

CAMBRIDGE REDEVELOPMENT AUTHORITY  
MEMORANDUM

TO: Members of the Cambridge Redevelopment Authority  
FROM: Susan Glazer, Acting Executive Director  
DATE: November 7, 2012  
RE: Amendment to the Kendall Square Urban Renewal Plan

---

A. Introduction

As you know, the Authority has concluded that actions a predecessor Board took at a CRA meeting held on May 17, 2010 lacked a quorum. The Authority has been advised, and has discussed in its recent meetings, that, because they took place at a meeting during which a quorum of the members of the Authority was not present, the votes must be treated as if they never occurred. The Authority has also been advised that, in order to ratify actions taken pursuant to an unlawful vote, the Authority will need to revote on the proposal, hold a new public meeting, and demonstrate that it cured the violation by taking “independent deliberative action” in a full meeting.

This memorandum will summarize for the Board the situation surrounding one action taken at that meeting – the proposed amendment of the Kendall Square Urban Renewal Plan (the Plan) – and recommends to the Board that it consider approval of an amendment to the Plan. Because an amendment to the Parcel 3 and Parcel 4 Development Agreement was executed after the vote, as I detail below, I recommend that the Board vote to ratify and confirm that action as well.

B. Background

At the March 17, 2010 meeting, the Authority purported to take a vote to adopt Amendment No. 8 to the Plan, which:

- Extended the Plan’s termination date by ten years, from August 30, 2010 to August 30, 2020; and
- Provided a one-time expansion of the maximum gross floor area of 300,000 square feet to accommodate an expansion on Parcel 3 by an existing tenant, the Broad Institute.

The Authority determined that Amendment No. 8 was a “minor plan change” under 760 CMR § 12.03(1), which defines such a change as “*a plan change that does not significantly affect any of the basic elements of a previously approved Urban Renewal Plan.*” The Resolution also declared that “*the Plan, as amended by Amendment No. 8, will afford maximum opportunity for privately financed urban renewal consistent with the sound needs of the community, will support economic stability in the City of Cambridge, will provide employment opportunities particularly for persons earning low or moderate income, and will promote the public welfare and proper development of the area.*”

On July 14, 2010, the Department of Housing and Community Development (DHCD) approved Amendment No. 8 as a minor plan change as required by 760 CMR 12.03(1).

C. Proposed Action of the Authority

I recommend that the members of the Authority consider the materials in this memorandum and vote to: (a) approve a revised Amendment No. 8 to the Plan (the Revised Amendment); and (b) authorize the Revised Amendment to be forwarded to DHCD for approval. The proposed action of the Authority would be retroactive to August 30, 2010 and would serve to ensure that there are no gaps in the time that the Plan has been effective.

Since the modification of the square footage permitted on Parcel 3 to accommodate the Broad Institute's expansion resulted in an amendment to the Parcel 3 and 4 Development Agreement between the Authority and Boston Properties Limited Partnership, the proposed action would also ratify the execution of that amendment. A copy of the amendment as executed is attached to this memorandum as Exhibit 4.

D. Details of the Revised Amendment

As proposed, the Revised Amendment has three (3) elements, as follows:

- Extend the Plan's termination date ten years, from August 30, 2010 to August 30, 2020, effective as of August 30, 2010;
- Provide a one-time expansion of the maximum gross floor area to accommodate an expansion on Parcel 3 by the Broad Institute so that it is consistent with the City of Cambridge's zoning ordinance; and
- Confirm all prior amendments to the Plan.

Each element of the Revised Amendment is discussed below.

1. Extension of the Expiration Date of the Plan

The Plan was originally adopted by the Authority in 1965 and was amended and restated in October, 1977 (by Amendment No. 1 to the Plan). Its initial term was slated to expire thirty (30) years from the date of approval of the Plan by the City Manager and City Council (August 30, 1995). By formal amendment (number 3), the Plan was extended for an additional 15 years, to August 30, 2010.

The original purposes of the Plan, as set forth in Section 102, were as follows:

Section 102: Urban Renewal Plan Objectives

- (a) *To secure the elimination and prevent the recurrence of blighted, deteriorated, deteriorating, or decadent conditions in the project area*
- (b) *To insure the replacement of such conditions by well-planned, well-designed improvements which provide for the most appropriate reuse of the land in conformity with the general plan for the City of Cambridge as a whole and with definite local objectives, which objectives are:*
  - (1) *The provision of land uses which maximize job opportunities at a*

*variety of skill levels, including blue-collar and non-professional white-collar employment for present and future Cambridge residents, upgrade Cambridge workers' skills and wages in a manner commensurate with the cost of living in Cambridge, and help stabilize the City's industrial base and minimize the loss of local jobs;*

*(2) The improvement of land use and traffic circulation;*

*(3) The improvement of public transportation, public utilities, and other public improvements;*

