



CITY OF CAMBRIDGE

Community Development Department

To: Planning Board

From: CDD Staff

Date: July 15, 2021

Re: Special Permit PB-368, Volpe PUD – 55 Broadway (parcel address: 33 Broadway, 2 Potter Street, 20 Potter Street, 156 Linskey Way, 220 Binney Street, 60 Sixth Street, 182 Binney Street)

Submission Type: PUD Special Permit Application

Applicant: Massachusetts Institute of Technology (MIT)

Zoning District(s): Business A (BA); Residence C-2B (C-2B); Office 2 (O-2); PUD-KS; PUD-7

Proposal Summary: Redevelop the Volpe Exchange Parcel into a mixed-use center including residential, retail, office and laboratory buildings, as well as a Community Center.

Special Permits Requested: PUD-7 Special Permit (Section 13.102) and Project Review Special Permit (Section 19.20) *A summary of the applicable special permit findings is listed on the following page. Applicable sections of the zoning are provided in an appendix.*

Other City Permits Needed: PTDM Plan Approval – Issued July 14, 2021

Planning Board Action: Grant or deny special permit approving PUD Final Development Plan

Memo Contents: Comments on development plan addressing planning, zoning, and urban design.

Other City Staff Reports: Traffic, Parking and Transportation Dept. (TP+T), in a separate document.

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Overview

On July 20, 2021, the Planning Board will have the second hearing on MIT’s Planned Unit Development (PUD) special permit application for development of approximately 3.2 million square feet of residential and non-residential uses. The first hearing was on April 6, 2021.

Since that time, the applicant’s team has met with Community Development Department (CDD) staff, including zoning, urban design, environmental and transportation planning staff. The intent of these meetings was to further discuss the set of issues raised by staff and the Board at the 4/6/2021 hearing, and to discuss how the project would proceed if the Board grants the requested special permits. In June, the applicant provided a Final Development Plan and Supplement with revised plans and a summary of efforts they have made to address the points raised by the Planning Board.

The following topics are covered in this memo:

- Summary of the findings that are required of the Planning Board in granting the requested special permits;
- Summary of the issues raised at the prior meeting and staff comments on the additional materials provided by the applicant;
- Recommended conditions to regulate the development plan if the Planning Board decides to grant the requested special permits.

The complete set of findings for issuance of a special permit to be made at the public hearing on Final Development Plan are summarized below:

Requested Action	Summarized Findings (see appendix for zoning text excerpts)
Approval of a PUD Final Development Plan (Section 12.36.4)	The PUD Final Development Plan: <ul style="list-style-type: none"> • Continues to conform to the criteria for approval of a Development Proposal (see Preliminary Determination). • Contains revisions to the Development Proposal in response to the Preliminary Determination.
Referenced Policy Plans in the PUD-7 District (Section 13.91)	Development shall be generally consistent with the policy objectives set forth in the then current Kendall Square ("K2") Planning Study and Design Guidelines (2013), the Planning and Design Principles established by the City's Volpe Working Group (2017) and Volpe Site Design Guidelines (2017), collectively, the "PUD-7 Guidelines and Principles."
Objectives for PUD-7 Special Permit (Section 13.91.4)	<ul style="list-style-type: none"> • Providing a mix of commercial, including research and technology, and residential uses, with particular emphasis on ground-floor retail along portions of Third Street and Broadway, to encourage activity throughout the day and evening. • For residential uses, incorporating a diversity of dwelling unit sizes that are appealing and accessible to a variety of users,

	<p>including families with children and households from a variety of socioeconomic backgrounds.</p> <ul style="list-style-type: none">• Breaking up large blocks to increase permeability and create a fine-grained network of connections that seamlessly integrates the PUD-7 District with the surrounding urban fabric of Kendall Square and the East Cambridge, Wellington-Harrington, and Port neighborhoods.• Sensitively interfacing with adjacent land uses with respect to use scale, density, setback, bulk, height, landscaping, and screening, while providing integrated pedestrian circulation systems with particularly strong linkages to the Broad Canal, riverfront, Grand Junction corridor, other public spaces within Kendall Square, and the East Cambridge, Wellington-Harrington, and Port neighborhoods.• Sensitively managing the height and bulk of new buildings to (a) reduce the impact of shadows, excessive wind, and obstruction of light and views, with specific consideration given to residential buildings and public spaces; (b) reduce detrimental environmental impacts such as excessive ground coverage, diminution of open space, and monotonous development; (c) provide an appropriate scale at interfaces with adjoining lower scale uses, such as proposed and existing buildings and open spaces in the vicinity; (d) not otherwise diminish the health and safety of the area around the development parcel; and (e) establish a defined urban character at a "streetwall" height that is distinct from taller "tower" elements of buildings, in accordance with the goals set forth in the PUD-7 Guidelines and Principles.• Creating an integrated network of high-quality streets and open spaces, including significant space for public gathering and recreation, that serves the surrounding communities as well as the development on the site by encouraging and fostering a sense of community, civic engagement, social interaction, economic development, and environmental sustainability.• Integrating development with open space physically and functionally by means of building orientation, active frontages, location of building entrances, pedestrian linkages between major activity centers, and similar techniques in accordance with the objectives set forth in the PUD-7 Guidelines and Principles.• Providing a strong street edge on major public streets, including Broadway and Third Street as well as new street connections through the district, to create a memorable "main street" experience.
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	<ul style="list-style-type: none"> • Providing active ground floors that animate streets and open spaces, and add to the vitality of Kendall Square. • Fostering a spirit of inclusiveness and diversity, particularly in the planning and programming of Open Space, Active Space, Innovation Space, and Community Space (in accordance with the requirements set forth below) to draw users and visitors from across the city. • Enhancing the architectural diversity and aesthetic qualities of the PUD-7 District to harness the spirit of innovation and creativity in Kendall Square and reinforces a Cambridge sense of place. • Promoting best practices for environmental sustainability in district-wide planning and in establishing design objectives for individual buildings and sites, in accordance with the City's ongoing planning efforts, including the Net Zero Action Plan and Climate Change Preparedness and Resiliency Plan. • Demonstrating a commitment to implementing a Transportation Demand Management and Mitigation Program consistent with the reduced parking mandated in this PUD zoning and the capacity limitations of the transportation network that serves the Kendall Square area, including roadways and public transportation systems. In approving a Final Development Plan, the Planning Board shall refer to Article 18.000 and Section 19.20 of this Zoning Ordinance, applicable PUD-7 Guidelines and Principles, and other City transportation planning efforts (including the Kendall Square Mobility Task Force), and may require measures to be linked to milestones, thresholds or performance standards connected to the scale and pace of development within the PUD.
<p>Project Review Special Permit (Section 19.20)</p>	<ul style="list-style-type: none"> • The project will have no substantial adverse impact on city traffic within the study area, upon review of the traffic impact indicators analyzed in the Transportation Impact Study and mitigation efforts proposed. • The project is consistent with the urban design objectives of the City as set forth in Section 19.30 (see below).
<p>General special permit criteria (Section 10.43)</p>	<ul style="list-style-type: none"> • Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43 (see below).

19.30 Citywide Urban Design Objectives (summarized)

Objective	Indicators
New projects should be responsive to the existing or anticipated pattern of development.	<ul style="list-style-type: none"> • Transition to lower-scale neighborhoods • Consistency with established streetscape • Compatibility with adjacent uses • Consideration of nearby historic buildings
Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.	<ul style="list-style-type: none"> • Inhabited ground floor spaces • Discouraged ground-floor parking • Windows on ground floor • Orienting entries to pedestrian pathways • Safe and convenient bicycle and pedestrian access
The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.	<ul style="list-style-type: none"> • Location/impact of mechanical equipment • Location/impact of loading and trash handling • Stormwater management • Shadow impacts • Retaining walls, if provided • Building scale and wall treatment • Outdoor lighting • Tree protection (requires plan approved by City Arborist)
Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.	<ul style="list-style-type: none"> • Water-conserving plumbing, stormwater management • Capacity/condition of water and wastewater service • Efficient design (LEED standards)
New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.	<ul style="list-style-type: none"> • Institutional use focused on existing campuses • Mixed-use development (including retail) encouraged where allowed • Preservation of historic structures and environment • Provision of space for start-up companies, manufacturing activities
Expansion of the inventory of housing in the city is encouraged.	<ul style="list-style-type: none"> • Housing as a component of large, multi-building development • Affordable units exceeding zoning requirements, targeting units for middle-income families
Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.	<ul style="list-style-type: none"> • Publicly beneficial open space provided in large-parcel commercial development • Enhance/expand existing open space, complement existing pedestrian/bicycle networks • Provide wider range of activities

Comments from Prior Review

At the 4/6/2021 hearing and in the CDD materials prepared for that hearing, it was observed that the proposal generally conforms to the provisions of the PUD-7 zoning and is broadly consistent with the City's plans that are referenced in Section 13.91 of the Zoning Ordinance. Board members raised several specific issues and also referred to issues that were raised in written comments by staff. Below is a summary of just some of the higher-level issues that were raised, as well as requests for additional information from the Applicant. In addition to these issues, there were many comments related to specific elements of the Development Proposal.

General

- Desire to see more information regarding the overall development plan and how the proposed buildings will be varied in terms of massing, scale, height and design.
- A massing plan illustrating a likely development program for the commercial buildings along Broadway.
- A narrative and/or plan illustrating the distribution of Innovation Space throughout the development plan.
- Additional information on anticipated tree impacts, including a feasibility analysis of preserving existing mature trees on site.
- A visual analysis of the proposed tree canopy in incremental time periods from Year 1 through Year 50.
- More information on how the landscaping will be human-scaled, specifically around the base of the proposed commercial buildings.
- A narrative explaining the planned programming of the Entertainment Venue and how the facility will complement other planned arts and cultural facilities in the neighborhood.
- A narrative explaining how potential "canyon" effects for pedestrians on interior streets in the development will be addressed and/or mitigated through building design.
- A narrative explaining the rationale for the Community Center's proposed location, including an alternatives analysis for other feasible sites.
- A narrative describing the planned program and intended audience of the proposed Community Center.

