



Petition Language: To amend Article 14 of the Cambridge Zoning Ordinance

MIXED USE DEVELOPMENT DISTRICT: KENDALL CENTER

KEY

Language additions are underlined

Language deletions are shown with ~~striketrough~~ text.

Introduction:

When Eversource announced its plans for a new electrical substation on Fulkerson Street, the City Manager asked City and CRA staff, as well as representatives from the local development community, to explore an alternative site for the facility. After the numerous hearings held by City Council regarding the substation proposal, Boston Properties (BXP) approached the City and CRA about the idea of placing the substation on the site of the existing “Blue Garage” within the MXD District of the Kendall Square Urban Renewal Project Area. Although this alternate site is highly preferred to the Fulkerson Street location, there are nonetheless many complex technical challenges associated with relocating the substation to this parcel. It involves not only the design of the substation and high voltage access routes to the location, but also completing plans for the housing program currently outlined in the Infill Development Concept Plan, fulfilling interim and future parking requirements, and designing locations for additional development to provide financial support for this alternative location.

The CRA hereby submits this zoning petition to amend the Article 14 of the Cambridge Zoning Ordinance: MXD Development District: Kendall Center in order to accommodate the relocation of the Eversource substation to the BXP site. Corresponding changes will also be required to the Kendall Square Urban Renewal Plan. These changes would affirm the regional utility infrastructure land use in the district, as well as provide for additional development rights and make adjustments to some dimensional restrictions to facilitate the alternative site.

1. Replace the current *Subsection 14.21.7(6)* with the following text:

14.21.7(6) Transformer station, substation, gas regulator station, or pumping station and related utility uses ~~designed primarily to serve development within the District.~~

2. Replace first three paragraphs of current *Subsection 14.32.1* with the text 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 60,000 square feet 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 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.

3. Add the following paragraph to the end of *Subsection 14.32.2*:

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.

4. Replace current *Subsection 14.32.2.1(8)* and *14.32.2.1(9)* with the following text:

14.32.2.1 Infill Development Concept Plan Requirements:

8) A plan describing street, 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”).

5. Replace current *Subsection 14.32.2.2* with the following text:

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).

6. Add the following new *Subsection 14.32.5(d)* at the end of *Subsection 14.32.5*:

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).

7. Replace current *Subsection 14.32.6(2)* and *14.32.6(3)* with the following text:

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).

8. Add the following new *Subsections 14.32.6(7)* and *14.32.6(8)* at the end of *Subsection 14.32.6*:

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.

9. Add the following new paragraph at the end of *Section 14.33*:

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.

10. Replace first paragraph of Section 14.34 with the following text:

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 feet (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.

11. Replace current Section 14.38 with the following text:

14.38 *Active Ground Floors.* The ground floor of newly constructed buildings utilizing fifty thousand (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 14.38. 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.

12. Replace current Section 14.39 with the following text:

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

13. Replace the first paragraph of Subsection 14.52.2 with the following text:

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.

14. Replace current Subsection 14.52.3 with the following text:

14.52.3 The parking allowances specified in Table 1 may be satisfied 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.

15. Replace current Subsection 14.52.6 with the following text:

14.52.6 *Bicycle Parking:* Bike 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.
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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.