*(4) The improvement of truck access to and through the project area; and*

*(5) The provision of decent, pleasant, and humane environment involving a mixture of those land uses needed to produce balanced development;*

*(c) To maximize the full socio-economic potential of the project area with the most appropriate land uses and densities, and consistent with the other objectives stated herein;*

*(d) To promote economic development which strengthens the City's tax base without unacceptably impacting upon the physical, social, and cultural environment;*

*(e) To establish the minimum necessary land use controls which promote development, yet protect the public interest;*

*(f) To establish a flexible set of controls which are adaptable to both current and future market conditions;*

*(g) To secure development in the shortest possible time period;*

*(h) To relate to development controls in the surrounding area;*

*(i) To help stabilize the existing surrounding neighborhoods, including East Cambridge;*

*(j) To help alleviate problems of vehicular movement through East Cambridge;*

*(k) To achieve harmonious visual and functional relationships with adjacent areas;*

*(l) To establish a sense of identity and place for Kendall Square;*

*(m) To encourage the development of Kendall Square as an activity center; and*

*(n) To capitalize on the location of rapid transit facilities.*

While much progress has been made toward these objectives, several actions remain to be completed, including the final disposition of land that is owned by the Authority, the potential redevelopment of "Parcel 1" within the Area, and the development of housing and additional open space within the Area as has been consistently expressed by area residents, other

stakeholders and the Authority itself. Based on currently known factors, we believe that these activities cannot be completed earlier than August 30, 2020, and therefore recommend that the Authority vote to extend the Plan to that date, effective as of August 30, 2010.

## 2. One-Time Expansion of Gross Floor Area on Parcel 3

By correspondence dated June 1, 2010, the Cambridge Planning Board endorsed a proposal to amend the Cambridge Zoning Ordinance to increase the aggregate gross floor area within the “MXD District” to 3,073,000 square feet. The express purpose of that proposal was to “facilitate the Broad Institute’s interest in expanding near its headquarters.” That amendment was approved by the Cambridge City Council on August 2, 2010. Copies of the Planning Board’s recommendation, the action taken by the City Council, and the appropriate sections of the Zoning Ordinance are attached to this memo as Exhibit 3.

Section 4.02(a) of the Plan, as revised by amendment nos. 5 and 6, provides that the “aggregate gross floor area” as defined in the Plan shall not exceed 2,802,100, plus 200,000 square feet that shall be limited to multi-family residential uses. It also contains the following limits on “cumulative gross floor area” for various use group, as follows (all references are summarized for the purposes of this memo, and are from the amended and restated 1977 version of the Plan unless indicated otherwise):

- Industrial uses: 770,000 sf;
- Office uses and biotechnology manufacturing uses: 830,000 sf, plus an additional 475,000 sf for buildings north of Broadway (amendment nos. 3 and 6)<sup>1</sup>
- Retail and consumer service uses: 150,000 sf;
- Multi-family residential uses: 200,000 sf for buildings between Main Street and Broadway (amendment no. 5);
- Hotel/motel uses: 440,000 sf (amendment no. 4); and
- Entertainment, recreational, institutional, transportation, communication, and utility uses...and additional development of industrial, office, retail, consumer service and hotel/motel uses that exceed other GFA limitations: 489,292 sf...plus an additional 483,708 sf for buildings north of Broadway (amendment nos. 2 and 6).

To accommodate the widely supported Broad Institute’s expansion and to make the Plan consistent with current version of the Cambridge Zoning Ordinance, the Revised Amendment would increase the “Aggregate Gross Floor Area” permitted within the Area to 3,073,000 and would make a corresponding change in the cumulative GFA for “Office uses and biotechnology manufacturing uses” to 1,605,000.

---

<sup>1</sup> There is a conflict between Amendment no. 3 to the Plan, which sets out the 830,000/475,000 limitations, and Amendment no. 6, which refers to the permitted uses as “Office” (not “Office and Biotechnology Manufacturing”) and limits the Office GFA to 1,234,100 without regard to location. The Revised Amendment will correct this discrepancy so that the Plan is consistent with what is permitted under the Cambridge Zoning Ordinance.