Phasing

- A complete phasing plan which provides detailed phasing information of residential buildings, public open space, publicly accessible streets and connections, innovation space, and the proposed community center.
- The timing and delivery of key public benefits in relation to other components of the development plan.
- How the proposed residential development will commence in the context of the commercial development and the site's overall development.

Traffic & Transportation

- Further analysis of the “truck-only” access at Broadway/Kendall way for the right turn in and out movements, and whether access should be granted for all users and/or modes.
- A narrative explaining the strategy for incorporating separated bicycle facilities on Fifth Street and Potter Street.
- A site plan that illustrates the property lines and ownership of various roadway and street segments within the development plan.
- A narrative describing the legal instrument proposed to guarantee public use of proposed streets and open spaces.
- A narrative explaining the difference between “on street parking”, “short term loading” and “active curb” locations noted on the site plans.
- A plan illustrating design details and vehicle limitations of Broad Canal Way
- Further study of the proposed number of off-street parking spaces and whether opportunities exist for further reduction.
- A plan illustrating proposed locations of short-term bicycle parking spaces.
- A plan illustrating the proposed location for two extra-large Bluebikes Stations, and a plan illustrating the location of proposed “Valet” services to store Bluebikes.
- A plan and narrative describing the planned circulation of loading vehicles to/from the overall site as well as to/from the individual buildings, as well as a justification for why centralized/consolidated loading is infeasible.
- Describe how parking trays could be utilized in a reduced parking scheme and how that might impact FAR limitations under the PUD-7 zoning.

Retail

- A plan and narrative describing where specific retail uses will be placed throughout the site versus other active uses.
- A description of proposed “Active Uses” beyond retail being contemplated in the development plan.
- A narrative explaining the Applicants commitment to ensuring a long-term, sustainable recruitment strategy to support local, racially- and ethnically diverse retail owners within the development plan.
- Further study of the proposed retail kiosks/pavilions shown along Broad Canal Way and whether additional flexibility can be provided to support programming of the open spaces.

Housing

- A narrative explaining the planned distribution of the unit types, sizes, and associated amenities for each residential building in the Proposed Development.
- A narrative explaining how the residential buildings will differ from one another in terms of design, character, and identity.
- A plan illustrating the distribution of Innovation Units across the proposed residential building sites.

Open Space & Connectivity

- A narrative describing how Third Street Park will be designed and programmed to be a center of civic engagement activity.
- A revised plan that shows the location and exact sizes of the planned open spaces within the Development Plan, as well as concepts to make the parks larger and feel more open.
- A narrative describing existing barriers to broader neighborhood pedestrian connections to/from the site, with a focus on a pedestrian connection across Broadway to the Kendall T station.
- Describe strategies for ensuring Third Street Park will be appropriately buffered (visual, noise, and safety) from traffic along Broadway and Third Street.
- Identify opportunities for increasing active outdoor recreational space and play areas.
- Provide additional information on the public engagement process utilized to inform the proposed open space concept.

Site Level Sustainability

- Provide additional information on the district energy strategy of heating load sharing and connections between buildings.
- Elaborate further on the type of building infrastructure and systems that would be designed to accommodate future electrification at the building pre-design/programming level.
- Clarify if recycled blackwater will be used for landscaped open spaces and buildings' green roof irrigation.
- Provide information on how embedded carbon will be minimized for the proposed development.

Urban Design

- Explore realignment of Broad Canal Way to lead directly westward to the Loughrey Walkway.
- Explore adjusting the alignment of Fifth Street to lead more directly to the existing portion on the west side of 303 Third Street.
- Explore relocating the Community Center to the ground floor of one of the buildings facing Third Street Park.
- Consider ways of screening/reducing the visual impact of 303 Third Street's electrical equipment at the intersection of Fifth Street and Potter Street.
- Consider relocating the Entertainment Venue to the ground floor of one of the buildings facing Third Street Park/Broadway.
- Explore providing additional and more diverse outdoor recreational spaces.
- Analyze the feasibility of shifting Kendall Way westward, creating two small blocks along Loughrey Walkway and two larger blocks between Kendall Way and Fifth Street.
- Consider shifting residential building R1 to the south edge of the parcel, farther away from 303 Third Street and adding more of its square footage to the Community Center side of the parcel to reduce shadow impacts on 303 Third Street.

- Consider combining buildings C2 and C3 together in order to maximize open space on the edges of the buildings.
- Consider modifying the proposed massing of building C1 to increase height and narrow its footprint in order to increase the size of Third Street Park.

Building Sustainability

- Explore strategies for Building Sustainability as described in the Preliminary Determination.

Comments on PB-368 Final Development Plan

The Final Development Plan submission supplements the Development Proposal by focusing on the issues raised by the Planning Board and staff at the initial stage of review. The submission is fairly detailed, so staff comments focus on a few important issues that will be crucial to the implementation of the Final Development Plan.

Planning and Zoning Comments

As discussed above, this proposal conforms to the specific provisions of the PUD-7 zoning and is generally consistent with the City's plans for the area. As with other PUD projects, it is important to remember that the Final Development Plan describes the project at a conceptual, master plan level; details of the plan will evolve over the expected development timeframe and flexibility will need to be incorporated into the development process. Many of the issues dealing with the specific characteristics of buildings, sites and uses will be addressed more definitively during continuing design review, which is described further in the section on special permit conditions.

Development Program

Development Sites

As in the preliminary plan, the proposed final development program consists of eight (8) distinct building sites, four (4) new planned open spaces, and the construction/reconstruction of several street segments within and surrounding the site. Specifically:

- Building Sites
 - C1 – A commercial high-rise located north of Broadway and east of Fifth Street
 - C2 – A commercial high-rise located north of Broadway, west of Fifth Street and east of Kendall Way
 - C3 – A commercial high-rise located north of Broadway and west of Kendall Way
 - R1/CC – A residential high-rise with a ground-floor Community Center located north of Broad Canal Way and just west of Third Street
 - R2 – A residential high-rise located just west of Fifth Street and south of Potter Street
 - R3 – A residential high-rise with a ground-floor Entertainment Venue located west of Kendall Way and south of Potter Street
 - C4 – A commercial high-rise located north of Munroe Street and south of Binney Street
 - R4 – A residential high-rise located at the southwestern corner of Binney Street and Third Street
- Planned Open Spaces
 - Third Street Park – An approximately 1-acre park located at the corner of Third Street and Broadway.

- Community Center Park – An approximately 0.5-acre park located adjacent to the Community Center at the northeastern corner of Fifth Street and Broad Canal Way
- Sixth Street Park – An approximately 0.5-acre linear park located alongside the Loughrey Walkway/Kittie Knox Bike Path
- Binney Street Pocket Park – An approximately 0.2-acre through-lot pocket park located between buildings C4 and R4 along Binney Street.
- Street Segments
 - Broad Canal Way – Westward extension of Broad Canal Way from Third Street to the Loughrey Walkway/Kittie Knox Bike Path
 - Potter Street – Westward extension of Potter Street from Fifth Street to the Loughrey Walkway/Kittie Knox Bike Path
 - Fifth Street – Southward extension of Fifth Street from Potter Street to Broadway
 - Kendall Way – New street segment extending southward from Potter Street to Broadway

If the Board approves the Final Development Plan, staff would suggest the following consideration:

- Each building should be subject to design review approval by the Planning Board prior to issuance of a building permit, following the typical design review procedures for a PUD plan and in accordance with the design guidelines referenced in the Zoning Ordinance and contained in the Final Development Plan (discussed in the Urban Design section).
- The design of publicly usable open spaces (see below) should also be subject to Planning Board design review and approval. In general, open space designs for a particular phase of development should be submitted for review prior to or simultaneously with the designs of adjacent buildings; however, the Planning Board may allow for flexibility if a different timeline for design review is justified.
- With large, multi-site PUD projects, small variations in square footage are typical as buildings are designed and built over time. Other PUD special permits have included a provision that variations of up to 10% in the approved GFA for each site can be approved by the Planning Board as part of the design review process. Given the project scale, staff would suggest a similar provision.

Open Space

Following the April 6 hearing, the Applicant made changes related to the size, design, and planned programming of the Open Spaces throughout the Final Development Plan. Specifically, the size of Third Street Park has been increased in conjunction with a corresponding decrease in the footprint of Building C1. Additional height has been added to Building C2 to accommodate the square footage lost from Building C1 (discussed further below).

If the Planning Board approves the Final Development Plan as proposed, staff would note a couple of outstanding issues that should be addressed in the special permit conditions:

- Zoning requires certain open space (as shown in the Final Development Plan) to be “permanently guaranteed for public use by means of a recorded covenant, easement, conservation restriction, or other similar legal instrument acceptable to the City.” The actual legal mechanism (deed restriction, covenant, etc.) and timing has not been specified in the Final Development Plan, and will be subject to review by the City’s Law Department and acceptance by the City. To provide clarity and avoid

potential delays, the Planning Board could include a condition that draft covenant language be submitted for City review at the time of Design Review for a particular “guaranteed” open space. The expectation would be for the legal mechanism to be executed and recorded before the open space is completed and open for public use, but the City and MIT could extend that timeline by mutual agreement.

- The open space that is proposed to have “permanently guaranteed” public use does not include the connection between the western terminus of Broad Canal Way and Sixth Street Park, which is important to achieve the goal of a connected open space network. The Applicant’s team indicated that they are amenable to such a guaranteed connection but want to reserve the ability to program that area for spillover activity from the entertainment venue. Should the Planning Board decide to require the inclusion of such space, a special permit condition could require that such a connection be shown and approved by the Board as part of the design review process for that open space.

