

THE MCKINNON COMPANY

16

Complex Urban Development

2010 JUL 28 P 4: 50
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

July 28, 2010,

Margaret Drury
City Clerk
City of Cambridge
Cambridge, MA 02139

Dear Margaret,

Enclosed please find a cover letter from Richard Rudman, DLA Piper, along with a zoning petition to amend the NorthPoint Zoning District, PUD-6.

As the first signatory to the Petition, it is my hope that this amendment will allow EF to move forward with their plans to expand by building a new building at NorthPoint in addition to the one they occupy already. The project will bring the following benefits to our City:

Benefits:

- EF is one of the largest providers of educational services in the world, with more than 400 offices in over 50 countries.
- EF's current North American headquarters is at One Education Street in the North Point District of Cambridge.
- EF needs space by September, 2012 for 400 new employees in the U.S.
- The only development site convenient to EF's existing building is a parcel owned by DOT that is across Education Street (adjacent to the North Point Riverfront Park) and that is designated for development as part of the Charles River Master Plan.
- EF's preferred alternative is the North Point site, but if it cannot be developed for occupancy in September, 2012 then EF's alternatives are in other states where construction can commence quickly.
- Mass DOT will issue an RFP for the site on an expedited basis to provide an opportunity for EF to acquire the site.

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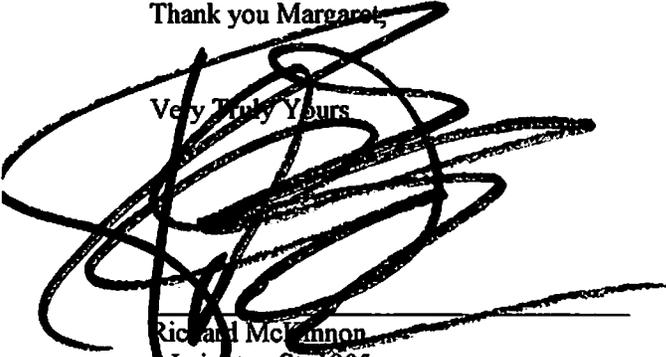
Complex Urban Development

- The building will be for occupancy by EF for office and educational purposes, a public restaurant and parking.
- EF will self-finance the project and plans to start construction immediately after completing the permitting process.
- EF has agreed that the building will be constructed with union labor, and will create an estimated 300 construction jobs.
- The Cambridge City Council has unanimously adopted a resolution in support of the project.

As Richard mentions in his letter, I respectfully request being placed on the City Council meeting of August 2, 2010.

Thank you Margaret,

Very Truly Yours



Richard McKinnon
1 Leighton St. 1905
Cambridge, MA 02141

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Boston, Massachusetts 02110-1447
www.dlapiper.com

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T 617.406.6027
F 617.406.6127

July 28, 2010

OUR FILE NO. 311871-000021

By HAND

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

Re: NorthPoint PUD-6 District, Cambridge, Massachusetts

Dear Ms. Drury:

On behalf of the registered voters referenced in the attached document, enclosed please find a petition for amendment to the Cambridge Zoning Ordinance pursuant to M.G.L. c.40A, §5 and Section 1.50 of the Cambridge Zoning Ordinance relating to the PUD-6 (North Point) District. Also enclosed is a check in the amount of \$150.00 for the filing fee.

We respectfully request that this petition be placed on the agenda for the City Council's upcoming meeting on August 2, 2010.

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

Sincerely yours,



Richard D. Rudman

Enclosure

cc: Dean Stratouly
Richard McKinnon

Zoning Petition

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

1. To see whether the City Council will vote to amend the Cambridge Zoning Ordinance by adding Section 13.73.0, immediately following Section 13.73, to read as follows:

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

2. To see if the City Council will vote to amend Sections 13.73, 13.74.1, 13.74.2, 13.74.3 and 13.74.31, which currently read as follows:

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

...

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

...