### 3. Confirmation and Ratification of Prior Amendments

Given the current transition, I recommend that the Authority take steps to confirm the Authority's approval of all prior amendments to the Plan that have been adopted to date. Those amendments are:

- Amendment No. 1 - 1977. Recognized the change in redevelopers of Parcel 1 from NASA to DOT and Parcel 2 development rights to be set aside for private development centered on industrial reuse. One version was proposed and approved on February 14, 1977. A second version was proposed and approved on October 31, 1977. This amendment is considered an amendment and restatement of the original 1965 version of the Plan.
- Amendment No. 2 - 1981. Authorized development of office space on Parcel 2, recognizing a failure to attract private industrial development.
- Amendment No. 3 - 1993. Authorized biotechnology manufacturing and pharmaceutical uses on Parcel 2 to accommodate the Biogen IDEC, Inc. expansion. Increased the amount of office use allowed in the Area. Added 475,000 square feet to buildings proposed for development on Parcel 2 and increased height limitation from 80 to 96 feet. Extended the term of the Plan through August 30, 2010.
- Amendment No. 4 - 1997. Increased cumulative gross floor area in Hotel/Motel classification in the Plan from 250,000 square feet to 440,000 square feet to provide for an additional hotel on Parcel 3 (Residence Inn by Marriott at Six Cambridge Center).
- Amendment No. 5 - 2001. Allowed additional residential use on Parcel 3 by increasing maximum gross floor area in the Area from 2,773,000 square feet to 2,973,000 square feet.
- Amendment No. 6 - 2004. Authorized an increase of 29,100 square feet of gross square feet in the Area, made a corresponding increase in the permitted GFA for "Office" uses, and modified other square footage.
- Amendment No. 7 - 2005. Authorized addition of 75,000 square feet to the residential use category in the zoning district. This Amendment was not approved by the Planning Board and City Council, and therefore never advanced.
- Amendment No. 8 - 2010. This amendment has been deemed to be void.

Once ratified, I recommend that the Authority compile and publish a consolidated version of the Plan.

I enclose with this memorandum the following supporting documents:

- Exhibit 1. Proposed Revised Amendment
- Exhibit 2. Proposed resolution of the Authority
- Exhibit 3. Planning Board and other zoning information (re: Broad Institute)
- Exhibit 4. Copy of Amendment No. 14 to Parcel 3 and Parcel 4 Development Agreement
- Exhibit 5. Proposed forwarding letter to DHCD requesting approval of Revised Amendment No. 8

\*

\*

\*

Exhibit 1. Proposed Revised Amendment

---

CAMBRIDGE REDEVELOPMENT AUTHORITY

---

REVISED AMENDMENT NO. 8  
URBAN RENEWAL PLAN  
PROJECT NO. MASS R-107

Kendall Square Urban Renewal Area  
Cambridge Redevelopment Authority  
Cambridge, Massachusetts

---

WHEREAS, the Cambridge Redevelopment Authority desires to modify, as hereinafter set forth, certain provisions of the urban renewal plan known as the “Urban Renewal Plan, Kendall Square Urban Renewal Area, Project No. Mass R-107” as amended (referred to in this Revised Amendment as the “Plan”):

NOW THEREFORE, the Plan is hereby further amended as follows:

1. Section 803 of the Plan, as most recently amended by amendment no. 3, is hereby further amended by changing the words, “forty-five (45) years” to “fifty-five (55) years”.
2. Section 4.02(a) of the Plan, as most recently amended by amendment no. 6, is hereby further amended by striking the phrase: “2,802,100 square feet plus 200,000 square feet that shall be limited to multi-family uses” as it appears in the first sentence of that section, so that the first sentence will now read:

“The aggregate gross floor area (hereinafter referred to as “GFA” and defined in Appendix I of the Urban Renewal Plan attached hereto and made a part hereof as if fully set forth herein) of development in the MXD District shall not exceed 3,073,000 square feet, provided that any development in excess of 2,773,000 square feet shall occur only within the area designated on the City of Cambridge Zoning Map as “Ames Street District”, plus an additional 200,000 square feet that shall be limited to multi-family residential uses.”

This change will make this section of the Plan conform to section 14.32.1 of the City of Cambridge Zoning Ordinance.

3. Section 4.02(a) of the Plan, as most recently amended by amendment no. 6, is hereby further amended by deleting the fourth paragraph of that section and substituting it with the following paragraph:

“Office uses and biotechnology manufacturing uses permitted by Section 401(2):  
Cumulative GFA = 1,605,000 square feet.”

This change will make this section of the Plan conform to section 14.32.2 of the City of Cambridge Zoning Ordinance.

4. The Authority hereby states that this Revised Amendment No. 8 shall be deemed incorporated into and a part of the Plan effective as of August 30, 2010, and hereby ratifies and confirms all prior amendments to the Plan; provided, however, that Amendment No. 7 to the Plan which did not advance through the approval process, and Amendment No. 8 to the Plan, which has been deemed to be void, are not so ratified and confirmed.