Uses & GFA

The Final Development Plan remains consistent with the PUD-7 zoning, which allows for up to 3,220,000 square feet of new GFA, of which 40% must be for residential uses. The following table illustrates the proposed GFA for the overall development plan:

Use	Existing (sf)	Proposed (sf)	Allowed/Required (sf)
Government Use (not part of PUD Plan)	375,000	400,000	400,000
Commercial (Lab/Office)	0	1,589,587	1,692,000 max.
Innovation Lab/Office	0	167,326 (10.5%)	5% of Office/Lab min.
Residential	0	1,128,000	1,128,000 min.
Retail/Active Use	0	100,000	N/A
Community Center Space	0	25,000	25,000 min.
	Subtotal:	3,409,913	
GFA Exemptions per 13.93.1(b)			
Innovation Lab/Office (50% of Innovation Space GFA per 13.93.1.b.3)		83,663	
Retail/Active Use (per 13.96.1)		81,250	
Community Center Space (fully exempt per 13.93.1.b.5)		25,000	
	Net Grand Total:	3,220,000	3,220,000 max.

The non-residential development would be predominantly office/laboratory and retail/consumer service establishment uses, with other active uses distributed across the ground stories of the proposed building sites. This proposal would maximize the amount of commercial development permitted under the PUD-7 zoning and generally aligns with the anticipated development program when the PUD-7 zoning was adopted.

There are a few outstanding issues to note if the Board decides to approve the Final Development Plan:

- A portion of the exempt Retail/Active use space would include the proposed entertainment venue, which is larger than the 3,000 square-foot limit on the size of exempt establishments; however, the Planning Board may exempt “specific larger-scale active uses that are consistent with the purpose and objectives of the District and the PUD-7 Guidelines and Principles.” The Board will need to make this finding for the proposed GFA to conform to zoning requirements.
- The development plan includes required innovation space, half of which is exempt from zoning, but the location and phasing for completion of the innovation space is not specified in the plan. The Applicant’s team has indicated that it is difficult at this early stage to establish the exact size and location of innovation space because it will depend on the needs of future operators; however, approving the total amount of approved lab/office uses relies on providing the required innovation space. If the Board chooses to approve the plan in its present form, staff would suggest a condition that an initial plan for the location(s), size(s), and phasing of innovation space be identified as part of design review for the first commercial phase of development, but could be changed by minor amendment in the future so long as the zoning requirements are met for the PUD as a whole.
- Because of the City’s interest in promoting housing and active uses, staff recommends stating in the special permit conditions that any future adjustment to the development program that increases the amount of residential or active uses, with a commensurate decrease in office/lab uses, could be approved as a Minor Amendment (as long as it remains within zoning limitations). This approach has been used in comparable PUD developments to anticipate future changes that are supportive of the City’s planning objectives.

Building Heights

One change made in response to the Planning Board’s comments is that the height of commercial buildings along Broadway has been given greater variation by increasing the height on site C2 to approximately 300 feet. The zoning allows commercial buildings to exceed 250 in height, up to 300 feet, so long as floorplate sizes are limited to 15,000 square feet. In this case, the top floors of the building will be 15,000 square feet or less, but will be adjacent to portions of the mechanical penthouses, which are not included in the Gross Floor Area or height of the building. The Board should consider the following if it approves the Final Development Plan with the proposed heights:

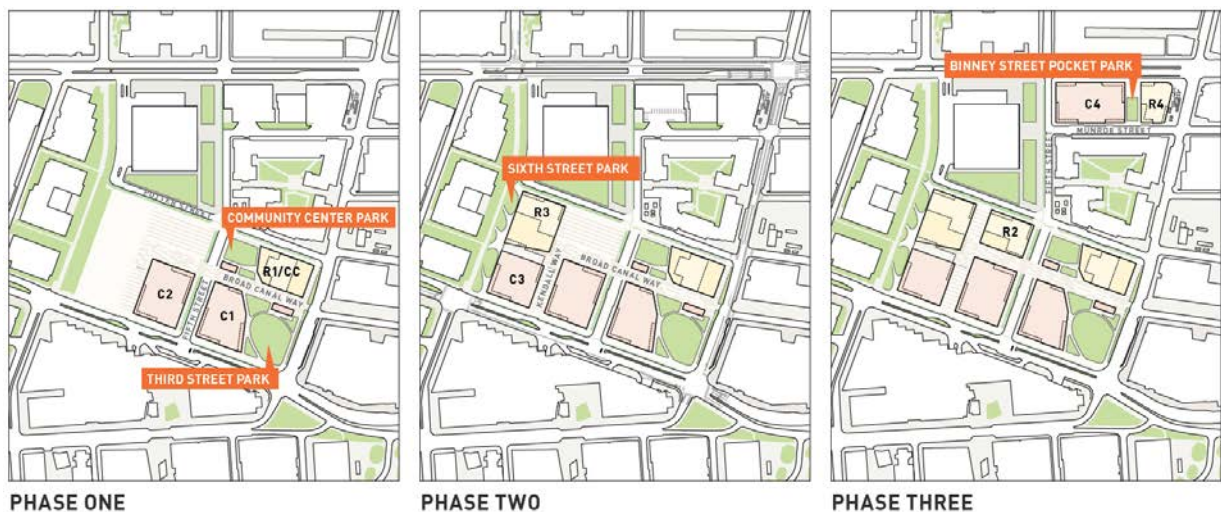
- This approach is a creative and somewhat unexpected way to address the Planning Board’s objective of achieving greater height variation within the prescribed height limitations. It appears to conform to the requirements in zoning, but it would be helpful for the Planning Board to affirmatively state whether or not it supports this approach as consistent with the PUD-7 guidelines and objectives. The detailed designs and exact heights of each building will also be subject to Planning Board review.

Phasing

A critical component of the Board’s and staff’s review of the development plan is the timing associated with the implementation of the proposed development program as well as the proposed streets, open space,

and surrounding improvements. The Applicant has provided a Preliminary Phasing Plan in the Final Development Plan, which shows the development being completed in three phases:

- **Phase 1**
 - Building Sites: C1, C2, R1/CC
 - Open Spaces: Third Street Park, Community Center Park
 - Street Segments: Fifth Street south of Potter; Broad Canal Way east of Fifth Street; Potter Street
- **Phase 2**
 - Building Sites: C3, R3
 - Open Spaces: Sixth Street Park
 - Street Segments: Broad Canal Way west of Fifth Street; Kendall Way
- **Phase 3**
 - Building Sites: C4, R4, R2
 - Open Spaces: Binney Street Pocket Park
 - Street Segments: Fifth Street north of Potter



This proposed phasing conforms to the specific requirements and the overall intent of the PUD-7 zoning to ensure that commercial buildings, residential buildings, open space, and other public benefits are interspersed throughout each phase of development. While the first phase is heavier on commercial development – which is allowed and anticipated based on the economic practicalities of development – it also incorporates residential space and significant public benefits, including the community center and the majority of the required public open space.

The Board should consider the following if it chooses to approve this Final Development Plan:

- Development would be expected to proceed generally in accordance with the proposed phasing plan, with the buildings, open spaces, and other required benefits of one phase being completed and delivered prior to or concurrently with the start of the next phase. However, because long-term PUD projects often go through changes, staff suggests that the Planning Board authorize modifications to the phasing plan to be approved as Minor Amendments, provided that a revised

phasing plan continues to comply with zoning and is found by the Board to remain in conformance with the PUD-7 objectives. The important aspect of the phasing is that the open space, community center, and residential components of Phase 1 are completed as part of the initial phase; future changes to phasing could be more flexible.

- The Phasing Plan notes that the construction of the underground parking facilities may precede the development of the building sites served by those facilities. Per the PUD-7 zoning, this may occur so long as the number of available accessory parking spaces does not exceed the corresponding maximum parking ratios for the uses which are served by said parking at any given point in time. The special permit can allow for the advancement of parking in the phasing plan, but in the event the number of spaces is constructed in excess of those maximum parking limitations, the excess spaces should be made physically inaccessible to users in a manner acceptable to TP+T.
- The Phasing Plan should be linked to the program of required public benefits and improvements, particularly those in the Letter of Commitment and those recommended by TP+T and DPW as project mitigation, to ensure that there is an expectation for the sequencing of public investments that aligns with the completion of the new private development that will be supported by it. It will particularly important to establish how street improvements will be coordinated with building construction, which is covered in the TP+T memo.
- Staff suggests that notwithstanding the Phasing Plan, there would be no limitation on the timing for completion of any residential buildings, open spaces, or other public improvements. Since such buildings and improvements are important City objectives, the special permit conditions should not create an impediment if the market conditions are favorable for completing those improvements.
- Changes to the phasing of commercial development could be permitted so long as the general sequencing of commercial development, residential development, open space, and other benefits is maintained. For example, Phase 2 could be modified to include different commercial sites (e.g., C4 in place of C3), so long as it does not negatively impact the sequencing of residential development or other public benefits.
- Although it is difficult to establish a firm construction timeline for a PUD, it is crucial for a PUD special permit to specify an “outer limit” timeframe for completion of the Final Development Plan. The Final Development Plan states an anticipated timeframe of 10-20 years, so staff suggests that the special permit require completion within 20 years after the date of issuance (with commencement occurring within 2 years, as permitted by zoning). The Planning Board could extend that timeframe for good cause as a Major Amendment or Minor Amendment, depending on the circumstances.

Transportation

Following the April 6 hearing, Planning Board members sought additional information on several site elements related to traffic and transportation. The requests for additional information can be generalized into the following categories:

- More information on the development’s overall vehicular parking needs and opportunities for reducing the overall number of vehicular parking spaces.

- Clarifying the modal access limitations along specific street segments and curbside areas
- Better delineating existing and future ownership.
- of streets and open space segments, including proposed instruments for guaranteeing permanent public access for site areas denoted for public use.
- Additional narrative and illustration of planned site circulation and access for pedestrians, bicyclists, and vehicles.
- Explanation as to why loading operations cannot be centralized below-grade alongside the proposed off-street parking.

