

ARTICLE 14.000 MIXED USE DEVELOPMENT DISTRICT: KENDALL CENTER

**14.10 SCOPE AND INTENT**

14.11 *Scope.* This Article regulates development within the Kendall Center Mixed Use Development (MXD) District, located within the Kendall Square Urban Renewal Project Area, as shown on the Zoning Map, as amended.

14.12 *Intent.* The purpose of the District is to allow a diversity of land uses in close proximity, within a limited area; to promote a balance of land uses; to facilitate development proposals responsive to current and future market conditions; to facilitate integrated physical design; and to encourage interaction among activities located within the District.

14.13 *Approach.* This Article is designed to fulfill the above purposes of the Kendall Center MXD District by establishing controls which will facilitate development while protecting the public interest; by setting regulations which limit the aggregate amount of development within the District and set other district wide requirements while permitting flexible development scale and configuration on individual lots within the District; by allowing a broad set of land uses within the District; and by encouraging development of appropriate density for each class of land use.

**14.20 USE REGULATIONS**

14.21 *Permitted Uses.* The following uses, except as explicitly prohibited are permitted in the Kendall Center MXD District. All uses not listed within one of the use groups in this section shall be prohibited. All uses within the District shall comply with the environmental protection standards of Section 14.23.

14.21.1 Light Industry

- (1) Manufacturing: fabrication, assembly, finishing work (including packaging and bottling, but only as an accessory use) without limit as to category or product.
- (2) Wholesale business, only if affiliated with and accessory to another use or located on the same lot as other non-wholesale uses. Development on any lot in the district shall not be devoted exclusively to wholesale uses.
- (3) Printing, binding, or related establishment.
- (4) Storage warehouse, cold storage building, as an accessory use only and not exceeding twenty thousand (20,000) square feet, but not including storage or bailing of junk scrap metal, rags, paper or other waste materials and not including outside storage of products or materials.

#### 14.21.2 Office Uses and Biotechnology Manufacturing Uses

- (1) Business or professional offices.
- (2) Bank, trust company, or other financial institution
- (3) Research and development office.
- (4) Research, experimental and testing laboratory.
- (5) Radio or television studio.
- (6) Manufacturing of biotechnology and pharmaceutical products, including
  - (a) Fabrication, assembly, finishing work (including packaging and bottling, but only as an accessory use).
  - (b) Wholesale business, only if affiliated with and accessory to another use or located on the same lot as other non-wholesale uses.
  - (c) Storage warehouse, cold storage building, as an accessory use only.

#### 14.21.3 Retail and Consumer Service Establishments

- (1) Store for retail sale of merchandise, including grocery store, pharmacy, and market but not a sales place for automobiles or trucks.
- (2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including restaurant, bar, lunchroom, cafeteria and food commissary.
- (3) Fast order food establishment only if (i) it is not located in a separate structure, (ii) it does not exceed three thousand (3,000) square feet of gross floor area, (iii) there will be no more than fifteen (15) such establishments within the District (a maximum of eight (8) of which shall be located in the Ames Street District and a maximum of seven (7) of which shall be located in the portions of the District outside of the Ames Street District) and (iv) it is granted a Special Permit, as provided in Section 10.40 and 11.30.
- (4) Consumer service establishment, including but not limited to hairdresser, barber shop, laundry or dry cleaning pick up establishment, self-service laundry, shoe repair or tailoring shop, or photography studio.
- (5) Rental agency for autos or other products, but not including taxi companies. Such agencies shall be operated entirely within a building and no major automobile repairs shall be made on the premises.

- (6) Automobile service station, provided that it is located within or attached to a parking garage or other structure as an accessory use, that no major repairs are made on the premises, and that all lubrication and repairs are carried out within the building.

#### 14.21.4 Residential Uses

- (1) Multifamily dwelling
- (2) Hotel or Motel

#### 14.21.5 Entertainment and Recreational Uses

- (1) Indoor commercial entertainment establishments including but not limited to cinema, theater, concert hall, cabaret and night club.
- (2) Recreation facilities including bowling alley, indoor or outdoor tennis courts, public recreation building, health club, or skating rink. Such recreation facilities shall be allowed only if they are located in or attached to structures containing other principal uses.
- (3) Hall, auditoriums and similar spaces used for public gatherings.
- (4) Park or playground

#### 14.21.6 Institutional Uses

- (1) Religious purposes
- (2) Educational purposes exempt by statute
- (3) Library or museum as an accessory use only.
- (4) Governmental offices and facilities, including post office, fire station and police station.
- (5) Clinic licensed under Section 51, Ch. 111, General Laws but not a hospital licensed under said Chapter.

#### 14.21.7 Transportation, Communication and Utility Uses.

- (1) Bus, subway or railroad passenger station.
- (2) Automobile parking lot or parking garage.

- (3) Distribution center, parcel delivery center or delivery warehouse as accessory uses only.
- (4) Telephone exchange, as an accessory use.
- (5) Radio or television transmission station.
- (6) Transformer station, substation, gas regulator station, or pumping station and related utility uses ~~designed primarily to serve Development within the District.~~

14.21.8 **Other Uses.** Any use not listed in subsections 14.21.1 through 14.21.7 may be allowed by the Planning Board in its approval of an Infill Development Concept Plan or subsequent Amendment, upon written determination by the Board that such use is consistent with the objectives of the District and with adopted City policies and guidelines applicable to Kendall Square.

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

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

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

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

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

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

### **14.30 INTENSITY OF DEVELOPMENT REQUIREMENTS**

14.31 **Applicability.** The amount and density of development within the Kendall Center MXD District shall be governed by the provisions of this Section 14.30.

14.32 **District Development Limitations.** There shall be limitations on the overall amount of development within the District as specified below.

14.32.1 The Aggregate gross floor area (GFA) of development in the District shall not exceed the sum of (i) ~~three million, six hundred seventy three thousand (3,673,000)~~ four million, four hundred seventy three thousand (4,473,000) square feet, plus (ii) six hundred thousand (600,000) square feet that shall be limited to multi-family residential uses as permitted in Section 14.21.4(1), for a total Aggregate GFA not to exceed ~~four million, two hundred seventy three thousand (4,273,000)~~ five million, seventy three thousand (5,073,000) square feet. Up to sixty thousand (60,000) square feet of such Aggregate GFA of ~~three million, six hundred seventy three thousand (3,673,000)~~ four million, four hundred seventy three thousand (4,473,000) in clause (i) of the preceding sentence, shall be allowable only by special permit pursuant to Section 14.72.

At least two hundred thousand (200,000) square feet of the GFA restricted to housing uses shall occur only within the area designated on the Zoning Map as the “Ames Street District” and has been approved by special permit dated March 27, 2015 (the “Ames Street Residential Project”). ~~The commencement of construction for the Ames Street Residential Project, approved by special permit in 2015, shall precede the occupancy of any commercial GFA in excess of three million and seventy three thousand (3,073,000) square feet, other than the sixty thousand (60,000) of commercial space that may be permitted by special permit pursuant to Section 14.72.3.~~

~~Additionally, the commencement of construction of a second residential project of at least two hundred thousand (200,000) square feet shall precede the occupancy of any commercial GFA utilizing Infill GFA (as defined in Section 14.32.2 below) in excess of three hundred and seventy five thousand (375,000) square feet.~~

Additionally, a building permit for construction of a residential project of at least four hundred thousand (400,000) square feet shall be issued prior to or concurrently with the issuance of a building permit for any project utilizing Substation Commercial GFA (as defined in Section 14.32.2 below). The design review process for a residential project of at least four hundred thousand (400,000) square feet shall also precede, or proceed concurrently with, the design review process for any project utilizing Substation Commercial GFA, in accordance with a special permit approving a Concept Plan as set forth in Section 14.32.2 below.