Adopted by an affirmative vote of the Cambridge Redevelopment Authority on November \_\_, 2012

Exhibit 2. Proposed resolution of the Authority

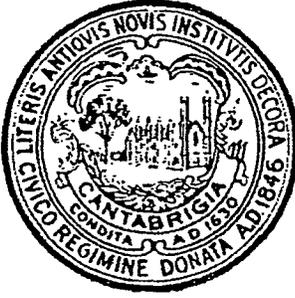
RESOLUTION OF CAMBRIDGE REDEVELOPMENT AUTHORITY APPROVING  
REVISED AMENDMENT NO. 8 TO THE KENDALL SQUARE URBAN RENEWAL PLAN  
and RATIFYING THE EXECUTION OF A CORRESPONDING AMENDMENT TO THE  
PARCEL 3 AND 4 DEVELOPMENT AGREEMENT

The Cambridge Redevelopment Authority, following a public presentation the revised version of Amendment No. 8 (the “Revised Amendment”) to the Kendall Square Urban Renewal Plan, as amended to date (the “Plan”) made at its meeting held on November 14, 2012 and after consideration of all of the facts and comments presented to the Authority, hereby finds as follows:

1. That the Authority, through public notice, has made the Revised Amendment available for public inspection and comment and has duly considered the Revised Amendment at its November 14, 2012 meeting;
2. That it is hereby found and determined that the objectives of Plan cannot be achieved without the completion of more work within the Kendall Square Urban Renewal Area (the “Area”), and that the work is not capable of being completed through the ordinary operations of private enterprise;
3. That the Revised Amendment is a minor plan change;
4. That the Plan, as amended by Revised Amendment, will, among other things, afford maximum opportunity for privately financed urban renewal consistent with the sound needs of the community, will support the economic stability of the City of Cambridge, will provide employment opportunities, particularly for persons earning low and moderate income, and will promote the public welfare and the proper development of the Area;
5. That the expansion of the Broad Institute has been supported by the Cambridge Planning Board and by the Cambridge City Council through its amendment to the Cambridge Zoning Ordinance and is consistent with the objectives of the Plan;
6. That the Revised Amendment, attached to and made a part of this vote, is hereby approved in all respects;
7. That Amendment No. 14 to the Parcel 3 and Parcel 4 Development Agreement dated as of January 11, 2011 between the Authority and Boston Properties Limited Partnership, which was executed in furtherance of the expansion of the Broad Institute as addressed in the Revised Amendment, is hereby ratified and confirmed in every respect; and
8. That the Acting Executive Director is hereby directed to file a certified copy of Revised Amendment with the minutes of this meeting and to forward the Revised Amendment to the Department of Housing and Community Development for approval in accordance with applicable law.

Approved by a vote of the Cambridge Redevelopment Authority  
November ----, 2012

Exhibit 3. Planning Board and Zoning Information (re: Broad Institute)



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

June 1, 2010

To the Honorable, the City Council,

**Subject: Boston Properties Petition to Amend the MXD District**

### Recommendation

The Planning Board enthusiastically supports this zoning change, which would facilitate the Broad Institute's interest in expanding near its headquarters in Cambridge. Thus, the Board recommends adoption of the Boston Properties Petition to amend the MXD District in Kendall Square, which would increase the aggregate GFA to 3,073,000 SF and allow for increased non-residential development, with the following suggestions.

First, the name of the portion of Kendall Square that could receive the Broad expansion should be changed to the "Ames Street District," because the "Smart Growth/Underutilized Area" designation suggests a project that is seeking to encourage housing and smart growth development under the Massachusetts Chapter 40R program, which is not relevant in this case. Second, because of the large size and visual importance of the proposed new building, the Board recommends that a non-binding review of the Broad expansion take place at the Planning Board, to supplement the Cambridge Redevelopment Authority design review process. Finally, the Board urges the CRA and Boston Properties to continue to pursue creation of housing in Kendall Square, as provided in the 2001 rezoning adopted by the City Council. The 200,000 square feet of housing that is allowed through that rezoning would bring a welcome, and long-awaited, complement of housing into the heart of the MXD district.

Respectfully submitted for the Planning Board.

*Hugh Russell (BRK)*

Hugh Russell, Chair

**ORDINANCE NUMBER 1334**

**Final Publication Number 3225. First Publication in the Chronicle on June 24, 2010.**

**City of Cambridge**

**In the Year Two Thousand and Ten**

**AN ORDINANCE**

**In amendment to the Ordinance entitled "Zoning Ordinances of the City of Cambridge"**

**Be it ordained by the City Council of the City of Cambridge that the Zoning Ordinances of the City of Cambridge be amended as follows:**

1. amend the Zoning Map of the City of Cambridge to create the "Ames Street District" in the vicinity of Broadway, Main and Ames Streets, and the site of the West parking garage on Ames Street, and
2. amend the Zoning Ordinance of the City of Cambridge, Section 14.32.1 to increase the aggregate Gross Floor Area to three million, seventy-three thousand (3,073,000) square feet, providing that an development in excess of two million seven-hundred and seventy three thousand (2,773,000) shall occur only within the area designated on the Zoning Map as the "Ames Street District", and
3. amend the Zoning Ordinance of the City of Cambridge, Section 14.32.2, to increase the Cumulative Office Uses and Biotechnology Manufacturing Uses permitted by Section 14.21.2 to 1,605,000 square feet, and
4. amend Section 14.32.2(2) by adding the following:

Aggregate GFA within the District authorized by a variance issued by the Board of Zoning Appeal to exceed the District Development Limitation of Section 14.32 shall not be counted by the Superintendent of Buildings for any purpose in determining the aggregate GFDA within the District or compliance with the intensity of development requirements of Article 14.00. The Superintendent of Buildings shall maintain a separate record of any development within the area of the MXD district designated on the Zoning Map as the "Ames Street District." Development after September 30, 2010, within the area of the MXD District designated on the Zoning Map as the "Ames Street District" shall be allocated first to the increment of allowable GFA in the MXD District between two million, seven hundred and seventy three thousand (2,773,000) and three million, seventy three thousand (3,073,000) square feet, and then to any remaining GFA under two million, seven hundred and seventy three thousand (2,773,000) as authorized by the District Development Limitations of Section 14.32.

Issuance of any base building permit or certificate of occupancy for any building in the Ames Street District utilizing any part of the 2010 Additional GFA shall be conditioned upon certification by all relevant departments of the City to the Superintendent of Buildings that the project is proceeding in accordance and compliance with all provisions of that certain "Letter of Commitment" dated August 2, 2010 given by the property owner of the Ames Street District to the City of Cambridge pertaining to the utilization of the 2010 Additional GFA

5. amend Section 14.32.4 by adding the following at the end of the paragraph:

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.

6. amend Section 14.44.3 by adding the following;

Public Open Space in Common Ownership Located Directly Across a Private Way. Public Open Space held in common ownership with the lot for which open space is required, located within the District and directly across a private way from said lot, shall be counted toward satisfaction of the lot minimum open space requirements of Section 14.43. The perimeter of such public open space, less the boundary that abuts the private way, shall count toward the "total perimeter boundary of the lot" under Section 14.44.1 and "the length of the lots' common boundary on the public open space" under Section 14.44.2. The perimeter of such public open space, including the boundary that abuts the private way, shall count toward the "total boundary of the public open space" under Section 14.44.2.

In City Council August 2, 2010.

Passed to be ordained as amended by a ye and nay vote:-

Yeas 8; Nays 0; Absent 0; Present 1.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk

- 
- 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 Cambridge 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 three million, seventy three thousand (3,073,000) square feet, providing that any development in excess of two million seven-hundred and seventy three thousand (2,773,000) shall occur only within the area designated on the Zoning Map as the "Ames Street District", and two hundred thousand (200,000) square feet that shall be limited to residential uses as permitted in Section 14.21.4(1). The two hundred thousand (200,000) square feet of GFA restricted to housing uses, however, may only be used in that portion of the MXD district located between Main Street and Broadway. 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** In addition to the aggregate GFA limitation establishment in Section 14.32.1, the cumulative GFA for each of the use groups shall not exceed the respective amounts stated below, except as provided in Subsection 14.32.2(5). Cumulative GFA for a use group is at any time the sum of GFA (as defined in Article 2.000 of this Ordinance) of all portions, occupied or to be occupied by uses within such use group, of all building (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 and so stated in certificates from the Authority to the Superintendent of Buildings, may be constructed in the District in the future.

- (1) Industrial uses permitted by Section 14.21.1 of this Article: Cumulative GFA=770,000 square feet.
- (2) Office Uses and Biotechnology Manufacturing Uses permitted by Section 14.21.2 of this Article: Cumulative GFA=1,605,000 square feet.

Aggregate GFA within the District authorized by a variance issued by the Board of Zoning Appeal to exceed the District Development Limitation of Section 14.32 shall not be counted by the Superintendent of Buildings for any purpose in determining the aggregate GFA within the District or compliance with the intensity of development requirements of Article 14.00. The Superintendent of Buildings shall maintain a separate record of any development within the area of the MXD district designated on the Zoning Map as the "Ames Street District." Development after September 30, 2010, within the area of the MXD District designated on the Zoning Map as the "Ames Street District" shall be allocated first to the increment of allowable GFA in the MXD District between two million, seven hundred and seventy three thousand (2,773,000) and three million, seventy three thousand (3,073,000) square feet, and then to any remaining GFA under two million, seven hundred and seventy three thousand (2,773,000) as authorized by the District Development Limitations of Section 14.32.

Issuance of any base building permit or certificate of occupancy for any building in the Ames Street District utilizing any part of the 2010 Additional GFA shall be conditioned upon certification of all relevant departments of the City to the Superintendent of Buildings that the project is proceeding in accordance and compliance with all provisions of that certain "Letter of Commitment" dated August 2, 2010 given by the property owner of the Ames Street District to the City of Cambridge pertaining to the utilization of the 2010 Additional GFA.