The applicant has updated its Parking and Loading Plan and Connectivity Plan in response to several of these questions. The applicant has updated plans to illustrate proposed locations of short-term bicycle parking spaces and Bluebikes stations, as well as current ownership of all existing street segments. The overall proposed number of off-street vehicle parking spaces has been reduced from 1,876 to 1,759 (a 6% reduction).

The design and access limitations of Broad Canal Way have been part of ongoing conversations with the applicant. The applicant has submitted revised designs for Broad Canal Way which incorporate a single shared travel lane, active curb and furnishing zones, non-traditional surface treatments, and a proposed water feature. City staff would like to work further with the applicant on this proposed street segment, and a suggested condition has been added that the applicant work with City staff to finalize schematic design of this corridor within the site.

A key discussion point at the Planning Board was whether there was an opportunity for centralized below-grade loading operations. The applicant has explored the option, but has stated that it would require lengthy ramps and space for truck maneuvering below grade, which would add significant cost to the development and also require that the proposed phasing be adjusted such that C2 and C3 be constructed in Phase 1, delaying the construction of the first residential building, Community Center, and Third Street Park.

City Staff have had ongoing discussions with the applicant regarding the proposed street sections and separated bike facilities. While Staff is generally supportive of the schematic design of these street segments, further analysis and collaboration will be required before any designs are finalized. A suggested condition has been added which allows for further refinement of the proposed street segments.

More detailed comments are included in the memo from TP+T.

Housing

The Final Development Plan includes a Housing Plan which provides some high-level information about the anticipated residential component of the project. Per the PUD-7 zoning, the Final Development Plan must contain a minimum of 20% of the net residential square footage for affordable units. Further, the Letter of Commitment associated with the PUD-7 rezoning requires that a minimum of twenty (20) middle-income units be made available within the development. Per the Volpe rezoning Letter of Commitment, 5% of the net residential square footage must also be devoted to Innovation Units, which are smaller footprint units (350 to 400 SF).

The Final Development Plan notes that the total development program will consist of approximately 1,400 residential units, distributed across four residential buildings as follows (numbers are noted as tentative and subject to slight changes):

- R1 – 230 units
- R2 – 365 units
- R3 – 535 units
- R4 – 270 units

The Final Development Plan does not provide an estimated unit overall mix, or information about the design or character of the residential buildings beyond a commitment to making each distinct in form, character and materials. The Applicant has indicated that these details will need to be established at the time of future design review of the individual building sites, and that the exact mix of unit types (within the limitations of zoning) will need to be determined by market conditions at the time of development, but would contain a mix of studio, one-bedroom, two-bedroom, and some three-bedroom units.

If Planning Board is comfortable moving forward with approving the Final Development Plan as proposed, the following could be considered:

- The Applicant has proposed that the unit mix, types and sizes would be provided for each residential building at the time of design review for that building. This timing approach could be acceptable, or if the Board wanted to review a general plan for housing unit mix earlier in the project phasing, it could include a condition that this information be provided for the project as a whole – subject to Planning Board approval and allowing for future modifications – at an established point in the development, such as prior to the building permit for the first or second commercial or residential building in the PUD.

Retail & Active Uses

The Final Development Plan includes a Ground Floor and Activation Plan which details the location of potential retail and active uses throughout the development, alongside ground-floor residential lobbies, service areas, music and entertainment uses, and recreational and community spaces. In the PUD-7 zoning, Active Space includes retail business and consumer service uses, institutional uses, education and/or recreation uses serving families with children, Community Space, and other uses that are generally open to the public and that the Planning Board determines meets the goals of the Active Space section of the PUD-7 zoning. Active Space must generally be located on the ground floor and adjacent to public sidewalk or open space.

As part of the Preliminary Determination, the Planning Board requested additional information regarding where specific retail uses would be placed throughout the site versus other active uses. The Planning Board also requested information about what other Active Space is planned in the development outside of retail uses. Planning Board members also sought additional information about the applicant's commitment to a long-term, sustainable recruitment strategy to support local, racially and ethnically diverse retail owners within the development plan.

The Final Development Plan indicates that buildings with frontage along Broad Canal Way will be occupied by retail, cultural, community, recreational or other active uses. For collector streets feeding into Broad Canal Way (e.g., Fifth Street), similar uses and uses supporting less foot traffic such as fitness, neighborhood services, and personal service uses will be targeted. For buildings with frontage long

Broadway and Third Street, the applicant notes that uses benefitting from adjacency to vehicular-centric streets will be targeted, but it is unclear what that specifically means.

The following issues should be considered if the Board approved the Final Development Plan:

- The Planning Board should clearly authorize the range of permitted Active Uses in the special permit decision. Given that the definitions of Retail or Consumer Service Establishments have recently been amended, it may be helpful to clarify that all uses listed in Section 4.35 and 4.36 would be permitted as Active Uses, with the exception of automobile-oriented retail (such as drive-in establishments, service stations, and auto washes). Per zoning, Active Uses may also include institutional uses that are generally open to the public such as museums and exhibition spaces, child care, education or recreation uses serving families with children, and the required Community Space. The Final Development Plan notes that Active Space may contain non-retail uses such as makerspace, creative office or shared workspaces, which might be classified as Office or Industrial Uses in some cases. Staff suggests that the special permit decision authorize the Planning Board to give future approval on a case-by-case basis to individual uses not listed in the decision as Active Uses.
- The PUD-7 zoning requires that at least 25% of the floor area of the required Active Space in the Final Development Plan be devoted to Independent Retail Operators each occupying no more than 3,000 square feet of floor area. An Independent Retail Operator is defined as an operator that does not own and operate more than ten (10) retail locations in the Commonwealth of Massachusetts with the same name and retail concept on the date that the first lease is initially executed for such retail space. The applicant has committed to meeting this requirement, and notes that it will also focus on recruiting minority- and women-owned retailers for these spaces. A process for monitoring this requirement should be included in the special permit conditions.
- Per the Applicant's Letter of Commitment, a Retail and Open Space Advisory Committee will be formed to help inform the tenancing of retail and Active Space within the development. At least six (6) months prior to a building being completed containing retail and/or Active Space, the applicant must present the building plans to the Committee and receive feedback on a tenancing strategy. This requirement should also be monitored through the special permit conditions.

Sitewide & Building Sustainability

Planning Board members requested additional information about the strategy and planning for district energy for the overall site, as well as information related to how the non-residential buildings are being designed to accommodate future electrification. The PUD-7 zoning requires that new buildings in the PUD-7 District be evaluated on a site-by-site basis for potential on-site energy generation or the construction of co-generation facilities within the district. As part of a development proposal for a commercial building in the district, a study must be submitted which considers the feasibility of connecting the building to the existing district steam system.

The applicant has committed to continuing to explore opportunities for shared heating load sharing, either as a district or phased pairs of buildings. For individual building resilience, the applicant has committed that buildings will be designed with future electrification in mind, and that the electrical capacity of the whole development will be sized for future all-electric systems.

Planning Board members also asked about strategies for reducing embedded carbon within the development. The applicant has committed to offset all remaining embodied carbon from construction of the Volpe redevelopment.

New construction on the Volpe site will be required to comply with the recently adopted Green Roofs zoning ordinance.

The following issues should be considered if the Board decides to approve the Final Development Plan:

- As has been the City's recommendation for other phased development projects, staff suggests that the special permit conditions include a requirement that buildings undergoing future design review adhere to sustainable design standards applicable at the time of design review, provided that the design review process is completed within two years of the start of construction. This ensures that new buildings would be meeting the same standards as comparable development throughout the city at that time.
- The topics listed above that will continue to be explored by the Applicant should be included as items to be included in the Green Building Review and design review (which are intended to proceed in parallel) process for each of the future buildings.

Other sustainability and resilience issues have been addressed in DPW's initial memorandum dated March 30, 2021, and in the recommended special permit conditions.

Urban Design Comments

The project's overall design continues to accord well with Cambridge's citywide and site-specific urban design objectives, and with the K2 (2013) and Volpe Site Design Guidelines (2017). It creates a network of streets and other open spaces, connects them to the surrounding districts of Cambridge, and envisions buildings that frame and enliven those spaces. The buildings are large in floorplate and volume, but as indicated in the overall views of the project and in the Block Guidelines, they are conceived primarily as space-defining buildings rather than as individual object buildings. Their active ground floors, well scaled streetwall facades, and the interplay of variety and simplicity in their suggested massings will contribute to the quality and enjoyability of the streets and other open spaces within and adjoining the site. The site's streets and paths are varied in character in accord with their uses and locations, and will ensure the site's permeability, knitting it together with the surrounding districts. While staff expects changes and improvements to the design of the site's four parks as their design is developed and their programmatic uses are further refined, the location of these spaces and their varied character will enhance the district and provide welcome amenity for workers, residents, and for Cambridge as a whole.

The Development Plan gives an overview of the urban design intentions of the Volpe Project and allows a degree of flexibility in the final design of its buildings and public spaces. While many of the following comments can be resolved in the continuing design review of individual projects as the overall Development Plan is realized, these detailed decisions about design will contribute to the overall character and amenity of the site and its contribution to life in Cambridge. Discussion at this point in the process may help inform the future design process.

Significant Changes

As the project has developed since the April 6th Planning Board hearing, and in response to comments and suggestions by the Board and city staff, significant changes have been made. In addition, the changes submitted in the supplemental revisions to the materials for the April 6th hearing are incorporated in the current application.

- The amount of open space has been increased: Third Street Park has been enlarged by moving building C1's east façade west, and Community Center Park has been enlarged by moving the Community Center into the ground floor of building R1.
- The usability and circulation of Third Street Park have been improved by creating an oval lawn at its center and eliminating the straight diagonal path that previously divided the space.
- Street sections have been revised, and the design of separated bicycle lanes have been improved.
- A water feature has been added on Broad Canal Way, a reference to the original course of the Canal.
- Fifth Street has been moved slightly west to better align with the existing portion of Fifth Street north of Potter Street and to reduce the visual prominence of 303 Third Street's site-located electrical equipment.
- A left turn is provided for eastbound traffic on Broadway into Fifth Street.
- The parking garage entrance to building C2 has been moved from Broadway to Fifth Street.
- Kendall Way has been connected to Broadway for vehicular traffic.
- More information has been provided on the play and recreational uses of open spaces.
- The discussion of architectural character has been expanded, and the guidelines for the development of the site's individual blocks have been refined.