13.74.2 Minimum Development Parcel Size. The minimum size of the Development Parcel shall be the larger of (1) one hundred thousand (100,000) square feet or (2) seventy-five percent of the area of a lot or combination of lots (a) in existence as of June 1, 2001 and (b) held in common ownership where it is proposed to incorporate any portion of such lot or lots within the Development Parcel. The area of the development parcel may include land dedicated (after adoption of this Section 13.70 and prior to any application for a PUD special permit under this Section 13.70) by the owner or former owner of the lot, whether in fee or by easement, deed restriction, covenant or comparable legal instrument enforceable by the City of Cambridge or other public entity, as a public way, private way open to public use, or public open space.

...

13.74.3 Maximum Building Height. The maximum height of buildings in the PUD district shall be eighty-five (85) feet except as otherwise shown on the PUD in the North Point Residence District

Height Limitation Map (Map 13.71) and as described herein. Height is further regulated by the provisions set forth in Sections 13.74.31 – 13.74.33 below.

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

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

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

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

...

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

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

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

...

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

...

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

...

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

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

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

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

(2) Maximum Building Height of One Hundred and Twenty (120) Feet. The maximum height of buildings shall be 120 feet in the following described area: That area bounded by a line beginning as boundary of the area described in 13.74.3 1b above; then the centerline of O'Brien Highway; then a line northwesterly of, parallel to and 325 feet distant

from the northwesterly sideline of Charlestown Avenue; then a line northerly of, parallel to and 100 feet distant from Reference Line #1 (see Section 13.74.34); then the Special District 1 zoning district boundary line, then the Cambridge/Somerville municipal boundary line to the point of origin.

...

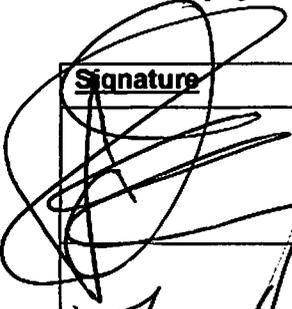
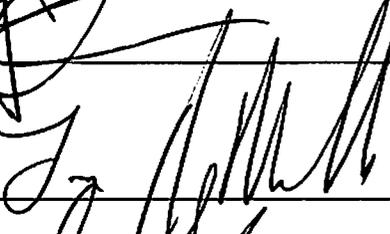
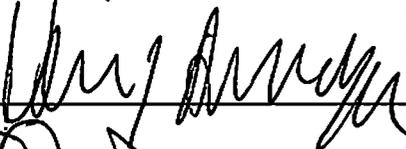
13.74.31 Portions of Buildings Limited to Sixty-five Feet. [Any] Except within the area described in Section 13.74.3(1)(a), any portion of a building that is within fifty (50) feet of an existing or proposed Public Open Space or single intervening street abutting that open space may exceed 65 feet only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

3. To see whether the City Council will vote to amend the North Point Residence District Height Limitation Map (Map 13.71), referenced in Section 13.74.3 of the Cambridge Zoning Ordinance, to reflect the proposed changes to 13.74.3 above, which permit a maximum height of 150 feet for all buildings east of the Gilmore Bridge within the PUD-6 (North Point) District.

This zoning petition for amendment of the Cambridge Zoning Ordinance is respectfully submitted by the undersigned ten (10) registered voters of the City of Cambridge, for consideration and adoption by the Cambridge City Council in accordance with the provisions of M.G.L. c.40A, §5.

[signature page follows]

[Signature Page for Zoning Petition to Amend Sections 13.73, 13.74 and Map 13.71]

Signature	Name	Address
	Richard McKinnon	One Highland St. 1905 Cambridge, MA 02141
	Lawrence MONDELLO	1 Leighton St #514 Cambridge, MA 02141
	JASON SUTTON	1 Leighton St Cambridge MA 02141
	NATERCIA AMAYA	97 ^A Sixth Cambridge MA 02141
	Roberto Amaya	97 ^A Sixth St. Cambridge 02141
	NERY AMAYA	97 ^A Sixth St. Cambridge
	Owen Donovan	96 GORE ST CAMB

[Signature Page for Zoning Petition to Amend Sections 13.73, 13.74 and Map 13.71]