- (3) Retail and consumer service uses permitted by Section 14.21.3 of this Article: Cumulative GFA=150,000 square feet.
- (4) Residential uses permitted by Section 14.21.4 of this Article:
  - (a) Multifamily housing: Cumulative GFA=300,000 square feet
  - (b) Hotel/Motel: Cumulative GFA=440,000 square feet
- (5) Entertainment, recreation, institutional, transportation, communication and utility uses permitted by Sections 14.21.5, 14.21.6 and 14.21.7 and additional development of industrial, office and biotechnology manufacturing uses, retail, consumer service and hotel/motel uses exceeding the cumulative GFA limitations of paragraphs (1), (2), (3), and (4b) above: Cumulative GFA=973,000 square feet.

**14.32.3** Any construction or change of use within the District which would cause aggregate or cumulative GFA limitations of subsections 14.32.1 and 14.32.2 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 Superintendent of Buildings shall maintain a record of the aggregate GFA within the District and a record of cumulative GFA for each use group specified in Section 14.32.2. 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 Cambridge Redevelopment Authority as to an outstanding contract (including option) for the construction of a building.
  - (3) In determining cumulative GFA for a building containing uses in more than one use group, spaces to be utilized by users in more than one of the use groups, such as lobbies, interior courts, elevator shafts and basement storage areas shall be apportioned to each use group in proportion to the share of space that use groups will occupy within the building.
  - (4) Each applicant for a 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) in a building containing uses in more than one use group, the measurement of gross floor area(s) by use group, for spaces to be devoted exclusively to uses in such group and the measurement of gross floor area of spaces to be shared by users in more than one use group;
    - (c) measurement of gross floor areas of renovations or use changes within existing buildings;
    - (d) 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 for Residential Uses. 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.

**14.33** *Lot Density Limitation.* In addition to the aggregate and cumulative 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 Section 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.

- 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 4.0
  - (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. This requirement shall not apply to chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy, nor to 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, nor to wireless or broadcasting towers and other like unenclosed structures which occupy less than ten percent (10%) to the lot area.
- 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, 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. Public open space shall
-

Exhibit 4. Copy of Amendment No. 14 to Parcel 3 and Parcel 4 Development Agreement

AMENDMENT NO. 14 TO PARCEL 3 and 4 DEVELOPMENT AGREEMENT

AMENDMENT NO. 14 TO PARCEL 3 and 4 DEVELOPMENT AGREEMENT (hereinafter the "Parcel 3 and 4 Fourteenth Amendment" or the "Amendment") dated as of January 11<sup>th</sup>, 2011 (hereinafter the "Date" of this Amendment), by and between CAMBRIDGE REDEVELOPMENT AUTHORITY (hereinafter, with its successors and assigns, the "Authority"), having its office at One Cambridge Center, Cambridge, Massachusetts, and BOSTON PROPERTIES LIMITED PARTNERSHIP, a Delaware limited partnership (as successor-in-interest to Cambridge Center Associates, hereinafter, with its successors and assigns, the "Developer"), having its office at 800 Boylston Street, Suite 1900, Boston, Massachusetts.

A. Statement of Facts

1. By Development Agreement dated June 11, 1979 (the "Original Parcel 3 and 4 Development Agreement") as amended by the Prior Amendments described below (as so amended and inclusive of all exhibits thereto, collectively, the "Parcel 3 and 4 Development Agreement"), between the Authority and the Developer, the Authority agreed to convey to the Developer in stages and the Developer agreed to purchase from the Authority and redevelop in stages, the developable area within Parcel 3 and Parcel 4 of the Kendall Square Urban Renewal Area (the "Urban Renewal Area") as shown on Exhibit A to the Original Parcel 3 and 4 Development Agreement, as amended by Section 1 of the Parcel 3 and 4 Fifth Amendment (referred to in the Original Parcel 3 and 4 Development Agreement and hereafter sometimes referred to collectively as the "Development Area" and hereinafter sometimes referred to as the "Parcel 3 Development Area" and "Parcel 4 Development Area", respectively) upon the terms and conditions set forth in the Parcel 3 and 4 Development Agreement.