Open Space

The application stresses the goals of integrating the Volpe Site with its context: ensuring that it is a welcoming public place; that its open spaces contribute to the civic structure of the city as a whole; and of avoiding the sense that the site is a separate enclave. As the detailed designs of individual streets and open spaces are undertaken, their forms and materials should be selected to maintain this sense of connection and publicity.

Third Street Park:

The Park's design should balance and combine the divergent needs for, on the one hand, the openness to the public that will make it a welcoming entrance to the Volpe Site from Broadway and Third Street, and on the other hand, the acoustical and psychological protection from traffic and the sense of an occupiable center that will make it a pleasant place to be in, suitable for a wide range of uses.

- The application (Volume 2, P.85) refers to a raised zone of pavement and seating along Third Street that will help separate the park from traffic while maintaining permeability from the sidewalk. The details of the park's perimeter – furniture, topography, plantings, and pavement - should be carefully studied as its design develops. Ground level views of the park from Broadway and Third Street should be provided as part of the Park's design review application.
- The final design of the Park's eastern edge will need to be coordinated with the ongoing study of Third Street by City staff and the CRA.

- To increase the permeability of the park's northern edge and its connection to Broad Canal Way, consideration should be given to dividing the retail pavilion along Broad Canal Way into separate structures.
- Note that the park looks much more open as depicted on Volume 1's perspective figure 4 than on Volume 2's plan figure E8. As the design develops, the size of the open space at the center of the park should be carefully studied.

Community Center Park:

The park is shown as a lawn, suitable for flexible uses, framed by trees and paths, and adjoined by short term bicycle parking and Bluebike stations and the Community Center.

- To help protect the health of the lawn, consideration could be given to adjusting its path system to relate to the potential pedestrian desire line from the intersection of Fifth and Potter Streets to Third Street Park. To help the proposed retail pavilion's fit with the geometry of the Community Center and its relationship to the lawn, consideration could be given to angling its eastern end.
- As the design develops, more information on the park's proposed "Public Horticulture" should be provided: intent, design, maintenance, etc.

Sixth Street Park:

The park will provide important recreational and play space. According to the perspective of the park in volume 1, the mounds previously shown have been eliminated, giving the park a more open form and increasing its flexibility. In addition to a paved spill-out space for the Entertainment Venue, play and recreational uses, including a children's playground, a dog park, a play lawn, and a small basketball court are suggested.

- As designed, the paved areas and paths extending west from buildings C3 and R3 seem to slide out into the space in an irregular way, implying that the space is subsidiary to the buildings and their uses. Consideration could be given to instead conceiving of the park as a wider complement to the tree-framed Sixth Street Walkway: aligning the park's trees consistently along its eastern edge to frame the park as civic space and to mediate between the scale of pedestrians in the park and the buildings, and arranging the park's paths and larger paved areas to reinforce that space – paralleling it along its eastern edge or occupying its center as appropriate for the park's various recreational uses.

Binney Street Pocket Park:

The Park's dominant feature is a protected play area, which will be a welcome amenity for the adjoining residential building. City staff would welcome collaboration on its detailed design.

Recreational Uses:

The application mentions possible types of recreational space in Sixth Street and Community Center Parks: a dog park, 3-on-3 Basketball, playground, exercise space, and flexible space for games. These should be refined, with community and staff input, as the designs of the parks are developed in more detail.

Trees:

While the development will preserve most of the existing city owned trees at the perimeter of the site, most of the trees within the site will be removed for the construction of below grade parking garages throughout most of the site. Concern has been expressed about the loss of tree canopy. City staff appreciates the applicant's ongoing investigation of the suitability of some of the trees for transplantation, either on the site or elsewhere in Cambridge.

Connectivity

The project will open the site to the public and link districts long separated by the site's existing uses and layout. No longer an impediment to pedestrian, bicycle, and vehicular flow, the site will become an integral part of the city. The general pattern of relatively small blocks, streets with ample provision for pedestrian enjoyment and activated by ground floor uses, the varied types of streets and pedestrian and bicycle paths, and the strategically located parks all accord well with the goal of creating a permeable district, integrated with Cambridge's circulation network.

Perimeter Streets:

Coordination with city staff is ongoing regarding details of the design of Broadway, Third Street, and Binney Street.

Broad Canal Way:

In meetings with the applicant since the previous Planning Board hearing, staff discussed the proposed pedestrian and bicycle route linking Broad Canal on the east side of Third Street to the MXD district to the west of the Sixth Street Walkway. The continuity of this path – both visually and in terms of pedestrian and bicycle movement– will be an important means of integrating the development with its context. The path's offset to the south produces a disjunction in the alignment and continuity of the east/west path and weakens that sense of integration.

The applicant recognizes this, but also feels that the visual prominence of the Entertainment Venue will be instrumental in drawing the public to the western end of Broad Canal Way. For this reason, and also for reasons of structural and programmatic compatibility, the Entertainment Venue is positioned on the axis of Broad Canal Way and is located beyond the footprints of the towers of buildings C3 and R3. The pedestrian and bicycle route to the Sixth Street Walkway offsets to the south as it continues through the covered passageway under the cantilevered upper floors of building C3.

The application's Block Guidelines reference several means to address the path's disjunction: adjustments to the locations of the facades of the buildings that frame Broad Canal Way, the design of the Passage, and the treatment of the Entertainment Venue's east façade to provide a visual terminus for Broad Canal Way. Staff supports their exploration as the more detailed design of Broad Canal Way, the buildings along it, and the Passage are undertaken.

To elaborate, staff suggests that the following suggestions could be considered to create a more coherent disjunction in the route of Broad Canal Way by changes to the design of the space where it and Kendall Way meet, and by treating the passage as a more significant space with its own memorable form:

- Given the Entertainment Venue Lobby's massing and façade more emphasis, treating it as an architectural element distinct from the streetwall façade of the residential portion of building R3.
- Adjust the alignments of the facades facing Broad Canal Way to make a smoother, more continuous visual and functional connection to the Passage along the south side of the Entertainment Venue, and also to create more sense of a gathering place on Kendall Way at the Entertainment Venue's lobby entrance.
- Treat the Passage as a significant space in its own right by making its north and south sides parallel, investigating options for its soffit, and potentially by coordinating the designs of its north and south facades.

- Echo the materials and rhythm of Broad Canal Way in the design of the Passage.
- Expand the active uses on the Passage's south side to occupy as much as possible of its length.
- Adjust the massing of C3's tower's north side to have a more sympathetic relationship to R3 and to the Entertainment Venue by aligning the tower's north side massing parallel to the EV's south side.

Many of these ideas are nuances perhaps more appropriate for development during the Continuing Design Review process for the individual buildings. However, consideration could be given to allowing some design flexibility in the Planning Board's Decision for the Development Plan by incorporating a statement to the effect that "setbacks and massing shall be as conceptually described and illustrated in the Final Development Plan". Some flexibility in the locations of the build-to lines shown on the "Site Development Plan – Massing Strategy" in Volume 2's figure B1 and on the Design Guidelines figure E1 would facilitate these adjustments.

Note that the Passage is designated as "Publicly Beneficial Open Space", rather than as "Permanently Guaranteed Open Space". Staff understands that the latter designation could interfere with the use of the space by the operators of the Entertainment Venue for indoor/outdoor events. A strategy should be devised to allow outdoor events and also maintain free public passage and use.

The decision to locate the Entertainment Venue at the western end of Broad Canal Way has driven many of the design decisions for that part of the site. Every effort should be made to ensure that, through its design and programming, it will activate the site as envisioned.

Broad Canal Way is described as a curbless woonerf-like street, giving priority of pedestrian and bicycle traffic over vehicular, and incorporating a linear water feature that references the course of the original Broad Canal. As its design is developed, consideration should be given to providing continuous street trees for the full length of the street, to limitations on hours of delivery traffic, to the pros and cons of providing curbs, and to the demarcation of drop-off, loading, and parking spaces.

Fifth Street:

Fifth Street has been moved slightly west to better align with the existing portion of Fifth street north of Potter Street. This will also reduce the visual impact of 303 Third Street's site-located electrical equipment at the northeast quadrant of the intersection of Fifth and Potter Streets.

One-way cycle tracks are now proposed on both sides of the street, creating a simpler and more intuitive bicycle circulation system than the two-way cycle track previously shown on the west side of the portion of the street south of Potter. In addition, MIT will undertake efforts to create one-way cycle tracks on both sides of Fifth Street between Potter and Monroe Streets, which will require collaboration with the owners of the 303 Third Street residential building.

As the project's primary north/south street, linking residential East Cambridge to the north through the site and the Marriott Hotel's passage to Kendall T Plaza, Fifth Street is an important element of the Kendall Square area's civic structure. Consideration could be given to increasing the height of building R2's streetwall along Fifth Street to enhance the spatial continuity of Fifth Street between Broadway and Potter Street and its contrast with the park around the new federal Volpe Building, and to emphasize Community Center Park as the exceptional element along the street.

Figure D12 of the application shows only small amounts of curbside parking on Fifth Street, while figure 4.e.1 of the Traffic Impact Study shows continuous curbside parking along most of its length. Consideration should be given to providing the more continuous curbside parking shown in the TIS.

Kendall Way:

Kendall Way provides access to the loading docks of the four buildings along it, and it is also intended to be pedestrian space associated with the Entertainment Venue. Despite the fact that it is shown as a two-way private shared street, open to the public, that will feed eastbound vehicular traffic on the portion of Broad Canal Way west of Fifth Street, the Design Guidelines state that it is “not intended as a vehicular through street”. As the project develops, its role in the site’s circulation system should be more fully resolved.

