any questions that you may have concerning these matters

Sincerely yours,

O.Robert Simha

6 Blanchard Road, Cambridge Ma. 02138

Attachments

Chronology of Kendall Square Urban Renewal Financing

Letter to S. Marsh

MIT East Campus Plan

MIT- Kendall Square Urban Renewal Project

Chronology of Documents Relating to Section 112 Non Cash Credits assigned to the City of Cambridge by MIT in 1965 and 1967 and describing MIT's relation to the financing of the Kendall Square Urban Renewal Project and the ensuing MIT obligations to the City of Cambridge and to the Federal Department of Housing and Urban Development .

1. Cambridge Planning Board publishes 1965 Future Land Use Goals identifying the area that it has designated for MIT growth.
2. MIT Development Plan, 1965 prepared in conformance with HUD regulations wherein MIT agrees to provide Cambridge with Section 112 Non Cash Credits for the purpose of financing the Kendall Square Urban Renewal Project Project No Mass.R-107.The required MIT Development plan was submitted to and approved by the Cambridge City Council on August 30, 1965. The development plan and supporting documents were submitted by the Cambridge Redevelopment Authority to HUD for approval
3. Letter dated 8/18/66 from MIT Corporation Chairman James R. Killian to Massachusetts Senator Leverett Saltonstall, urging his support for the legislation enabling Cambridge to use section 112 credits.
4. Letter dated 9/28/66 from MIT Corporation Chairman James R. Killian to Congressman Thomas P O'Neil , representative for Cambridge urging his support for the legislation enabling Cambridge to Use section 112 credits
5. 6/26/67 Transmittal of Proposed City Council Resolution from CRA to Cambridge City Manager Joseph A. Deguglielmo approving Amendment No 1 to Development Plan of Massachusetts Institute of Technology.Kendall Square Urban Renewal Area Project No. Mass. R-107
6. 6/26/67, Advertisement of public hearing at the City Council on August 14,1967 regarding proposed amendments to the Development Plan of the Massachusetts Institute of Technology.
7. 7/20/67, Memorandum to MIT Corporation Chairman James R. Killian regarding certification of MIT 112 credits for the Kendall Square Urban Renewal Project.
8. Letter dated 7/20/67 to Mr Paul Corcoran, Chairman of the Cambridge Redevelopment Authority from O. R. Simha , MIT Director of Planning , submitting supporting documentation of expenditures made by the Massachusetts Institute of Technology eligible for certification as Non Cash Local Grant in Aid, as provided for in Section 112 of the Housing Act of 1959, as amended .

9. 7/20/67 Submission of Revised Development Plan, Massachusetts Institute of Technology 1965, July 1967.
10. Submission by Massachusetts Institute of Technology of Certification of Eligible Expenditures, pursuant to Section 112 of the Housing Act of 1959, as amended for the Kendall Square Urban Renewal Area , Project No. Mass. R-107 dated July 1967
11. 8/14/67, Statement by Philip A. Stoddard, Vice President - Operations and Personnel, MIT to Cambridge City Council in support of Amendment No. 1 to the Development Plan of the Massachusetts Institute of Technology
12. Cambridge City Council approval of Amendment No. 1 of the Development Plan of the Massachusetts Institute of Technology 8/14/67.
13. Joint Press Release dated 8/15/67 from the Cambridge Redevelopment Authority and MIT relative to MIT's financial support of the Kendall Square Redevelopment Project.
14. Press Release dated 12/18/67- Cambridge Redevelopment Authority announcing approval of \$6,262,798.37 in local credits has been approved by the Federal Housing and Urban Development Department.
15. Urban Renewal Handbook, 2/68, Local Grants in Aid Chapter 2 Section 3 relative to the requirements for eligibility of Section 112 credits. Plus further regulations and clarifications as of 3 / 69
16. 1968 Memorandum relative to MIT Growth and its Economic Impact on the City outlining compensatory mechanisms to off set growth of tax exempt activities in the east campus adjacent to Kendall Square.
17. 6/74-Statement of joint position on Kendall Square Redevelopment by the Kendall Square Business Association, MIT and the East Cambridge Planning Team stating unanimous agreement that Kendall Square must become a multipurpose /mix use area of activity.
18. Letter dated 7/2/74 to James L.Sullivan Cambridge City Manager from Walter L. Milne, Special Assistant to the Chairman and President of MIT expressing concern that the City Manager proposes to eliminate housing as a substantial component of the plan for Kendall Square and the abrogation of the purposes of MIT's contribution of financial support for the Kendall Square Urban Renewal Project.