Aggregate GFA of development in the District is at any time the sum of the GFA (as defined in Article 2.000 of this Ordinance) of all buildings (i) which are then located in the District, (ii) which are being constructed or may be constructed in the District pursuant to then effective building permits, and (iii) which, pursuant to then outstanding contracts (including options) with Cambridge Redevelopment Authority and so stated in certificates from the Authority to the Superintendent of Buildings, may be constructed in the District in the future. Notwithstanding the definition in Article 2.000 for Gross Floor Area and the provisions of Section 5.25, parking garages and accessory parking facilities shall be exempt from the requirements as

to Floor Area Ratio and shall not be included in the calculation for Gross Floor Area on a lot.

14.32.2 The Cambridge Redevelopment Authority (CRA) shall cause an Infill Development Concept Plan ("Concept Plan") to be prepared providing for the distribution of additional GFA for new development within the District above and beyond 3,333,000 square feet ("Infill GFA") and meeting the requirements of Section 14.32.2.1. The Concept Plan shall be approved by CRA and by a special permit granted by the Planning Board in order to authorize the development of Infill GFA. The purpose of the Concept Plan is to provide a context and a conceptual governance structure for existing and potential future development that allows development to proceed in a flexible manner without requiring additional special permits for each building. The Concept Plan is expected to evolve over time, and with each subsequent development proposal updates to the Concept Plan shall be submitted. Amendments to the special permit may be granted as set forth below, but revisions to a Concept Plan shall not necessarily require amending the special permit so long as the revisions remain in conformance with the conditions of the special permit.

Any additional Infill GFA for commercial uses that is not the subject of the existing Concept Plan approved by Special Permit PB #315 on March 20, 2017 (as amended by Amendment #1 (Major) dated January 31, 2019) (collectively, the "Existing Concept Plan") may only be utilized in conjunction with the development by NSTAR Electric Company d/b/a Eversource (or its successors and assigns) of a substation within the District ("the Substation Project") and only on property within the District owned by the entity (or an affiliate thereof) that provided the land on which the Substation Project is to be developed. For the purposes of this Article, the eight hundred thousand (800,000) square feet of Infill GFA for commercial uses that is not the subject of the Existing Concept Plan may sometimes be referred to as "Substation Commercial GFA". The issuance of a building permit for the Substation Project shall precede or be issued concurrently with the issuance of a building permit for any project utilizing Substation Commercial GFA.

14.32.2.1 Infill Development Concept Plan Requirements.

- 1) A current development program illustrating the size, location, and uses of existing buildings at the time of submission.
- 2) A site plan for all proposed new development within the District including locations of Innovation Space as described in Section 14.32.5 and Active Ground Floor Uses described in Section 14.36.
- 3) A table summarizing the current and proposed future uses on building sites in the District and indicating the potential size and use (or alternate uses) of future development.

- 4) A Phasing Plan describing the anticipated timing of commercial and housing development.
- 5) A Transportation Impact Study certified by the Traffic, Parking and Transportation Department in accordance with the requirements of Section 19.24, Paragraph (2) of this Zoning Ordinance, which shall also include a parking demand analysis and a projection of proposed reliance on transit and plans to address non-automobile use.
- 6) A housing program describing the distribution of new housing units, including affordable housing units, middle income housing units, and larger family units containing two (2), three (3) or more bedrooms. The housing program shall also describe the anticipated housing tenancy (rental/home ownership) and a description of efforts to provide a mixture of tenancy types.
- 7) An open space plan depicting the size, layout and configuration of all open space within the District. This open space plan shall illustrate the open space existing in the District and open space to be developed or modified within the District and / or outside of the District in accordance with Section 14.40. The plan shall provide a narrative discussion of public programming concepts for new and existing open space. The open space plan should also describe connections between the District and the neighboring PUD-KS District.
- 8) A plan describing street and public infrastructure, and utility improvements to be undertaken in coordination with the development program, including all proposed water, stormwater and sewage facilities, and (in conjunction with the Substation Project) the general location of the proposed substation, which shall also be submitted to the Department of Public Works for review.
- 9) A plan illustrating proposed building scale, height and massing, including a model and a study demonstrating the anticipated shadow and wind impacts of all proposed buildings taller than 100 feet, and a general description of proposed mitigation measures that will be employed. ~~Additionally a set of urban design guidelines to be utilized in the design review process shall be included~~ the plan will include a narrative describing the plan's compatibility, coordination and consistency with the urban design guidelines set forth in the Kendall Square Final Report of the K2C2 Planning Study ("K2 Guidelines") and the Volpe Working Group's Planning & Design Principles dated July 20, 2017 (the "Volpe Guidelines").
- 10) Proposed modifications, if any, to the development plans then approved pursuant to the Massachusetts Environmental Policy Act (MEPA) and an update on implementation of required mitigations from MEPA.
- 11) A sustainability plan describing concepts for how additional development will meet the requirements set forth in Section 14.74 below, including but not limited

to district-wide approaches to energy, water and wastewater management, climate resiliency and waste management.

- 12) In order to effectuate the goals of promoting a vibrant retail environment and street-level activation, the Concept Plan shall include a Retail Plan to demonstrate how the project will improve and diversify the existing retail environment, create active street-level uses and attract and support the provision of local and independent businesses. Among other things, the Retail Plan shall:
- a) Set forth target uses and users (and shall particularly target local/independent retailers and grocery store/pharmacy operators),
  - b) Designate an individual responsible for implementing the plan who shall serve as a point of contact with the CRA,
  - c) Describe the types of economic incentives which may be offered to tenants such as rental and fit-up allowances,
  - d) Provide a street activation plan for Main Street, Broadway and Ames Street, and
  - e) Identify opportunities for "start-up" retail uses at an entrepreneurial or developmental stage of business, which opportunities may, for example, be located in indoor or outdoor temporary space (such as kiosks, markets, food trucks and the like) or in leased space, or in some combination thereof.

The Concept Plan must include an annual reporting process to the CRA for the duration of the Kendall Square Urban Renewal Plan regarding the ongoing efforts on the part of the development to comply with the Retail Plan.

14.32.2.2 Findings and Approval. The Planning Board shall grant a special permit approving a Concept Plan upon finding that the new development identified within the plan meets the criteria for approval of a Planned Unit Development set forth in Section 12.35.3(3) of the Zoning Ordinance and the criteria for approval of a Project Review Special Permit set forth in Section 19.25 of the Zoning Ordinance. In making its findings, the Board shall consider the objectives set forth in the ~~Kendall Square Final Report of the K2C2 Planning Study ("K2 Plan")~~ K2 Guidelines and the Volpe Guidelines and the ~~Kendall Square Design Guidelines~~. The approval of a Concept Plan shall serve to meet any applicable project review requirements of Article 19.000, and no additional Project Review Special Permit shall be required for new development that is identified within an approved Concept Plan. In addition, while the location of the Substation Project is to be shown on a Concept Plan, the actual development of the Substation Project shall not be included within the scope



of a special permit approving a Concept Plan (but shall remain subject to all applicable regulations governing the construction of such projects).

