



MEMO

06/12/2020

To: The Cambridge Redevelopment Authority (CRA) Board
From: Alexandra Levering, Project Manager
RE: MXD Zoning Petition Draft Language to facilitate the alternative Electrical Substation Site

OVERVIEW

Herein the CRA Staff present draft Article 14 - Mixed Use Development District: Kendall Center zoning (MXD Zoning) petition language, put forth for consideration as an implementation step to accommodate the alternate Electrical Substation Site and the accompanying commercial development proposal by Boston Properties. The draft language found on the following pages, seeks to affirm that regional utility infrastructure land use is allowed in the district, provide for additional development rights, increase height limitations and make adjustments to some other dimensional restrictions. The timing and tenancy requirements for the approved housing component would be revised by the proposed petition, however the affordability requirements are not proposed to be amended.

Along with an amendment to MXD Zoning language of the Cambridge Zoning Ordinance, corresponding changes will also be required for the CRA's Kendall Square Urban Renewal Plan (KSURP) in an Amendment 11. Updates to both Article 14 and the KSURP were approved by the Cambridge City Council in 2015. While those amendments provided opportunity for infill development, they also sought to more closely align both documents to have compatible language and regulations. Thus, the changes provided in the MXD Zoning, will largely match required changes for the KSURP. The procedure for joint review future development projects by the CRA and the Planning Board, utilizing the Infill Development Concept Plan, are unchanged.

To be approved, both the MXD Zoning petition and KSURP Amendment 11 require a vote of the Cambridge City Council.

Attachment: DRAFT MXD Zoning Language

WORKING DRAFT 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 ~~strikethrough~~ 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.~~

Any new GFA for commercial uses that is not the subject of the existing Infill Development 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 new commercial GFA totaling eight hundred thousand (800,000) square feet that is not the subject of the Existing Concept Plan may sometimes be referred to as “Substation GFA” (but shall also be included within Infill GFA).

Additionally, the commencement of design review and approvals for permits for construction of a residential project of at least four hundred thousand (400,000) square feet shall proceed concurrently with the design and construction of any Substation GFA.

3. Replace current *Subsection 14.32.2.1(8)* 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.

4. Replace current *Subsection 14.32.2.5* with the following text:

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; provided that if the review process for the Substation Project or any project utilizing Substation GFA requires modifications of less than ten percent (10%) to the physical dimensions of any existing building, structure or other element shown on the Concept Plan over which the Planning Board has approval rights, then such Concept Plan modifications shall be considered Minor Amendments (even if they are all presented collectively as part of a single proposed amendment, but only as long as the proposed modifications are otherwise in compliance with the provisions of the Zoning Ordinance).

5. Add the following sentence to the end of *Subsection 14.32.4*:

Further that while the location of the Substation Project is to be included as part of the Infill Development Concept Plan, the construction of the Substation Project is not regulated by Section 19.20.

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

d) Inapplicability to Substation GFA. Notwithstanding the foregoing provisions of this Section 14.32.5, there shall be no Innovation Space requirement for any project utilizing Substation GFA.

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

3) *Innovation Space*: Innovation Space GFA up to twenty percent (20%) of the Infill GFA dedicated to Office and Biotechnology Manufacturing Uses as shown on the Existing Concept Plan. 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 GFA).

8) Educational Lab, Classroom or Training Facility: Up to twenty thousand (20,000) square feet of educational 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 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 one hundred (100) 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 for any buildings with building facades of less than [one hundred (100)] feet along such frontage, the foregoing minimum length requirement shall be reduced to [forty percent (40%)]. 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). 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 shall be provided as set forth in Section 6.100 of this Zoning Ordinance; provided, however, that the regulations governing the layout and design of bicycle parking facilities shall only be applicable to twenty percent (20%) of the bicycle parking spaces associated with any project utilizing in excess of three hundred fifty thousand (350,000) square feet of Substation GFA where the total quantity of bicycle parking spaces provided exceeds the minimum quantity required by said Section 6.100 by ten percent (10%) or more.