19. 10/17/74 Cambridge Chronicle article " Neighborhood Plan voted by Council for Kendall"
20. 1996 Cambridge Community Development Department - Cambridge Zoning Ordinance - Institutional Districts identifying the area designated for MIT growth.
21. MIT East Campus and Sloan Development Plan dated 6/25/96 Illustrative plan describing the completion of he MIT academic,housing and service development plan adjacent to the Kendall Square Urban Renewal Area.

February 25,2011

Mr Steven Marsh
MITIMCO
238 Main Street
Cambridge, MA

Dear Steve,

During the last few months I have attended public presentations of your plan for the development of MIT property in Kendall Square and on Massachusetts Avenue. During several of those sessions I have expressed to you and to your associates, that your plans to develop several of these properties for commercial purposes is at variance with prior agreements and official actions taken by MIT, the City of Cambridge and the US Department of Housing and Urban Development.

I had hoped that you would have taken the notice I provided seriously, since I believe it involves the good faith and integrity as well as the legal obligations that MIT has to both the City of Cambridge and to the Federal government. It now appears that, with a submission of a proposed zoning change by Novartis on MIT's land and the direction you are pursuing in the Kendall Square MIT East Campus area, you have chosen not to take that course. It appears further, that you have chosen not to fully apprise the Institute's leadership and Corporation of these considerations before proceeding with your plan. Therefore, as one of the Institute's representatives, at the time these agreements were struck, and given my concern for the reputation of the Institute and its future, I would like to bring to your attention the following facts with which you may not be familiar.

1. On August 30,1965, MIT, at the request of the City of Cambridge, through its Redevelopment Authority, entered into an agreement with the City of Cambridge regarding the financing of the Kendall Square Urban Renewal Project. That agreement was executed under the provisions of Section 112 of the Housing Act of 1959, as amended, and it provided that MIT expenditures for land and buildings in proximity to the Kendall Square Urban Renewal Project would serve as non cash credits to be used by Cambridge to pay their 'one third' share of the cost of preparing the urban

renewal site for development. The Federal government would, in turn, contribute the other 'two thirds' of the costs incurred by Cambridge.

2. This agreement was predicated on Federal regulations, published by the Department of Housing and Urban Development, which required that MIT prepare and submit a "Development Plan" for the campus and the properties noted above to the Cambridge City Council for its approval. It also imposed on MIT the obligation that these properties would be used for "Educational Uses", defined in the HUD regulations as "uses related to the functions of teaching or research or to the housing, feeding, and care of students and faculty"

3. The Cambridge City Council approved the Institute's "Development Plan" on August 30, 1965. It further voted to approve an amended MIT Development Plan which added additional properties and credits on August 14, 1967.

4. The City of Cambridge, through its Redevelopment Authority submitted the required documentation, prepared by MIT, to secure the non cash credits in August of 1967. HUD reviewed and certified the city's request for non cash credits and approved the award of \$6.3 million dollars in credits to Cambridge on November 2, 1967. This agreement brought to the City of Cambridge an additional \$12.6 million dollars in federal funds to finance the city's costs for the Kendall Square Urban Renewal Project. These funds were projected to fund all of Cambridge's costs so that the city would be able to proceed without incurring debt. MIT's deep commitment to this effort was reflected in the letters of support sent by MIT Chairman James R. Killian to Massachusetts representatives and senators

5. As part of the justification for this strategy MIT provided the city with a detailed accounting of the real estate tax value of properties south of Main Street in the east campus and pledged to compensate for the tax loss to the city through new development at Technology Square and later at University Park. Both of these pledges have been fulfilled.