14.32.2.3 Conditions. The special permit shall include a summary of approved Infill GFA in the aggregate, a description of the sites on which the development of Infill GFA is permitted, and the allowed range of development and uses on each site. Alternatives and variations may be allowed as set forth in the conditions of the special permit. The special permit shall also include conditions for project mitigation applicable to each Infill GFA development site. Development on a particular site identified in the Concept Plan shall be authorized if the conditions applicable to that site are met.

14.32.2.4 Ongoing Review. The conditions of the special permit shall set forth a process for future review and approval of the design of buildings, landscaping and other significant components of an approved Concept Plan. Such process shall include representation by the CRA, Planning Board and City staff, in compliance with the Kendall Square Urban Renewal Plan. The special permit may specify that such further review not be required for any building design that is determined to have been sufficiently advanced at the time of granting of the special permit as to meet the standards for project review as set forth in Section 14.73.

14.32.2.5 Amendments. Major or Minor Amendments to the Concept Plan may be approved as set forth in Section 12.37 of the Zoning Ordinance after review and approval by the CRA, with Major Amendments requiring the granting of a special permit by the Planning Board and Minor Amendments requiring a written determination by the Planning Board. The conditions of the special permit may specify what types of modifications would constitute Major or Minor Amendments.

14.32.2.6 Notwithstanding anything contained in this Section 14.32.2 to the contrary, (i) the GFA utilized for the Ames Street Residential Project and (ii) a maximum of 60,000 square feet of Aggregate GFA associated with a project seeking a special permit under Section 14.72.3, shall not be deemed to be Infill GFA for the purposes of this Article 14.

14.32.3 Any construction or change of use within the District, which would cause Aggregate GFA limitation of Section 14.32.1 to be exceeded, shall not be allowed.

(1) Compliance with this Section 14.32.3 shall be determined by the Superintendent of Buildings at all times including at the time of issuance of a building permit and at the time of issuance of a Certificate of Occupancy under Section 9.20 of this Ordinance.

(2) The CRA shall maintain a record of the Aggregate GFA within the District and shall provide an Aggregate GFA record to the Superintendent of Buildings and the Community Development Department (CDD) with any building permit or certificate of occupancy application utilizing Infill GFA. Such record shall

separately account for development within the Ames Street District. These records shall be adjusted as appropriate, from time to time, including upon issuance, revocation or expiration of a building permit or certificate of occupancy and upon receipt of a certificate from the CRA as to an outstanding contract (including option) for the construction of a building. The CRA shall also maintain a record of cumulative GFA by land use for the purpose of determining and tracking open space requirements for existing and future development.

(3) Each applicant for a Special Permit, building permit or a certificate of occupancy shall submit to the Superintendent of Buildings information, including the following, as appropriate to the application, in order to determine compliance with this Section 14.32 and to demonstrate that the proposed construction and/or occupancy will not violate or be inconsistent with any outstanding contract or deed:

- (a) measurement of total gross floor area of the building or building additions;
- (b) measurement of future development commitments or limitations on the lot specified in deed restrictions, covenants or comparable legal instruments.

14.32.4 Applicability of Section 19.20. Notwithstanding the provisions of Section 19.22 (1), a structure, any portion of which contains residential uses as set forth in Section 14.21.4 (1) above, shall be subject to the provisions of Section 19.20 - Project Review Special Permit. In addition, notwithstanding the provisions of Section 19.22(1), any development within the area designated on the Zoning Map as the "Ames Street District" utilizing the 2010 Additional GFA under Section 14.32.3(2) above shall be subject to the provisions of Section 19.20-Project Review Special Permit, with the exception of Section 19.21.1. It is understood and agreed that the provisions of this Section 14.32.4 shall apply only to development proposals that are not included within the Infill Development Concept Plan process described in Section 14.32.2 above.

14.32.5 Innovation Space: A Concept Plan proposing more than 100,000 square feet of GFA for Office and Biotechnology Manufacturing Uses shall include a plan for Innovation Space meeting the requirements below. Innovation Space within the District must occupy GFA equal to, or in excess of, ten percent (10%) of the Infill GFA used for Office and Biotechnology Manufacturing Uses. Existing GFA within the District may be converted to meet this requirement. The Innovation Space requirement shall be met through the provision of office spaces of at least 10,000 square feet (or ten percent (10%) of the newly-constructed GFA for Office and Biotechnology Manufacturing Uses, if less) within a single building and may be satisfied by means of a lease to a single user who will operate and manage a facility meeting the requirements hereof:

- a) Combined Spaces. Developers of properties within the District may collaborate with other developers in adjacent zoning districts in the Kendall Square area (defined as zoning districts reviewed as part of the K2 Planning Study) to

develop a Joint Innovation Space Plan. In such a case, the total square footage of joint Innovation Space must be large enough to satisfy the sum of the requirements, if any, for such participating developers and zoning districts.

- b) Characteristics. For the purposes of this Section 14.32.5, Innovation Space shall have the following characteristics:
- i. Durations of lease agreements (or other similar occupancy agreements) with individual office tenants shall be for periods of approximately one (1) month.
  - ii. No single business entity may occupy more than 2,000 square feet or 10% of the entire Innovation Space provided in the District, whichever is greater.
  - iii. The average size of separately contracted private office suites may not exceed 200 square feet of GFA.
  - iv. Innovation Space shall include shared resources (i.e., co-working areas, conference space, classroom space, office equipment, showroom, shop or lab equipment, storage, circulation, supplies and kitchens) available to all tenants and must occupy at least 50% of the Innovation Space.
  - v. Individual entities occupying Innovation Space may include small business incubators, small research laboratories, office space for investors and entrepreneurs, facilities for teaching and for theoretical, basic and applied research, product development and testing and prototype fabrication or production of experimental products.
- c) Variations. In approving a Concept Plan, Major or Minor Amendments to the Concept Plan, or through subsequent design review of individual building design per Section 14.32.2.4, the Planning Board may approve variations in the specific characteristics set forth above if the proposed Innovation Space is found to be consistent with the purposes of these characteristics.
- d) Inapplicability to Substation Commercial GFA. Notwithstanding the foregoing provisions of this Section 14.32.5. there shall be no Innovation Space requirement for any project utilizing Substation Commercial GFA (nor shall any such project utilizing Substation Commercial GFA be entitled to utilize Innovation Space in order to obtain a GFA Exemption under Section 14.32.6(3) below).