- It should be noted that while the curbside/woonerf/pedestrian plaza character of the street indicated on the plans will promote pedestrian flow, in conjunction with the similar character proposed for Broad Canal Way, it may enhance the sense that the development is a separate enclave, distinguished from the surrounding city by the different character of its streets and sidewalks and thereby suggesting that the development is something more akin to a campus. Consideration could be given to utilizing a more typical street, curb, and sidewalk arrangement at the north and south ends of the street, and limiting the sense of a pedestrian plaza to area around the entertainment venue at the axis of Broad Canal Way.
- Consideration should be given to allowing private vehicles to enter the street from Broadway, at least when the street is not being used as spill-out space for the Entertainment Venue. See the TP&T memo for additional discussion of this topic.
- Consideration should be given to providing more continuous street trees where not precluded by loading dock entrances.

Potter Street:

As the design is developed, the details of the connection between the proposed separated bicycle lanes on Potter Street and the Kittie Knox Bike Path, and the termination of the publicly usable vehicular roadway, will need to be resolved.

The possibility of providing one-way bicycle tracks on both sides of the street (which would require collaboration with the owners of 303 Third Street and with the GSA) should be investigated.

Broadway:

The first floors of buildings C2 and C3 are elevated above the 2070 flood level, approximately 18” above grade. Elevated terraces/porches are proposed in the Broadway frontage at that level to facilitate entry to Broadway facing retail spaces in the buildings’ ground floors (See Volume 2’s figure F4). These porches are currently shown only at the eastern end of the Broadway frontages. To give more consistency to Broadway, consideration could be given to providing them for the full length of the Broadway facades.

Architectural Character:

The application’s discussion of architectural character, review of the particular issues for individual building sites, and guidelines for building massing respond well to the K2 Study (2013) and Volpe Site Guidelines (2017), reinforcing their emphasis on the role of building façades and massing in defining the district’s open spaces; on mediating between the scales of the pedestrian, the street, and the larger urban context; and on

finding an appropriate balance between the varied expressiveness of individual buildings and the coherence and identity of the district as a whole.

- o Implicit in the proposed block diagrams is the idea that the buildings are intended to frame the adjoining streets and parks, particularly at their lower/streetwall levels, collaborating with each other to define space rather than emphasizing themselves as independent free-standing objects.
- o The block diagrams and the accompanying text in the Guidelines reflect some of staff's suggestions to provide greater articulation of the lower floors: using breaks or changes in plane or material to reduce facade lengths as recommended in the K2 and Volpe Site Design Guidelines. In addition, roofscape elements that vary the profile of streetwall/podium-height elements should be considered. Together these strategies will articulate the podia streetwall facades of large buildings into smaller elements, varied in height and width, rather than presenting them as horizontally unified podia that extend across the full breadth and depth of the blocks.
- o The block diagrams convey a degree of flexibility by showing massing variations for each site. While positive in the sense of conveying flexibility within an overall pattern of urban form, the variations on massing seem to some degree to be arbitrary. As individual buildings are designed, staff recommends that more detailed graphic descriptions of the unique issues of each site be developed, such as desirable locations for stepbacks, the strategic use of exceptional elements of façade and massing to create focal points and engage visual axes and more neutral or repetitive areas of facades that defer to and frame adjoining open spaces, and responses to views from more distant locations.

As discussed above, the sense of east/west connectivity through the site to the adjoining districts will be achieved by the precise architectural form of the buildings along Broad Canal Way and the Passage to the Sixth Street Walkway.

- The guidelines for blocks C2, R2, C3, and R3 suggest adjustments to building configurations to enhance the visual continuity of this path, and imply a degree of flexibility in the locations of building facades shown on the "Site Development Plan - Massing Strategy" diagram (figure E1 of the Block Guidelines).
- This diagram indicates points of visual emphasis at the Entertainment Venue and the Community Center – visual targets for pedestrians on Broad Canal Way that will relate the eastern and western portions of the development. As noted above, these are potential locations for façade and vertical emphasis.
- Consideration could be given to moving the western wing of building R1/CC's tower to the angled southwestern face of the Community Center to emphasize the axis of Broad Canal Way looking east from Kendall Way, to create a more dramatic view from Third Street Park toward Community Center Park and the federal Volpe Building, and to reduce its impact on views from 303 Third Street.

In response to Planning Board comments, the block guidelines discuss massing stepbacks along Broad Canal Way and Kendall Way to maximize daylight and sky views from the streets. These should be investigated more thoroughly during the design and review of these buildings.

In response to Planning Board comments, the heights of the buildings along Broadway have been varied by reducing the floor plates of building C1 and relocating the area to building C2. In combination with the varied heights of the residential buildings, this will create a more varied skyline and help the development blend with the varied heights of the other buildings of Kendall Square.

Signage/Wayfinding:

The application includes a general discussion of signage and wayfinding; these topics will be addressed in detail much later in the development of the project's design. But the application notes their role in making Broad Canal Way, the Entertainment Venue, and the Community Center readily accessible to the public, and in aiding the pedestrian crossing of Third Street at Broad Canal Way.

Additional study should be given to graphic standards, to a strategy for the coordination of signage across the site, and to the process to establish the detailed content, design, and placement of wayfinding signs.

Lighting:

On-building lighting will be generally located within the pedestrian zone of building facades, additional architectural lighting will be limited to areas of architectural significance. Building tops will not be uplit. Staff supports the application's commitment to mitigating light spill, avoiding light pollution, and to conforming to applicable night-sky ordinances. (vol 1 p 203, Architectural guidelines page 47)

To further integrate the development with the city of Cambridge as a whole, and to minimize the sense that it is a separate enclave, consideration could be given to using Cambridge's standard streetlight fixtures.

DRAFT Recommended Special Permit Conditions

The Planning Board has developed a typical set of special permit conditions to guide the continuing review and development of multi-site, multi-phase PUD projects. The following template for special permit conditions is based on other large-scale, multi-phased PUD projects that have been approved in the past, such as North Point, Alexandria, Cambridgeside, and MIT Kendall Square SoMa.

These are not the final conditions, which will be subject to final drafting by staff and agreement by the Permittee prior to final signature by the Planning Board Chair. However, if the Planning Board has questions or concerns about any of these conditions, they could be discussed at the public hearing.

Conditions fall into the following sections:

1. General Conditions
2. Approved Development Program
3. Open Space
4. Design Review
5. Timing and Phasing
6. Traffic and Infrastructure Improvements
7. Conveyance
8. Housing
9. Active Space
10. Innovation Space
11. Noise and Vibration
12. Construction Management
13. Sustainable Environmental Strategies
14. Letter of Commitment
15. Other Requirements
16. Subdivision of the Development Parcel
17. Procedures for Granting Minor and Major Amendments

Appended to the conditions of the special permit are sections of the Final Development Plan and other materials that are referenced for the sake of ongoing review, such as the following:

- A. Development Summary
- B. Urban Design Guidelines
- C. Transportation Mitigation Program
- D. Open Space Diagram
- E. Phasing Plan
- F. Letter of Commitment dated October 23, 2017

1. General Conditions

All development authorized by this Special Permit shall conform to the applicable requirements of the Cambridge Zoning Ordinance (“CZO”) and all other City of Cambridge Ordinances, in addition to the Conditions of this Special Permit Decision (the “Decision”).

- a. All development authorized by this Special Permit shall be in substantial conformance with the Final Development Plan materials dated June 4, 2021 and all supplemental plan materials submitted to the Planning Board prior to issuance of this Special Permit, except as otherwise set forth in this Decision.
- b. The Community Development Department (“CDD”) shall certify to the Superintendent of Buildings that all Conditions of this Decision are met prior to the issuance of a Building Permit or Certificate of Occupancy for any development authorized by this Special Permit.

2. Approved Development Program

The following characteristics of the Planned Unit Development (PUD) are specifically permitted and are summarized in Appendix A, Development Summary:

- a. Development Parcel. The Development Parcel approved by this Decision (referred to as the “PB-368 Development Parcel”) is depicted in Appendix A.
 - i. The size of the Development Parcel may be increased by the Permittee by adding either one or both of (I) the abutting GSA Triangle Parcel, which is depicted on the Final Development Plan and contains approximately 1,618 square feet, and (II) the CRA parcel abutting the northeast corner of the Development Parcel, measuring approximately 5,890 square feet. Any other changes to the Final Development Plan resulting from such an increase may be approved by the Planning Board as Minor Amendments or Major Amendments pursuant to Condition #17 of this Decision.
- b. Aggregate Development Program.
 - i. Total Development. The maximum net new Gross Floor Area (GFA) permitted for the Development Parcel shall not exceed 2,820,000 square feet. The total development allowed in the Development Parcel is 3,009,913 in the aggregate, as more specifically set forth in Appendix A attached to this Special Permit and incorporated herein. Such GFA shall not include certain spaces that are specifically exempted from the calculation of GFA by Section 13.93.1 of the CZO.
 - ii. Office or Laboratory Uses. This Decision authorizes the construction of up to 1,589,587 square feet of GFA for office or laboratory uses (Section 4.34 of the CZO). Per 13.96.3 of the CZO and as attached in Appendix A of this Decision, a minimum of 5% of the approved GFA for Office uses must be dedicated to Innovation Space.
 - iii. Residential Uses. This Decision authorizes the construction of at least 40% of the total approved GFA for multifamily residential uses (Section 4.31-g of the CZO), consisting of approximately 1,400 dwelling units and 1,128,000 square feet of GFA. Such residential uses shall fulfill the housing requirements set forth in Section 13.93.1(c) of the CZO.
 - iv. Active Uses, as defined in Section 13.96.1.b of the CZO, are authorized as shown in the Final Development Plan and as further defined in this Decision.
 - v. Modifications of Permitted Uses. Any change to this approved Aggregate Development Program that increases the GFA devoted to Residential Uses or Active Uses, with a commensurate decrease in Office or Laboratory uses, may be approved by the Planning Board as a Minor Amendment pursuant to Condition #18 of this Decision.