The Prior Amendments consist of the following:

- Amendment No. 1 dated May 29, 1980;
- Amendment No. 2 dated December 22, 1981;

- Amendment No. 3 dated April 14, 1982;
- Amendment No. 4 dated December 19, 1983;
- Amendment No. 5 dated May 30, 1986;
- Amendment No. 6 dated April 1, 1988;
- Amendment to Development Agreements dated January 14, 1991;
- Amendment to Development Agreements dated May 28, 1993;
- Amendment No. 9 to Parcel 3 and 4 Development Agreement dated September 29, 1993;
- Amendment No. 10 to Parcel 3 and 4 Development Agreement dated September 14, 1994;
- Amendment No. 11 to Parcel 3 and 4 Development Agreement dated June 23, 1997;
- Amendment No. 12 to Parcel 3 and 4 Development Agreement dated March 11, 1998; and
- Amendment No. 13 to Parcel 3 and 4 Development Agreement dated July 14, 2004.

2. By Development Agreement dated April 14, 1982 (the "Original Parcel 2 Development Agreement"), as amended by the Parcel 2 Prior Amendments described below (as so amended and inclusive of all exhibits thereto, collectively, the "Parcel 2 Development Agreement"), between the Authority and the Developer, the Authority agreed to convey to the Developer in stages and the Developer agreed to purchase from the Authority and redevelop in stages, the developable area within Parcel 2 of the Kendall Square Urban Renewal Area as shown on Exhibit A to the Original Parcel 2 Development Agreement (referred to in the Original Parcel 2 Development Agreement and hereinafter referred to as the "Parcel 2 Development Area") upon the terms and conditions set forth in the Parcel 2 Development Agreement.

The Parcel 2 Prior Amendments consist of the following:

- Amendment No. 1 dated April 24, 1987;
- Amendment No. 2 dated April 1, 1988;
- Amendment No. 3 dated March 19, 1990;
- Amendment to Development Agreements dated January 14, 1991;
- Amendment to Development Agreements dated May 28, 1993;
- Amendment No. 6 to Parcel 2 Development Agreement dated September 29, 1993;
- Amendment No. 7 to Parcel 2 Development Agreement dated June 23, 1997; and
- Amendment No. 8 to Parcel 2 Development Agreement dated July 14, 2004.

3. The Parcel 3 and 4 Development Agreement and the Parcel 2 Development Agreement are hereinafter sometimes individually referred to as a "Development Agreement" and collectively referred to as the "Development Agreements."

4. The Authority and the Developer have agreed that in order to further their agreements and accomplish the purposes embodied by the Development Agreements more effectively in light of both past experience in implementing the Development Agreements and current and anticipated economic, development and other conditions, it is necessary and desirable to make certain amendments to the Parcel 3 and 4 Development Agreement as hereinafter set forth.

B. Agreement of the Parties

NOW THEREFORE, each of the parties hereto, for and in consideration of the promises and the mutual obligations herein contained, and for other good and valuable consideration, the receipt and sufficiency of which is hereby severally acknowledged, does hereby covenant and agree with the other as follows:

1. Reference is made to that certain Amendment No. 8 to Urban Renewal Plan approved by the Department of Housing and Community Development (DHCD) on July 14, 2010 and that certain Ordinance Number 1334 issued by the City of Cambridge on August 2,

2010, which increased the overall square feet of gross floor area available for development in certain portions of Parcels 3 and 4 of the Development Area by 300,000 square feet for office uses and biotechnology manufacturing uses (such additional square footage being hereinafter referred to as the "2010 Additional GFA").

2. (A) Concurrently with the execution of this Fourteenth Amendment, the Developer shall make a payment to the Authority in the amount of Five Hundred Thousand and 00/100 Dollars (\$500,000.00) on account of the 2010 Additional GFA (the "2010 Additional GFA Deposit").

(B) To the extent the same has not been previously applied or returned to the Developer as provided in this Paragraph 2, the 2010 Additional GFA Deposit shall be applied (i) at the election of the Developer pursuant to the Parcel 3 and 4 Development Agreement to the 2010 Additional GFA Purchase Price (as defined in Paragraph 3(B) below), or (ii) at the election of the Developer pursuant to the Parcel 3 and 4 Development Agreement to the purchase price for the Residential Development Rights.

(C) If the Parcel 3 and 4 Development Agreement terminates for any lawful reason by action of the Developer or any lawful or unlawful reason by action of the Authority or for any other reason other than the completion of all of the development thereunder by the Developer, then any balance of any 2010 Additional GFA Deposit which has not been applied pursuant to Paragraph B(2)(C) above (hereinafter, the "Remaining 2010 Additional GFA Deposit") shall be refunded to the Developer. Except as specifically provided in the immediately preceding sentence, all deposits made hereunder by the Developer are non-refundable.