#### 14.32.6 GFA Exemptions.

The following items shall be excluded from the calculation of Aggregate GFA within the District for the purposes of determining compliance with the intensity of development requirements of Article 14:

- 1) Variances: Any GFA within the District authorized by a variance issued by the Board of Zoning Appeal.
- 2) ~~Residential~~ Outdoor Area Exemptions: Private outdoor decks or balconies for multi-family residential or commercial development, up to eight percent (8%) of the building floor area.
- 3) Innovation Space: Innovation Space GFA up to the lesser of either twenty percent (20%) of the Infill GFA dedicated to Office and Biotechnology Manufacturing Uses or one hundred five thousand (105,000) square feet. In order for the Innovation Space GFA to be exempt from the Aggregate GFA limitations, at least twenty five percent (25%) of the Innovation Space utilization (measured by square footage or shared space membership) must be set aside as below market rate space to be offered by the CRA or the City to qualifying tenants for short-term leases consistent with Section 14.32.5(b).
- 4) Retail: The GFA occupied by retail and consumer service uses listed in Section 14.21.3, if the following conditions are met:
  - a) the excluded GFA is not located above the ground level of a building (provided, however, that the Planning Board may waive this limitation in specific instances where it finds that the proposed use would be uniquely beneficial to area residents, such as a grocery store or pharmacy);
  - b) the excluded GFA has frontage and direct pedestrian entrances onto Main Street, Binney Street, Broadway, Ames Street, Galileo Way, Pioneer Way, internal service drives or onto open space that is directly accessible and not more than one hundred (100) feet distant from at least one of the aforementioned streets or services drives;
  - c) the excluded GFA is occupied by separate retail establishments, each occupying no more than five thousand (5,000) square feet of floor area (provided, however, that the Planning Board may waive this limitation in specific instances where it finds that the proposed use would be uniquely beneficial to area residents, such as a grocery store, pharmacy, or an innovative retail format where multiple small vendors occupy a larger market space);
  - d) the ground level façade is designed with entrances and glazing materials such that at least 60% of the façade area is transparent providing visibility between the retail use and the public sidewalk or open space; and
  - e) A minimum of 25% of the retail space, exclusive of retail space used for grocery stores and/or pharmacies, consists of Independent and Local Retailers. "Independent and Local Retailers" shall include any retail operator, which does not own or operate more than ten (10) retail locations

in the Commonwealth of Massachusetts with the same name and retail concept.

- 5) Middle Income Housing Units: The square footage of any middle income housing units as defined in Section 14.35(c).
- 6) Transfer of Development Rights: Any GFA acquired through the transfer of development rights provisions of the Zoning Ordinance.
- 7) Electrical Substation: The Substation Project shall be exempt from Aggregate GFA calculation as well as the requirements as to Floor Area Ratio. Further, substation construction shall not constitute Infill GFA (or Substation Commercial GFA).
- 8) Educational Lab, Classroom or Training Facility: Up to twenty thousand (20,000) square feet of educational, health or workforce training facilities operated to provide services to the general public (as opposed to private facilities that are solely accessible by tenants or occupants of commercial buildings within the District), which such services are either permitted as of right within the District in accordance with the provisions of this Article 14 or may otherwise be permitted by special permit.

14.33 *Lot Density Limitation.* In addition to the Aggregate GFA limitation established in Section 14.32, there shall also be a density limitation for each lot within the District. The following floor area ratios (as defined in Article 2.000) for each lot shall not be exceeded, except as provided in Sections 14.32.6 and 14.33.6. The area of the lot to be counted in determining FAR shall include land dedicated by the owner or former owner of the lot as public open space under Section 14.42.

Notwithstanding the provisions of the immediately preceding paragraph, there shall be no maximum floor area ratio for any project utilizing Infill GFA (including Substation Commercial GFA). However, the District Development Limitations in Section 14.32 shall continue to apply.

- 14.33.1 Industrial and Wholesale uses: FAR 4.0
- 14.33.2 Office Uses and Biotechnology Manufacturing Uses: FAR 8.0
- 14.33.3 Retail and Consumer Services uses: FAR 5.0
- 14.33.4 Residential uses:
  - (1) Multifamily housing: FAR 8.0
  - (2) Hotel/Motel: FAR 6.0

14.33.5 Other uses: FAR 4.0

14.33.6 If development on a lot is to include activities in more than one of the use groups above, the maximum FAR for the lot shall be the FAR for the use group containing the largest proportion of space on the lot.

14.34 *Building Height Limitation.* ~~The maximum building height in the District shall be two hundred and fifty (250) feet, except for the area of the District more than four hundred and fifty (450) feet north of the centerline of Broadway, where the maximum building height for any portion of a building in such area shall be two hundred (200) feet. Up to two (2) mixed-use buildings may reach three hundred and fifty (350) feet provided, however, that the occupied floors above two hundred and fifty (250) feet may only contain residential and associated amenity space. Additionally, the floorplate of any portion of a building above two hundred and fifty (250) feet shall not exceed twelve thousand (12,000) square feet.~~

The maximum building height in the District shall be two hundred and fifty (250) feet. Notwithstanding the foregoing, one building within the District may reach four hundred (400) feet provided, however, that the occupied floors above two hundred and fifty (250) feet may only contain residential and associated amenity space. Additionally, the floorplate of any portion of a building above two hundred fifty (250) feet shall not exceed twelve thousand five hundred (12,500) square feet.

This requirement shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators, solar or wind energy systems, and other necessary features appurtenant to buildings, which are usually carried above roofs and are not used for human occupancy. These requirements shall also not apply to (i) domes, towers or spires above buildings if such features are not used for human occupancy and occupy less than ten percent (10%) of the lot area, (ii) wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent (10%) to the lot area or (iii) rooftop terraces and enclosed structures ancillary thereto (provided that such structures occupy less than ten percent (10%) of the lot area).

14.35 Middle Income Housing Requirement. For any project utilizing Infill GFA for multi-family residential use, the following requirements for Middle Income Housing Units shall apply in addition to the Inclusionary Housing requirements set forth below:

- 1) Middle Income Units (as defined below) shall occupy floor area equal to at least five percent (5%) of the total floor area devoted to multi-family residential use. Such Middle Income Units shall be distributed throughout the residential building in a manner approved by the Planning Board, in consultation with City and CRA staff, in order to ensure that the Middle Income Units are of an appropriate location, size, configuration and quality for households intended to occupy such units. The floor area of Middle Income Units provided per this

Section 14.35 shall not be counted against the Aggregate GFA limitation in the District.

- 2) For the purposes of this Section 14.35, Middle Income Units shall be defined as residential dwelling units for which:
  - i. the occupancy is restricted to households whose total income does not exceed 120% of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund;
  - ii. the rent (including utilities) does not exceed thirty percent (30%) of the income of the renting household or, in the instance of home ownership units, the monthly mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty percent (30%) of the income of the purchasing household, or such other equivalent standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund; and
  - iii. the Middle-Income Units are not also designated as Affordable Units for the purpose of meeting the Inclusionary Housing requirements in Section 11.200.