6. In the spirit of openness and transparency, MIT commissioned Professor Kevin Lynch to prepare a guide plan for the east campus area adjacent to the Kendall Square Urban Renewal area. Professor Lynch,

already recognized as one of the world's foremost urban designers and institutional planners, provided a set of design principles that were to guide MIT's development and reflect the common needs of the Institute and the city as the redevelopment of Kendall Square went forward. This plan, shared with the city in 1965, along with subsequent refinements to the plan prepared in conjunction with the development of new buildings for graduate student housing at Eastgate in 1967, the Whitaker Health sciences, and health services in 1982, the Media laboratory in 1985 and the joint effort with the MBTA and Cambridge for the design of the new Kendall / MIT station in 1987 all sought to insure that the east campus would, step by step contribute to the creation of a new vibrant environment in Kendall Square. The pace of these efforts have often been limited by lack of MIT's property ownership or lack of resources but the intent was clear and a refreshed version of the plan was prepared in 1996 to insure that we continued to honor MIT's commitments.

7. Throughout these years, MIT's efforts carried with them the commitment to honor the city's expectation that the Institute would restrict its tax exempt educational activities to the area south of Main Street as described in the Cambridge Planning Board's Land Use Goals for Cambridge published in 1965, the MIT Institutional District described in the Cambridge Zoning Ordinance and the 1992 agreement with the City of Cambridge for the Ames Street tunnel. This agreement included the permanent leasehold to MIT of Carleton and Hayward streets in order to facilitate the orderly development of future educational, research, housing and MIT community services on the East Campus.

8. In June of 1974, while the City was reviewing modifications to the urban renewal plan for Kendall Square, MIT, the Kendall Square Business Association and the East Cambridge Planning Team joined together in a statement of support for a plan that was "in the best interests of the people who live and work here". It stated that "it is our conviction that Kendall Square must become a multipurpose/ mix- use area of activity rather than one dependent on a single orientation". It supported development that would attract research and development companies but emphasized the need for a "multi - use complex of retail establishments ...as well as privately financed housing". The statement asked for commercial activities, professional services, theaters, restaurants and community service

facilities that would " contribute toward humanizing Kendall Square". The statement further proposed " that ... open areas be planned to augment and reinforce the effort to humanize the area, thus trying to serve the recreational needs of the community".

9. In spite of these efforts and MIT's reminders to the then City Manager of the key role MIT played in the financing of the Kendall Square Urban Renewal Project and the promises and expectations we were assured of for the development of the area, the then manager failed to respond to our concerns for housing and other community needs in the Kendall Square Urban Renewal Area. A letter from the Special Assistant to the Chairman of the MIT Corporation expressed our deep *disappointment in his " elimination of housing as a substantial component of the plan". The MIT letter pointed out that " Section 112 was the invention of a group of universities. In adopting it, the Congress intended to provide for cooperative renewal development with benefits flowing mutually to the municipality and to the certifying institution" ...and that the renewal plan for which part of the local share is provided by the private expenditures of the educational institution must also produce" a cohesive neighborhood environment compatible with the function and needs of the educational institution"*.

MIT's commitment to the development of Kendall Square as a humane environment and the integrity of its agreements have been constant, until the proposal you have put forward for consideration to both the MIT and Cambridge community. Your current proposal threatens to violate the agreements and obligations entered into by MIT in good faith. If you proceed you may place MIT in the position of unilaterally abrogating these obligations to the City of Cambridge and the Federal Government. The City of Cambridge could then be exposed to a demand from the Federal government for the return of funds paid to Cambridge in connection with promises and agreements MIT made under section 112 of the Housing Act of 1959.

I urge you to reconsider your proposals both in the area adjacent to Kendall Square and on the site at 211 Massachusetts Avenue where you have announced your intention to lease land and buildings to the Novartis Company for many years into the future.

I am attaching some of the pertinent documents, announcements and correspondence that document MIT's intent and actions with respect to this matter.