3. (A) Notwithstanding anything contained in the Parcel 3 and 4 Development Agreement to the contrary, it is understood and agreed that the purchase price for the 2010 Additional GFA as set forth herein (i) shall be payable by the Developer upon the issuance by the City of Cambridge of a building permit for the construction of the Project utilizing the 2010 Additional GFA (or at such earlier time prior to the issuance of a building permit as the

Developer may elect) and (ii) shall be in addition to the purchase price that has already been paid by the Developer for the Individual Parcel(s) upon which the Developer shall utilize the 2010 Additional GFA (it being acknowledged and agreed that the Authority no longer holds title to any of the Individual Parcels on Parcels 3 and 4 of the Development Area upon which the 2010 Additional GFA may be utilized in accordance with Ordinance Number 1334 referenced above, having previously conveyed all such parcels to the Developer or its designees pursuant to the terms and provisions of the Parcel 3 and 4 Development Agreement).

(B) The purchase price for the 2010 Additional GFA (the "2010 Additional GFA Purchase Price") shall be calculated in accordance with the formula set forth in Paragraph B(2)(a) of the Original Parcel 2 Development Agreement, as modified by Paragraph B(9) of the Amendment to Development Agreements dated January 14, 1991 (the "1991 Amendment"); provided, however, that (i) all references in such paragraphs to Parcel 2 of the Development Area shall be deemed to be references to Parcels 3 and 4 of the Development Area, (ii) all references to the Preliminary Design Phase submission shall be deemed to be references to the Concept Design Phase submission and (iii) the phrase "two hundred percent (200%)" in Paragraph B(9) of the 1991 Amendment shall be deleted in its entirety and the phrase "one hundred fifty percent (150%)" substituted therefor.

4. It is acknowledged and agreed that Ordinance Number 1334 requires that any project utilizing the 2010 Additional GFA be subject to the project review special permit provisions of Section 19.20 of the City of Cambridge Zoning Ordinance, with the exception of Section 19.21.1. Accordingly, the Authority agrees to coordinate its review of any such project utilizing the 2010 Additional GFA with the review under said Section 19.20 so that the reviews are not duplicative of each other and can be conducted simultaneously and in as expeditious and efficient a manner as possible.

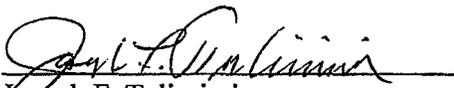
5. Except as herein amended, the Parcel 3 and 4 Development Agreement shall remain unchanged and in full force and effect. All references to the "Parcel 3 and 4

Development Agreement” shall be deemed to be references to the Parcel 3 and 4 Development Agreement as herein amended.

[page ends here]

WITNESS the execution hereof under seal as of the day and year first above written.

CAMBRIDGE REDEVELOPMENT AUTHORITY

By:   
Name: Joseph F. Tulimieri  
Title: Executive Director

BOSTON PROPERTIES LIMITED PARTNERSHIP

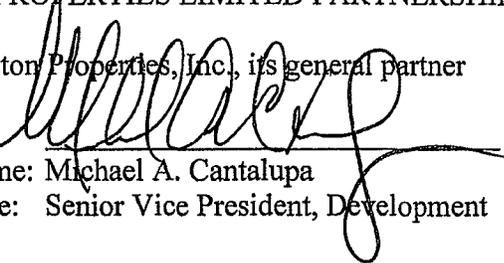
By: Boston Properties, Inc., its general partner  
By:   
Name: Michael A. Cantalupa  
Title: Senior Vice President, Development

Exhibit 5. Proposed forwarding letter to DHCD requesting approval of Revised Amendment

**Cambridge Redevelopment Authority**

One Cambridge Center/Fourth Floor  
Cambridge, Massachusetts 02142  
617 492 6800  
617 492 6804 (FAX)

November \_\_\_\_, 2012

Aaron Gornstein, Undersecretary  
Department of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, MA 02114

Re: Minor Plan Change for Review and Concurrence/Revised Amendment No. 8  
Kendall Square Urban Renewal Plan, Project No. Mass. R-107

Dear Undersecretary Gornstein:

As DHCD is aware, on March 17, 2010, the Cambridge Redevelopment Authority voted to adopt an amendment to the Kendall Square Urban Renewal Plan (the "Plan"). The amendment was approved by DHCD on July 14, 2010. In May of this year, the Authority's membership was reconstituted. As a part of the new Board's efforts, it commissioned a review of certain of the Authority's actions over the period extending back to September of 2009. As a result of that review, it was determined that the March 17, 2010 meeting lacked a quorum and that therefore any votes taken at that meeting are void.

I enclose with this letter a forwarding memo, a resolution of the Authority voted at its meeting held on November 14, 2012, and Revised Amendment No, 8 to the Plan. Revised Amendment No. 8 addresses the same issues as were addressed by the Authority in 2010 and confirms all prior amendments to the Plan. It is deemed effective as of August 30, 2010.

The Authority request DHCD's approval of the Revised Amendment No. 8 in accordance with 760 C.M.R. 12.03. Please contact me should you or your staff have any questions regarding this submission. Thank you.

Sincerely,

Susan Glazer  
Acting Executive Director

Enclosures