14.36 *Affordable Housing Requirement.* For any project utilizing the Infill GFA for multi-family residential uses, the following requirements shall apply in place of the Inclusionary Housing requirements set forth in Section 11.200 of this Zoning Ordinance, including but not limited to the requirements regarding the number of Affordable Units:

- a. No less than twenty percent (20%) of the total floor area devoted to multi-family residential use shall be devoted to Affordable Units in accordance with the definitions and procedures set forth in Section 11.200 of the Zoning Ordinance. No increase in GFA beyond the limitations set forth in Section 14.32.1 shall be provided for a project or the District subject to the requirements of this Section 14.36.
- b. The Planning Board may approve a Special Permit providing Affordable Units that are, on average, larger in area than the other dwelling units in the building. Where such units are larger in size and provide a greater number of bedrooms, they may be accordingly, fewer in number within the project, provided that the requirements set forth in 14.36(a) are satisfied.
- c. If the Inclusionary Housing requirements of Section 11.200 are amended subsequent to September 1, 2015 such that more than twenty percent (20%) of the total number of dwelling units must be devoted to Affordable Units, then the

twenty percent (20%) total floor area requirement set forth in this Section 14.35 shall be increased to the same percentage to which the requirements have been increased under said Section 11.200.

14.37 *Dwelling Units.* New multi-family residential development utilizing Infill GFA shall include a range of dwelling unit types and sizes. At a minimum, five percent (5%) of the residential GFA utilizing Infill GFA shall be devoted to dwelling units with three (3) bedrooms or more, which shall be designed to accommodate families with children.

To the extent legally permissible under Section 11.200 of the Zoning Ordinance and other applicable legal requirements, these three-bedroom units will all be Middle Income Units and Affordable Units; provided, however, that if three-bedroom units comprise more than five percent (5%) of the total floor area devoted to multi-family residential units, any such units in excess of five percent (5%) of the total floor area may be market-rate units.

14.38 *Active Ground Floors:*

The ground floor of newly constructed buildings utilizing 50,000 square feet or more of Infill GFA, where that ground floor fronts onto Main Street, Broadway or Ames Street, must be occupied by (i) Retail and Consumer Service uses, as listed in Section 14.21.3, or (ii) active public gathering space (whether enclosed or open), along a minimum length of seventy-five percent (75%) of the building façade along this frontage; provided, however, that the requirement shall be forty percent (40%) for any building with a façade length of one hundred (100) feet or less along such frontage onto Main Street, Broadway or Ames Street. Dimensional variations and alternate uses may be approved by the Planning Board upon determining that the specific uses and designs proposed are consistent with the purpose and intent of this Section 14.3638. Alternatively, if a Concept Plan provides for the redevelopment of existing buildings to include new Retail and Consumer Service uses along the ground floor of any of the identified street frontages, then the Planning Board may permit a reduction in the required length of active street frontage for new buildings for up to fifty percent (50%) of the length of new active street frontage provided in existing buildings and only if the Board finds that it results in a better outcome for the District as a whole. Banks and financial institutions shall not be considered active ground floor uses for the purposes of meeting this requirement.

14.39 *Letter of Commitment.* ~~The Letter of Commitment dated December 21, 2015 by Boston Properties Limited Partnership is incorporated herein by reference and shall be binding on Boston Properties Limited Partnership and its successors and assigns.~~

It is acknowledged and agreed that the Letter of Commitment dated December 21, 2015 by Boston Properties Limited Partnership is hereby declared null and void and



of no further force and effect, and shall no longer be binding upon Boston Properties Limited Partnership or its successors and assigns.

#### **14.40 OPEN SPACE REQUIREMENTS**

14.41 *Definition of Open Space.* For purposes of this Section 14.40, open space shall mean a portion of a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, or scenic, recreational or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building(s) with which it is associated, and at times to the general public, but may include a limited proportion of space so located and treated as to enhance the amenity of development by providing landscaping features, screening or buffering for the occupants or neighbors or a general appearance of openness. Open space shall include parks, plazas, lawns, landscaped areas, decorative plantings, roof decks, balconies, pedestrian ways listed in Section 14.45, active and passive recreational areas, including playgrounds and swimming pools. Streets, parking lots, driveways, service roads, loading areas, and areas normally inaccessible to pedestrian circulation beneath pedestrian bridges, decks or shopping bridges shall not be counted in determining required open space.

14.42 *District Public Open Space Requirement .* A minimum of one hundred thousand (100,000) square feet within the District shall be reserved or designated as public open space. No development shall be allowed which would reduce public open space in the District below one hundred thousand (100,000) square feet.

14.2142.1 Public Open Space shall be open space reserved for public use and enjoyment as guaranteed through one or more of the following:

- a) Retention by the Cambridge Redevelopment Authority;
- b) Dedication to and acceptance by the City of Cambridge or other public entity;
- c) Easements or deed restrictions over such land sufficient to ensure its perpetual reservation for public open space purposes.
- d) Dedication, by covenant or comparable legal instrument, to the community use of the residents, lessees and visitors to the District for reasonable amounts of time on a regular basis;
- e) Lease agreements of ninety-nine (99) years or longer from the private developer or owner to the City or other public entity.

14.42.2 In addition to the Public Open Space provisions above, development in the District shall provide that a combination of public open spaces and private but publicly accessible spaces such that the total open space areas in the District are

equivalent to at least fifteen percent (15%) of the land area (excluding road rights-of-way) within the District. The open spaces within the District shall contribute to an interconnected network of public spaces in the broader Kendall Square neighborhood, accommodating a variety of activities for employees, residents and visitors, consistent with the place-making goals of the 2013 K2 Final Report.

14.43 *Project Based Minimum Open Space Requirement* . Each development project shall be required to contribute to the open space network of the District and/or the surrounding neighborhood, consistent, in the case of Infill GFA, with an open space plan approved through the Special Permit application as described in Section 14.32.2 and consistent with the Open Space Requirements of Section 403 of the Kendall Square Urban Renewal Plan.

14.44 *[Intentionally Omitted]*

14.45 *Pedestrian Ways*.

14.45.1 Pedestrian ways listed and defined below may be counted toward the open space requirement determined in Section 14.43.

14.45.2 Pedestrian ways shall be designed to provide for public access and shall have the following meanings:

- (1) An open pedestrian bridge is a continuous open bridge having a minimum width of six (6) feet and spanning a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots.
- (2) A raised pedestrian deck is a continuous, open platform at least twenty (20) feet in width which is at least eight (8) feet above the mean elevation of the lot and which extends over a street, pedestrian way, access or service road or open space within a lot or between two adjacent lots. It shall have direct pedestrian access from abutting buildings, shall provide seating facilities and shall be landscaped including one tree, of at least three and a half (3 1/2) inch caliper, per five hundred (500) square feet of pedestrian deck.
- (3) An enclosed pedestrian bridge is a continuous, enclosed space having a minimum width of eight (8) feet which spans a street, pedestrian way, access or service road or open space, making connections within a lot or between two adjacent lots. At least fifty (50%) percent of the surface area along its facades shall consist of transparent materials.
- (4) An elevated shopping bridge is a continuous, enclosed space which spans a street, pedestrian way, access or service road or open space, making connection within a lot or between two adjacent lots. Such a shopping bridge shall have a minimum width of thirty-six (36) feet and a maximum width of forty-eight (48) feet, with retail uses as allowed in Section 14.21.3 along one or both

sides of a pedestrian circulation route with a minimum width of twelve (12) feet. Such shopping bridge shall connect, at a minimum, at both ends to other internal or external pedestrian ways.