I urge you to carefully consider this matter before continuing further. I would not wish you to embarrass yourself or the President of MIT, Susan Hockfield, who has been a champion of creating a more humane environment in Kendall Square. I urge you to review the plans for the East Campus prepared in 1996 that could serve as a basis for a more enlightened development plan including multi purpose buildings that encourage communication and collaboration, which could be used interchangeably for academic purposes in the future and the creation of an important addition of a green open space that can bring both a much needed touch of humanity and provide a real venue for large public gatherings and events not possible now nor contemplated by other developments in Kendall Square. All of this at density that is compatible with a university environment.

O. R. Simha

cc: Paul E. Gray
Gregory Morgan
Michael Owu

Stephen H. Kaiser
191 Hamilton St.
Cambridge, Mass. 02139

To : Tim Toomey and Sam Sidell, Co-Chairs, Ordinance Committee

From : Stephen H. Kaiser

Proposed Zoning Amendment at Kendall Square to Create a new PUD-5 as section 13.80

At last night's Planning Board meeting, MIT emphasized planning concepts -- not zoning. Many residents from East Cambridge and other areas of the City testified to their hopes and concerns for general planning, as well as their differences with aspects of the proposed zoning. How does this zoning relate to the ongoing City-sponsored planning study with David Dixon and his consultant team?

There are substantive issues relating to open space, ground floor retail, housing, lighting and signage, and academic vs. commercial uses by MIT. Proposed development is very dense, with impacts worthy of comparison to North Point.

I suggest that there be a division of labor and responsibility, so that the three entities involved in planning for Kendall Square can each make quality contributions without undue conflict and duplication. The Dixon study for Kendall Square has an appointed advisory committee, and a minimalist opportunity for comments by the public ... the seven-member Planning Board includes a known body with familiarity with zoning and various development projects around the city, plus a structured public hearing process ... and the City Council has its Ordinance Committee composed of all nine Councilors, with legal responsibilities for budgets, laws, setting a vision for the city, and listening to the general public.

The Dixon study would seek to develop the documents on planning alternatives and related impacts such as density, heights, land uses, pedestrian circulation-traffic-and-transit and other consolidated planning concepts. The Planning Board could seek out individual proposals from the landowners at and near Kendall Square. The Planning Team and the Association of Cambridge Neighborhoods could also serve as forums for ideas and for citizen ideas on desired planning. The City Council could monitor progress on overall planning efforts, and could invite presentations and discussion on alternatives in a more general context (without PowerPoint!), allowing the Planning Board to take the lead on any specific zoning proposals. The council would also deal with legal issues such as the history of past planning commitments as indicated by Bob Simha, as well as Constitutional issues such as articles 6, 7, 11, 18, and 29 of the Declaration of Rights .

F₂

LEGAL CONCERNS

At past Planning Board hearings, I have expressed my concerns with the impropriety of zoning actions that increase the value and development potential of land ... such as Alexandria, Novartis, and University Park. Where there is any upzoning in Cambridge without full compensation to the city, I contend that there will be multiple violations of the provisions of the Massachusetts State Constitution, specifically the Declaration of Rights, in Articles 6, 7 11, 18 and 29.

ARTICLE 6 : "No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural. *No Advantages or special privileges for developers.*

ARTICLE 7 : "Government is instituted for the Common good, for the protection, safety, prosperity, and happiness of the people and not for the profit, honor or private interest of any one man, family, or class of men; therefore the people alone have an incontestible, unalienable and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it." *This is the clause about no profit from government action.*

ARTICLE 11 : "Every subject of the commonwealth ... ought to obtain right and justice freely, and without being obliged to purchase it; completely and without any denial ... " *Individuals cannot be stonewalled.*

ARTICLE 18 : " A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality are absolutely necessary to preserve the advantages of liberty and to maintain a free government." *The state constitution must be referred to regularly.*

"The people ought, consequently, to have a particular attention to all those principles ... and they have the right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth." *This clause in modern diction could be identified as the "no stonewalling" requirement.*

ARTICLE 29 : "It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice." *Impartial interpretation of the law is required.*

Sincerely,



Stephen H. Kaiser, PhD