Signature	Name	Address
✓ <i>Anthony Pini</i>	Anthony Pini	257 Cambridge St.
✓ <i>Laura Pini</i>	Laura Pini	86 Otis St. #34
✓ <i>Gerard J. Clark</i>	Gerard J. Clark	81 Orchard St.
✓ <i>James G. Stockard, Jr.</i>	JAMES G. STOCKARD, JR	141 OXFORD ST.
✓ <i>Warren R. McManus</i>	WARREN R. McMANUS	373 CARDINAL MEDENIS AVE
✓ <i>Gregory P. Russ</i>	Gregory P Russ	201 Norfolk St Apt. 1
✓ <i>John Prevost</i>	John K Prevost	194 Thornwick St.
✓ <i>Mark Parise</i>	Philip	693 Cambridge St.
✓ <i>Kristen Cokely</i>	Kristen Cokely	41 Plymouth St.

✓ JAMES M. PARISE James M Parise 14 Warren ST.

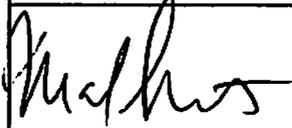
✓ *Domenic DeLando* 412 Camb Domenic DeLando

✓ *Melanie Foster* Melanie Foster 412 Cambridge St

✓ *Worene Cabat-Mochi* Worene Cabat-Mochi 243 Huxley St

✓ *David F. Mochi* David F Mochi 243 Huxley St

[Signature Page for Zoning Petition to Amend Sections 13.73, 13.74 and Map 13.71]

Signature	Name	Address
	Christopher Correia	541 Putnam Ave Cambridge, MA 02139
	James Mercer	51 Cogswell Ave Camb, MA 02140
	Francisco Vicente	154 Tremont St. #2 Cambridge, Ma. 02139
	Mark Sutherland	132 Pearl St Camb Ma-02139
	John A. Ciccarelli	37 Plymouth St CAMB. MA. 02141

Massachusetts Official Voter Registration Form • William Francis Galvin, Secretary of the Commonwealth

1 Check all that apply: Are you a Citizen of the United States of America? Yes No
Will you be 18 years of age or older on or before Election Day? Yes No
NOTE: If you checked "no" to either of these questions, do not complete this form.

2 Full name: *McKinnon* last name *Michael* first name *S* middle name or initial Jr. Sr. II III IV (circle one if appropriate)

3 Former name (if applicable): *McKinnon* last name *Michael* first name *S* middle name or initial Jr. Sr. II III IV (circle one if appropriate)

4 Address where you live now (street number, street name, rural route number and box number): *One Coignard Street* street number / street name / rural route number and box number *Providence* city or town *RI* state *02141* zip code + 4-digit

5 Address where you receive all your mail (if different from #4): *RIMR* street number / street name / rural route number and box number *Providence* city or town *RI* state *02141* zip code + 4-digit

6 Date of birth: *07* month *30* day *1947* year **7** Identification #: *6549* license # or last four digits of your Social Security # **8** Telephone (optional): Check if unlisted *867-354-4363*

9 Party enrollment or designation (check one): Democratic Republican Libertarian
 No Party (unenrolled) Political Designation (not a political party):

10 Address at which you were last registered to vote: *101 Franklin Parkway* street number / street name / rural route number and box number / post office box *Providence* city or town *RI* state *02135* zip code + 4-digit

11 If the applicant is unable to sign this form, give the name, address and telephone number (optional) of the person helping the applicant: *[Blank]* name *[Blank]* address *[Blank]* telephone number (optional)

12 I hereby swear (affirm) that I am the person named above, that the above information is true, that I AM A CITIZEN OF THE UNITED STATES, that I am not a person under a guardianship which prohibits my registering to vote, that I am not temporarily or permanently disqualified by law from voting because of corrupt practices in respect to elections, that I am not currently incarcerated for a felony conviction, and that I consider this residence to be my home. Signed under the penalty of perjury.

13 Today's date: *07 28 2010* month day year **14** Signed: *[Signature]* sign your name here Agency Designation: *[Blank]*