- (5) A shopping arcade is a continuous, covered, but not necessarily enclosed, space which extends along the front facade of a building facing a street or pedestrian way within the District, and having retail uses as permitted in Section 14.21.3 accessible from it. It shall have a minimum continuous width, unobstructed, except for building columns, of at least twelve (12) feet, and also have a minimum continuous height of twelve (12) feet. Such shopping arcades shall have access from the abutting street or pedestrian way, having its floor at the same level and continuous with the sidewalk or other abutting pedestrian way. It shall be open to the public at all hours.
- (6) An elevated shopping way is a continuous, enclosed space which extends along the front facade of a building facing a street or a pedestrian way and which has a minimum width of twelve (12) feet. It shall be located on the second level of the building and have a minimum continuous height of twelve (12) feet. It shall be open to the public for a minimum of twelve (12) hours daily, on weekdays, and shall have fronting retail uses as permitted in Section 14.21.3.
- (7) A through block arcade is a covered space which provides a connection through a building and connects streets, open spaces, pedestrian ways, or any combination of the above, and is directly accessible to the public. A through block arcade shall have a minimum area of at least two thousand (2,000) square feet and a minimum width at any point of twenty (20) feet. A through block arcade shall have openings at the face of the building for entrance at least twelve (12) feet in width and ten (10) feet high. At least fifty (50%) percent of its aggregate interior frontage shall be retail use as permitted in Section 14.21.3. Vertical circulation elements, columns, pedestrian bridges and balconies are permitted obstructions provided they do not cover in the aggregate more than fifteen (15%) percent of the floor area of the arcade.

14.45.3 The minimum height of any pedestrian way above the surface of a public way over which it is constructed shall be fourteen feet (14'-0").

## **14.50 VEHICULAR ACCESS, PARKING AND LOADING**

14.51 *Access.* Buildings erected in the Kendall Center MXD District need not be located on lots which have frontage on a street. However, provisions for access to all buildings by emergency and service vehicles in lieu of public street access shall be made possible by the layout and design of driveways, interior service roads, or pedestrian and bicycle circulation corridors not normally open to vehicular traffic to the reasonable satisfaction of the City of Cambridge Fire Department, and the Cambridge Traffic Department.

14.52 *Parking Requirements.* Off-street parking regulations for the Kendall Center MXD District shall be as follows:

14.52.1 No on-grade, open parking areas shall be allowed in the District except as provided for in Section 14.52.4.

14.52.2 With the exception of multi-family residential development, there are no minimum parking requirements for new development in the District. Residential development shall provide at a minimum ~~0.4~~ 0.25 automobile parking spaces per dwelling unit. All proposed development shall be restricted from constructing parking spaces, either on or off the lot within the District, beyond the maximum allowances of Table 1. If a development includes more than one category of use, then the number of spaces allowed for the development shall be the sum of the allowance for each category of use. Where the computation of required spaces results in a fractional number, only a fraction of one half or more shall be counted as one. The Planning Board may approve arrangements for shared parking of such residential parking spaces with commercial spaces or otherwise adjust the minimum parking requirements based on review and analysis of anticipated parking demand within the Transportation Impact Study.

At least ten (10) additional parking spaces reserved for car-sharing vehicles shall be provided by the first development project utilizing at least 100,000 square feet of Infill GFA. These spaces are not counted toward maximum parking space ratios. In the event that no car sharing or site-based car rental organization is prepared to offer services, the designated car share spaces may be rented on a monthly basis unless and until an organization agrees to provide the services, if there is clear documentation that such parking spaces are continuously offered to car sharing organizations.

**Table 1 MXD District Parking Requirements**

Use	Maximum number of spaces
Light Industrial uses allowed by Section 14.21.1	.8/1000 sq. ft. <sup>1</sup>
Office uses and Biotechnology Manufacturing Uses allowed by Section 14.21.2	.9/1000 sq. ft.
Retail and consumer establishment allowed by Section 14.21.3	.5/1000 sq. ft.
Residential uses allowed by Section 14.21.4	
Multifamily residences	.75 dwelling unit
Hotels or Motels	1/4 sleeping rooms
Public assembly uses allowed by Sections 14.21.3(2),	1/15 seats

14.21.3(3), and Section 14.21.5	
Other uses allowed by Section 14.21.6 and 14.21.7	.9/1000 sq. ft. <sup>2</sup>

<sup>1</sup> All space measurements are in terms of square feet of gross floor area.

<sup>2</sup> For assembly spaces having no fixed seating.

14.52.3 The parking allowances specified in Table 1 may be satisfied in total or in part by a lease agreement between the developer and the City, other public entity, or private consortium for use of parking spaces in a public or pooled private parking facility located within the District (or, in the case of the spaces required for residential uses, located outside of the District but within ~~one thousand (1,000)~~ two thousand (2,000) feet of the residential building for which the parking is being provided, measured from property edge to property edge). The total number of parking spaces leased and constructed within the district for development on a lot shall not exceed the maximum allowances provided for in Table 2.

14.52.4 Off-street, on-grade parking lots, not enclosed in a structure, may be constructed in the District only on an interim basis in anticipation of later construction of structured parking provided that there is compliance with each of the following:

- (a) the future parking structure will be constructed within the District but it may be located either on or off the lot;
- (b) construction of the future parking structure will commence within three years of the date of permit application for development on the lot;
- (c) such future parking structure may be constructed and/or operated by the applicant or by a public or private entity;
- (d) the future parking structure will contain sufficient spaces reserved for users of the lot to meet the parking requirements of the lot specified in Table 3; and
- (e) binding commitments shall exist to guarantee, to the reasonable satisfaction of the Superintendent of Buildings, that requirements (a) through (d) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, performance bond, or comparable legal instrument.

14.52.5 Regulations governing the layout and design of parking facilities in Article 6.000 of this Ordinance shall not be applicable in the MXD District. This Article 14.000 sets no such regulations for the MXD District.

14.52.6 *Bicycle Parking*: Bicycle parking shall be provided as set forth in Section 6.100 of this Zoning Ordinance; provided that in issuing a special permit approving a Concept Plan, the Planning Board may determine that the bicycle parking

requirements for individual buildings shown on the Concept Plan may be met utilizing a campus planning approach toward bicycle parking.

14.52.6.1 Intent: To allow flexibility within the high-density environment of the MXD District while providing high quality, equitable, and thoughtfully planned bicycle parking and sustainable transportation amenities for all users, consistent with Section 6.108.2. Given the complexity of infrastructure requirements of the substation project, the bicycle parking provisions set forth in Section 6.100 is infeasible, and a comprehensive bicycle parking plan will be needed to help to balance space constraints and competing uses on or near the ground level.

14.52.6.2 Bike Parking Plan: The bicycle parking plan may utilize a combination of the following strategies, or other design provisions that meet the principles of Section 6.108.3:

- (a) Public Bicycle Sharing Facilities: Where a new, standard-size Public Bicycle Sharing Station or larger is provided (i) on the lot, or (ii) on a site within five hundred (500) feet of the lot, with written approval of the City if located on a public street or other City Property, or otherwise by legally enforceable mutual agreement with the owner of the land on which the station is to be located. If Public Bicycle Sharing Station(s) are provided, each bicycle dock within that station may count for up to two (2) required bicycle parking spaces.

Should it be deemed beneficial to the operation of a Public Bicycle Sharing system by the Community Development Department and the Public Bicycle Sharing system operator, a developer may meet additional bicycle parking requirements by providing a secure, accessible and geographically central location for the storage and/or maintenance of the publicly shared bicycles. If a Public Bicycle Sharing storage and/or maintenance facility is provided, each designated bicycle storage space shall count for up to one-half (0.5) of a required bicycle parking space

- (b) Countercyclical Bicycle Parking Facility: As the District will contain residential and commercial uses having different peak parking demand times, multiple buildings may share parking facilities within three hundred (300) feet from each other. A shared bicycle parking space may count as a required bicycle parking space for both a residential use and a commercial use within separate buildings within a campus plan.
- (c) Complementary Valet Bicycle Parking: Bicycle parking may be provided through a valet bicycle parking program that is offered free of charge to users. In order to utilize valet bicycle parking, a developer must submit for the Planning Board's approval a plan describing:
  - i. The design of the valet bicycle parking facilities (which shall not be required to conform with the dimensional regulations of Section 6.100).

- ii. The proposed number of attendants, number of bicycle parking spaces provided, hours of valet service operations, and other pertinent information.

When an approved valet bicycle parking program that was utilized to meet the requirements of Section 6.100 is discontinued, the property owner must either bring the bicycle parking spaces into full conformance with the bicycle parking requirements of Section 6.100 or seek approval from the Planning Board for an alternative approach.

The combination of the strategies above, or other provisions accepted by the Planning Board, shall allow a project to adjust the minimum required number of bicycle parking spaces, as supported through analysis made available to the Planning Board.

14.53 Loading Requirements. It is the intent of this Section that sufficient off-street loading facilities be constructed within the District to meet the needs of users located there. The requirements of Article 6.000 shall not apply in the MXD District.

14.53.1 All buildings in the MXD District shall provide the number of bays required in Table 3 unless they qualify for one or more of the exemptions below:

- (1) In buildings with uses in more than one use group under Section 14.21, the loading bay requirements for that use consuming the most gross floor area shall be first computed and required. Only fifty (50%) percent of the floor area of the other uses shall be counted in determining the additional loading requirements.
- (2) Where there are contractual arrangements for sharing loading and service facilities with other users in the District for a period of ten (10) years or more, a fifty (50%) percent reduction in the loading bay requirements computed in Subsection 14.53.1 or 14.53.1(1) shall be allowed. Such contractual agreement shall be guaranteed to the satisfaction of the Superintendent of Buildings by covenant, deed restriction, or comparable legal instrument.

**Table 2 MXD Off-Street Loading Requirements**  
(Number of bays required by gross floor area or use)

<b>GROSS FLOOR AREA BY USE</b>					
(1)	Up to	25,001—	40,001—	100,001—	Over
Use	25,000	40,000 sq.	100,000 sq.	200,00 sq.	200,000
	sq. ft.	ft.	ft.	ft.	sq. ft.
					for each
					additional

					150,000 sq. ft.
Light Industrial Uses allowed by Section 14.21.1	1		2	3	1
Office Uses and Biotechnology Manufacturing Uses allowed by Section 14.21.2	0	1	1	2	1
Retail and consumer service establishments allowed by Section 14.21.3	1	1	2	4	1
Residential uses allowed by Section 14.21.4					
Multifamily residences	0	1	1	2	1
Hotels and motels	1	1	1	2	1
Public assembly uses allowed by Sections 14.21.3(2), 14.21.3(3), 14.21.5 (restaurants, entertainment and recreational facilities)	0	1	1	2	1
Other uses allowed by Section 14.21.6 and 14.21.7	0	0	1	2	1

14.53.2 Regulations governing the location, layout and design of loading facilities, specified in Section 6.90 of this Ordinance shall not be applicable in the MXD District. This Article 14.000 establishes no such regulations for the MXD District.

#### **14.60 SIGNS**

During the life of the Kendall Square Urban Renewal Plan as amended, the sign regulations of Section 7.10 shall not be applicable in the MXD District.

#### **14.70 SPECIAL PROVISIONS**



14.71.4 Special Provisions Applicable within the Ames Street District

14.71.1 Applicability. The provisions set forth in this Section 14.71 shall apply solely within the Ames Street District. Where this Section 14.71 specifies some standards or makes some other requirement contrary to the standards or requirements set forth elsewhere in this Article 14.00 or in the Ordinance, the provisions of this Section 14.71 shall control.

14.71.2 Lot Density Limitation. Notwithstanding the Lot Density Limitations in Section 14.33, there shall be no maximum floor area ratio for Multifamily dwelling uses. However, the District Development Limitations in Section 14.32 shall continue to apply.

14.71.3 Lot Minimum Open Space Requirement. So long as the District Public Open Space Requirement in Section 14.42 is met, and there exists within the Ames Street District a minimum of fifty-three thousand (53,000) square feet of public open space (as defined in Section 14.42), there shall be no open space requirement for any individual lots within the Ames Street District.

14.71.4 Parking. The minimum number of spaces for multifamily residential uses shall be 0.50 per dwelling unit.

14.71.5 Loading Requirements. Where there are contractual arrangements for sharing loading and service facilities with other users in the Ames Street District for a period of ten (10) years or more, a sixty percent (60%) reduction in the loading bay requirements computed in Subsection 14.53.1 or 14.53.1(1) shall be allowed. Such contractual agreement shall be guaranteed to the satisfaction of the Superintendent of Buildings by covenant, deed restriction, easement or comparable legal instrument.

14.72 *Special Provisions Applicable Outside the Ames Street District*

14.72.1 Applicability. The provisions set forth in this Section 14.72 shall apply solely within the portion of the MXD District consisting of lots fronting on Main Street that are not within the Ames Street District as such District is constituted as of October 1, 2014. Where this Section 14.72 specifies some standards or makes some other requirement contrary to the standards or requirements set forth elsewhere in this Article 14.00 or in the Ordinance, the provisions of this Section 14.72 shall control.

14.72.2 Purpose and Intent. In furtherance of the intent provided in Section 14.72, and in response to the Kendall Square planning process, the purpose and intent of this Section 14.72 is to provide an incentive for improvements that will remedy a gap in the urban street edge, propose retail and other ground floor activity to increase public engagement, reduce parking utilization levels and enhance sustainability, and upgrade design to current standards, in keeping with Kendall Square's identity as a world-renowned research center and a vibrant neighborhood.

14.72.3 Special Permit. Where improvements are proposed to be constructed on any lot within the portion of the MXD District fronting on Main Street that is not within the Ames Street District as such District is constituted as of October 1, 2014, and release of an open space covenant by the City will be necessary to accommodate such improvements, the Planning Board may grant a special permit allowing improvements containing incremental square footage of not more than 60,000 square feet of GFA within the limits of Section 14.32 in excess of the square footage of improvements located on such lot as of October 1, 2014. In granting such special permit, the Planning Board shall find the following:

- (1) The lot upon which such improvements are proposed contained, as of October 1, 2014, no portion of a building located so as to create a street edge along any part of the Main Street frontage of such lot; and the proposed improvements will remedy that condition by including the establishment of a street edge in keeping with the urban nature of the area, on at least a portion of the Main Street building façade.
- (2) The ground level of the proposed improvements fronting on Main Street will be designed to enhance public access and interaction.

14.72.4 Retail and Consumer Services Uses. If retail or consumer services uses are a part of any improvements authorized by special permit under this Section 14.72, the Gross Floor Area of any first floor or areas situated no more than one (1) floor below grade of such improvements devoted to such retail or consumer service uses shall be excluded from calculations of Gross Floor Area and FAR for all purposes of this Article 14.00 and the Ordinance, provided that the portion of any individual retail or consumer service use exceeding 5,000 square feet (or 10,000 square feet for a grocery, market or pharmacy retail use) shall be counted as Gross Floor Area for the purposes of calculating allowable FAR.

14.72.5 Parking and Loading. The improvements authorized by special permit under this Section 14.72 shall not require vehicle parking or loading facilities by reason of the incremental development authorized, and no additional parking spaces shall be provided by reason of improvements located on such lot beyond the number of parking spaces provided as of October 1, 2014.

14.72.6 Bicycle Parking. Additional bicycle parking shall be provided as required in Section 6.100 to the extent of the incremental development authorized by special permit under this Section 14.72, provided that any such spaces may be located anywhere on the lot or in such other location as the Planning Board may in its discretion approve.

14.72.7 Open Space. The Lot Open Space Requirements in Section 14.43 shall be inapplicable on any lot on which improvements are authorized by special permit under this Section 14.72, and the Planning Board may in its discretion waive any

other open space requirement applicable to such lot under this Ordinance. Any ground floor publicly accessible feature, if so determined by the Planning Board, shall be excluded from calculations of Gross Floor Area and FAR for the purposes of this Article 14.00 and the Ordinance. The Planning Board may grant a special permit for improvements to be located within the area of the open space covenant that would need to be released by the City notwithstanding that such open space covenant may not have been released prior to issuance of such special permit.

14.72.8 Sustainable Design and Development. The incremental development authorized by special permit under this Section 14.72 shall comply with the green building requirements of Section 22.20, provided that the Planning Board may in its discretion vary or waive any such requirements.

14.72.9 Project Review. Incremental development authorized by special permit under this Section 14.72 shall be subject to project review by the Planning Board under the provisions of Section 19.20.

14.72.10 Incentive for Housing Development. The incremental development authorized by special permit under this Section 14.72 shall be considered an Incentive Project pursuant to Section 11.200.

14.72.11 Contribution to Community Fund. Upon issuance of a Final Certificate of Occupancy for the incremental development authorized by special permit under this Section 14.72, the permittee shall contribute to a Community Fund, established by the City Manager, an amount equal to \$10.00 multiplied by the number of square feet of new gross floor area for office and biotechnology manufacturing uses identified in Section 14.21.2 contained in such incremental development.

14.72.12 Public Benefits. The public benefits to be provided by a development for which a special permit may be granted under this Section 14.72, including those provided in Sections 14.72.10 and 14.72.11, shall be deemed to satisfy any future requirements for public benefits that may be adopted with respect to the MXD District or any portion thereof that may include any lot eligible for such special permit, including without limitation any other funding requirement or exaction, any requirements to provide innovation or other space or services, or any limitations relating to the progress or sequence of development of residential or other space, none of which shall apply thereto.

14.72.13 Letter of Commitment. The Letter dated March 26, 2015, by Richard McKinnon on behalf of the Whitehead Institute and received by the City Council as Communication #5 of March 30, 2015, and attached "Design Narrative/Zoning Guidelines" Memorandum prepared by Andy Pecora of Tsoi / Kobus & Associates, shall be binding upon the Whitehead Institute and its successors and assigns. The issuance of any building permit or certificate of occupancy authorized by a special permit issued pursuant to this Section 14.72 shall be conditioned upon certification by the Community Development Department and all other relevant City departments

to the Inspectional Services Department that all portions of the aforementioned Letter are continuing to be met.

#### **14.73 INTER-AGENCY DESIGN REVIEW**

Review and approval of the Infill Development Concept Plan, as described in Section 14.32.2, and subsequent building design review under Section 14.32.2.4 shall be conducted jointly by the Planning Board and the CRA, as described in Section 506 of the Kendall Square Urban Renewal Plan, "Inter-Agency Design Review." The Planning Board and CRA, shall hold at least one joint public meeting to consider the Infill Development Concept Plan. In order to insure high quality architectural design and thoughtful adherence to the Concept Plan, evaluation of subsequent building proposes shall include the review of:

- a) A site plan illustrating the new building proposal in context with existing and proposed new development within the District.
- b) A proposed development program illustrating the size and location of uses within the building.
- c) Building plans, sections, elevations, and rendering sufficient to describe the urban design setting and architectural character of the proposed building(s). A materials board shall be provided along with annotated building elevations.
- d) A digital or physical model of the building within the context of neighboring buildings.
- e) A project specific open space plan depicting the design of open space provided on site by the project and any Public Open Space contributions to the area to be executed by the Project. Additionally streetscape designs for building frontages.
- f) A sustainability narrative describing how the development proposal will meet the requirements set forth in Section 14.74 below.
- g) A plan and description of how the development proposal's automobile and bicycle parking is to be accommodated.

As set forth in Section 14.32.2.4, the procedures for ongoing design review of subsequent building proposals shall be further defined per the Concept Plan Special Permit.

- 14.74 Sustainability. New buildings constructed within the District shall comply with the provisions of Section 22.20 of the Ordinance. For those construction projects utilizing Infill GFA subject to Section 22.23, LEED certification at the Gold level or

better is required and must enlist a Commissioning Authority to perform Enhanced Commissioning of the building's performance. In connection with the submission requirements of Section 22.24.2.a., the Developer of such buildings shall submit a Statement of Energy Design Intent produced through the EnergyStar Target Finder tool, or comparable method. New buildings in the District utilizing Infill GFA must incorporate an integrated design approach and incorporate best practices for meeting sustainability in the following five (5) areas:

- a) Energy and Emissions. Each new building must conserve building energy and, to the extent applicable, reduce greenhouse gas emissions. The project proponent must evaluate the potential for on-site energy generation or the construction or expansion of co-generation or district energy facilities within the District. All new construction shall be developed to be Solar-Ready, allowing for the immediate installation of solar voltaic units or provisions of building systems to allow future solar installation. Building proposals shall include a study considering the feasibility of connecting to the existing district steam system or other energy co-generation facility in the area.
- b) Water Management. The Developer, for each new building, must explore opportunities for:
  - i. potable water use reductions,
  - ii. storm water management using open spaces,
  - iii. the incorporation of indigenous vegetation and,
  - iv. storm water for irrigation purposes.
- c) Cool Roofs. All new buildings approved in the District must employ Functional Green Roofs (as such term is defined in Article 22.000 of this Zoning Ordinance), high-albedo "white" roofs or a functionally equivalent roofing system.
- d) Monitoring. All new buildings approved in the District shall be required to conform to the requirements of the Cambridge Building Energy Use Disclosure Ordinance, Chapter 8.67 of the Municipal Code.
- e) Rooftop Mechanical Equipment Noise Mitigation. Sound emanating from rooftop mechanical equipment on all new or substantially altered structures 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.

#### **14.80 INAPPLICABILITY OF CERTAIN OTHER REGULATIONS**

Where this Article 14.000 specifies some standard or makes some other requirement contrary to a requirements elsewhere in this Ordinance, the provisions of this Article 14.000 shall control.