- vi. Parking. The Final Development Plan includes the construction of 1,759 off-street parking spaces which are located in two underground parking facilities on the site. All parking facilities shall be regulated by the applicable provisions of Appendix C, as well as the provisions of 13.95.6 of the CZO. Parking spaces may be used for carsharing to the extent allowable by the CZO. Electric Vehicle (EV) charging stations shall also be allowed within parking facilities. Any change to the number of parking spaces accomplished by reallocating or active parking management may be approved as a Minor Amendment pursuant to Condition #18 of this Decision.
 - vii. Bicycle Parking. The Final Development Plan includes the construction of a minimum of 1,876 long-term bicycle parking spaces and 338 short-term bicycle parking spaces for the project. However, as set forth in Appendix C, the final number of and locations for short-term bicycle parking shall be subject to approval by CDD and the Traffic, Parking, and Transportation Department (TP+T) during the design review process for individual buildings.
 - viii. Public Bicycle Sharing Stations are authorized without limitation. At a minimum, the Permittee shall fund the purchase and related installation costs of at least 54 public bicycle sharing spaces (i.e., Bluebikes) in two extra-large Bluebikes docks (27 spaces each) on the Development Parcel in accordance with the transportation mitigation requirements contained in Appendix C of this Decision. The City and Permittee have identified mutually acceptable locations for a station and the station will be located at one of those locations, with the final selection made by the City prior to installation. Funding for the required Bluebikes stations shall be provided to the City prior to the issuance of a Building Permit for the first nonresidential building in the Final Development Plan.
- c. Site Development Program.
- i. This Decision authorizes development on eight (8) distinct building sites, as generally shown on the Final Development Plan and in the Site Development Table in Appendix A of this Decision, summarized below:
 - R1 – An approximately 250' tall residential development consisting of 197,700 square feet with ground floor retail/active uses and a Community Center;
 - R2 – An approximately 300' tall residential development consisting of 302,600 square feet with ground floor retail/active uses;
 - R3 – An approximately 456' tall residential development consisting of 450,200 square feet with ground floor retail/active uses and an Entertainment Venue;
 - R4 – An approximately 250' tall residential development consisting of 227,000 square feet with ground floor retail/active uses;
 - C1 – An approximately 250' tall commercial development consisting of 437,700 square feet with ground floor retail/active uses;
 - C2 – An approximately 280' tall commercial development consisting of 521,700 square feet with ground floor retail/active uses;
 - C3 – An approximately 250' tall commercial development consisting of 474,113 square feet with ground floor retail/active uses;
 - C4 – An approximately 170' tall commercial development consisting of 370,400 square feet with ground floor retail/active uses

In addition to these building sites, this Decision authorizes the development of two retail pavilions totaling 3,500 square feet, and four (4) open spaces, as follows:

- Third Street Park – An approximately 1-acre park located at the corner of Third Street and Broadway.
- Community Center Park – An approximately 0.5-acre park located adjacent to the Community Center at the northeastern corner of Fifth Street and Broad Canal Way
- Sixth Street Park – An approximately 0.5-acre linear park located alongside the Loughrey Walkway/Kittie Knox Bike Path
- Binney Street Pocket Park – An approximately 0.2-acre through-lot pocket park located between buildings C4 and R4 along Binney Street.

This development program also includes the construction of the following street segments:

- Broad Canal Way – Westward extension of Broad Canal Way from Third Street to the Loughrey Walkway/Kittie Knox Bike Path
- Potter Street – Westward extension of Potter Street from Fifth Street to the Loughrey Walkway/Kittie Knox Bike Path
- Fifth Street – Southward extension of Fifth Street from Potter Street to Broadway
- Kendall Way – New street segment extending southward from Potter Street to Broadway

- ii. Modifications to Site Development Table. As part of the Design Review process for any Building Site or Open Space, the Planning Board may approve a revised Site Development Table that alters the land area, Publicly Beneficial Open Space, Permanently Guaranteed Open Space, or height of any individual Building Site by no more than 10%. Other modifications to the Site Development Table may be approved by the Planning Board as Minor Amendments if the Board determines that they meet the applicable criteria set forth in Condition #18 of this Decision.

3. Open Space

- a. As an element of the Planned Unit Development, the Planning Board specifically approves the amount, location, and functional characteristics of the Publicly Beneficial Open Space as required in the CZO and such other open space as the same is contextually depicted in the “Open Space Diagram” attached as Appendix D.
- b. Following Final Development Plan approval and prior to or at the time of submitting plans for design review, the Applicant shall submit a draft deed restriction, covenant, or other mutually agreed-upon legal mechanism for Open Space denoted as Permanently Guaranteed in the Final Development Plan for review by the City of Cambridge, with the expectation that such mechanism would be executed and recorded prior to completion of such Open Space; however, the City and Permittee may extend the timeframe for execution by mutual agreement.
- c. In accordance with Section 13.94, upon the completion of all of the improvements in the PUD-7 District authorized by Special Permit PB #368, the Publicly Beneficial Open Space in the PUD-7 District shall total no less than twenty percent (25%) of the total land area of the PUD-7 District. Approximately 3.5 acres of Publicly Beneficial Open Space shall be provided on the Development Parcel as set forth in the

Final Development Plan. Such Publicly Beneficial Open Space shall be located at the ground plane and shall be generally accessible for use by the public for reasonable periods throughout the day for the purposes for which the open space is designed and approved by the Planning Board.

- d. The Permittee shall be responsible for completing improvements to Binney Street and Third Street and to other public areas surrounding the Development Parcel as set forth in the Final Development Plan and the Transportation Mitigation Program attached to this Decision. All improvements to public spaces controlled by the City of Cambridge shall be subject to final approval by the City.
- d. Open space amenities located above the ground plane that are intended to serve only occupants of a specific Building, which amenities will be reviewed and approved by the Planning Board in the Design Review process, shall not be considered to be Publicly Beneficial Open Space.
- e. The specific landscape and open space elements associated with a specific Building Site will be reviewed and approved by the Planning Board in connection with its Design Review of the improvements associated with a particular Building, pursuant to the criteria set forth in Condition #4 below.
- f. The Permittee shall be responsible for the continued maintenance of the Open Space, including keeping pathways clear of ice and snow, as per City of Cambridge regulations.

4. Design Review

In granting a Project Review Special Permit under Section 19.20 for the Final Development Plan, the Planning Board hereby approves buildings and open spaces as presented in conceptual form, subject to later design review by the Planning Board. The Planning Board shall review and approve the specific design of each building and open space contained within the approved Final Development Plan (including both individual proposed Open Spaces and any Open Space and landscape elements associated with a specific building site) at a regular Board meeting at which the design has been placed on the agenda. The Permittee may also submit interim materials for review and comment by the Planning Board prior to seeking final design approval.

- a. Continuing design review for proposed Open Spaces shall occur concurrently with continuing design review of the Building Sites associated with that particular phase of development as set forth in the Final Development Plan.
- b. For each Building, during the design development stage but prior to completion of final construction drawings, the Permittee is required to provide the following materials to the Planning Board for final review and approval, which materials shall also be made available to the public at least two weeks prior to the Planning Board meeting at which the design review will be conducted:
 - i. A dimensional form describing the Gross Floor Area, building height, setbacks, size of open space, and vehicular and bicycle parking spaces, as well as cumulative dimensional information for all development approved in this PUD, that has been previously constructed or has received final design review approval from the Planning Board.
 - ii. A description of all uses intended to be located within the new or renovated buildings.
 - iii. A Site Development Plan, revised as necessary, showing the proposed boundary lines for the subject Building Site and other Building Sites within the PUD.
 - iv. A conceptual site plan for all Building Sites and Open Spaces within that Phase of the Final Development Plan, in the case that it is the first Building Site or Open Space that is submitted for review as part of a particular Phase.

- v. A site plan (or plans) of the entire Building Site illustrating, in detail:
 - Plans and three-dimensional drawings showing how the building’s plan and massing relate to its context.
 - Landscape features including hardscape and vegetated surfaces, trees and other plantings, outdoor furniture, outdoor lighting, bicycle parking, activity spaces, public art, signage and wayfinding, and any other design elements.
 - Conceptual plans for all roadways or sidewalks adjacent to the Building Site, including any planned changes approved or to be approved in the future by City departments.
 - Circulation routes to, from, and through the site for pedestrians, bicyclists, passenger vehicles and service or delivery vehicles.
 - The locations of all access and egress points for pedestrians, bicyclists, passenger vehicles and service or delivery vehicles.
 - Locations of any utility meters that will be accessed from the building’s exterior.
 - vi. Scaled and dimensioned floor plans of each level of the proposed building.
 - vii. A scaled and dimensioned roof plan, illustrating all features proposed to be located on the roof including the arrangement of any rooftop mechanical systems and enclosures, and any proposed lighting that will be visible from outside the building.
 - viii. Scaled and dimensioned elevations of each side of the proposed building with labels and descriptions of proposed exterior façade materials, which shall include any visible rooftop mechanical equipment, screening devices, exterior vents, lighting fixtures and other appurtenances, as well as focused elevations of each of the ground floor façades.
 - ix. A signage plan showing the general locations and areas of all signage visible from the public way, including the general design characteristics of any wayfinding signage intended to serve the PUD as a whole.
 - x. A plan showing the locations and describing the general characteristics of proposed art installations.
 - xi. Perspective views of the Building Site from significant vantage points, including public streets from which the building will be visible at a distance, as well as pedestrian views from all sides of the building to illustrate how the building will relate to the adjacent public realm.
 - xii. The Green Building Review materials required to certify compliance with Condition #11 of this Decision, as set forth in that Condition.
 - xiii. A Noise Mitigation narrative and acoustical report prepared by a professional acoustical engineer, addressing the requirements in Section 13.96.2 and Condition #9 of this Decision.
 - xiv. A Light Mitigation narrative for any building containing laboratory or office use, addressing the requirements in Condition #9 of this Decision.
 - xv. A narrative and drawings describing any wind, shadow and glare impacts of the proposed Building on adjacent streets, building sites and open spaces; as well as any plans to help mitigate these effects.
- c. For each Open Space, during the design development stage but prior to completion of final construction drawings, the Permittee is required to provide the following materials to the Planning Board for final review and approval, which materials shall also be made available to the public at least two weeks prior to the Planning Board meeting at which the design review will be conducted:

- i. A site plan (or plans) of the entire Open Space illustrating, in detail:
 - Landscape features including hardscape and vegetated surfaces, trees and other plantings, outdoor furniture, outdoor lighting, bicycle parking, activity spaces, public art, signage and wayfinding, water features, topography and drainage, and any other design elements.
 - Conceptual plans for all roadways or sidewalks adjacent to the Open Space, including any planned changes approved or to be approved in the future by City departments.
 - Conceptual plans for all Building Sites and Retail Pavilions adjacent to the Open Space, including renderings of the Open Space as it relates to adjacent building facades and ground floor spaces.
 - Circulation routes to, from and through the site for pedestrians, bicyclists, and other applicable modes of transportation.
 - The locations of all access and egress points for pedestrians, bicyclists, and other applicable modes of transportation.
 - Proposed planting details and selected species of plantings.
 - ii. A signage plan showing the general locations and areas of all signage visible from the public way, including the general design characteristics of any wayfinding signage intended to serve the PUD as a whole.
 - iii. Perspective views of the Open Space from significant vantage points, including public streets from which the Open Space will be visible at a distance, as well as pedestrian views from all sides of the Open Space to illustrate how the Open Space will relate to the adjacent public realm.
 - iv. Prior to commencing Continuing Design Review for a specific Open Space, the Permittee shall submit to the City of Cambridge for review draft language of a proposed legal mechanism for ensuring that Open Space will remain available for public use, as set forth in Condition #3 of this Decision.
- d. In addition to presenting design drawings and illustrations, the Permittee shall present the following materials to the Planning Board at the design review meeting:
- i. A physical, contextual scale massing model of the proposed Open Space and surrounding Building Sites.
 - ii. Samples of materials to be employed in the Open Space design.
- e. During the design review process, the Board shall consider:
- i. The design of the Open Space, with special attention to the various landscape features that support the planned programming and identity of the space.
 - ii. How the proposed Open Space fits within the context of adjacent Building Sites, streets, sidewalks and public and/or private ways.
 - iii. The configuration and design of pedestrian, bicycle, and other applicable modes of access and egress.
 - iv. How the design of the open space will support pedestrian and bicycle circulation and comfort and the management of potential conflicts between pedestrian and bicycle paths of travel as referenced in this Decision.
 - v. Any potential impacts of the proposed design on the public realm or on properties outside of the PUD, including but not limited to visual impacts, wind impacts, shadow impacts, and effects on the safety and comfort of pedestrians and bicyclists in the area, and measures that are being taken to mitigate such impacts.

- vi. The measures being implemented to promote highly sustainable design and development reflecting the goals and objectives established by the City that are included in the Final Development Plan and referenced in this Decision.
- f. As described in Section 13.91.2, the Planning Board's review shall be guided by the design standards specified in the Final Development Plan, which are reflected in the policy objectives set forth in the Kendall Square ("K2") Planning Study and Design Guidelines (2013), the Planning and Design Principles established by the City's Volpe Working Group (2017) and Volpe Site Design Guidelines (2017), collectively, the "PUD-7 Guidelines and Principles.", provided that in the event of any conflict between any guidelines and the provisions of Section 13.90, the provisions of Section 13.90 shall govern.
- g. City Department Review.
 - i. Technical Standards. Design elements on a Building Site or Open Space requiring technical review for compliance with City requirements or standards, such as parking facilities, bicycle parking facilities, loading facilities, bicycle and vehicular access and egress, public bicycle sharing stations, stormwater management systems and Green Building materials (per Section 22.20), shall be reviewed by applicable City departments (which may include CDD, TP&T, DPW, Electrical or Water Departments, or others) at a conceptual design stage prior to submission of materials for review by the Planning Board. Final plans shall be reviewed by City departments for compliance with applicable standards and requirements prior to issuance of a Building Permit.
 - ii. Public Improvements. Any public improvements associated with development on a Building Site or Open Space, including but not limited to construction of street segments or infrastructure within the Development Plan, shall be reviewed and approved by applicable City departments at a conceptual design stage prior to submission of materials for review by the Planning Board. Subsequent to Planning Board Design Review approval of a Building Site, the Permittee shall prepare and submit 75% design drawings of any public improvements for review and comment by applicable City departments prior to completing final construction drawings for approval. Prior to issuance of a Building Permit for construction on that Building Site, all applicable City departments shall certify to the Planning Board either that the design of any public improvements associated with a Building Site are approved, or that that such approval shall be considered at some later time subsequent to issuance of a Building Permit.
- i. Before the issuance of a Building Permit for any Building Site in the PUD, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Permit, including design approval, granted by the Planning Board as it relates to said Building.
- j. Materials. Prior to the final selection of colors and textures for façade materials, the Permittee shall erect a mock-up of an exterior wall section on or near the Building Site and/or Open Space (where applicable) to be reviewed by the Community Development Department for comment. Members of the Planning Board shall be notified when the mock-up is erected and given an opportunity to view the materials and transmit any comments to the Community Development Department.
- k. Exceptions. Design review and approval by the Planning Board shall not be required prior to the issuance of a Building permit, whether partial or full, for any of the underground parking garages situated within the Development Parcel, except to the extent that points of access to and egress from the parking garages to be situated therein are materially different from the locations for points of access and egress depicted in the Final Development Plan. However, all parking and bicycle parking

facilities, including access and egress, shall be subject to technical review by CDD and TP+T prior to issuance of a Building Permit. Additionally, CDD shall review and approve the design of any interim surface conditions that may remain after completion of any underground parking facility but prior to the construction of buildings or open spaces as shown in the Final Development Plan.

5. Timing and Phasing

- a. Commencement. This Special Permit shall be governed by the provisions of Chapter 40A of the Massachusetts General Laws (M.G.L.) and Section 10.46 of the CZO, which establish the time within which construction authorized by the Special Permit must commence. With respect to the requirements of Section 12.40, the Planning Board grants to the Permittee the right to start construction within two (2) years of the date of filing of this Decision with the City Clerk (not including the time required to pursue or await the final adjudication of an appeal under Section 17 of M.G.L. c. 40A), hereby granting the extension permitted under Section 12.41 for good cause, such good cause having been demonstrated by the Permittee because of the unusually large size and scope of the PUD and the need to obtain third party permits and approvals (including, without limitation, those for infrastructure and mitigation) for the project.
- b. Completion. In accordance with the Final Development Plan, construction of the PUD shall be completed within twenty (20) years of the date of the issuance of this Special Permit, provided that if construction on a particular phase has commenced within twenty (20) years, such phase shall be entitled to a Certificate of Occupancy so long as construction is diligently carried through to completion. Any extension of time beyond the twenty (20) years shall be submitted in writing to the Planning Board, and shall require a written determination from the Planning Board as to whether the requested extension constitutes a Major or Minor Amendment in accordance with the procedures set forth in Condition #18 of this Decision.
- c. Phasing
 - ii. Development shall occur in phases as set forth in the Final Development Plan and attached as Appendix E. Each Phase shall consist of the buildings, open spaces, streets, utilities, and other physical improvements set forth in the Final Development Plan (except as they may be modified by this Decision, as the same may be amended, and in the Design Review process) as being located on or immediately adjacent to and serving the Building Site upon which the particular Phase is being constructed, in addition to the public improvements set forth in the Traffic Mitigation Program, included as Appendix C of this Decision, and public benefits as set forth in the Letter of Commitment dated October 23, 2017 and in the Final Development Plan.
 - iii. This Decision authorizes the development of residential Building Sites earlier in the overall Phasing program set forth above. However, in no case shall the development of a residential Building Site occur later in the Phasing program set forth above without first obtaining a Minor Amendment from the Planning Board as set forth in Condition #18 of this Decision.
 - iv. In the event that construction of a Phase has commenced but subsequently ceases, causing a Building Permit to lapse prior to the delivery of required public benefits, improvements or mitigation associated with that Phase, then the Planning Board may withhold authorization of a Building Permit for a future Phase until construction has recommenced, or the required public benefits, improvements or mitigation has been delivered, or this Decision has been amended to authorize a change to the Final Development Plan.

- d. Modifications. Modifications to the Phasing Plan or to this Condition #5 may be approved by the Planning Board as Minor Amendments pursuant to Condition #18 of this Decision, provided that all other Conditions of this Decision and requirements of the CZO continue to be met.

6. Traffic and Infrastructure Improvements

- a. The Permittee shall be required to implement the Transportation Mitigation Program contained in Appendix C, at such times as are identified in said Appendix C.
- b. The Permittee shall be responsible for the design and installation of all necessary infrastructure and utility improvements both on and off the site needed to support the construction of a specific Building within the Planned Unit Development. Any and all necessary infrastructure improvements shall be designed to meet all requirements and standards of the City of Cambridge and its relevant departments (including the City Engineer, Department of Public Works, the Water Department and the Electrical Department), and all other legal requirements with regard to the design and installation details of the improvements, as if such facilities were to be installed in City streets.
- c. The Planning Board acknowledges that Potter Street, Fifth Street, Broad Canal Way, and Kendall Way shall each be private streets, and they shall be considered streets for purposes of frontage under the Zoning Ordinance. The Applicant shall work with the City to execute an easement, covenant or other agreement that would allow portions of the new roadway segments to be used by the public for pedestrian, bicycle and, in certain locations, vehicular traffic, all as shown on Volume 2, Figure D9 of the Final Development Plan. However, the Permittee may close portions of private streets to public travel for authorized construction activity or for community festivals, street fairs and other similar gatherings and events in accordance with the Final Development Plan and other applicable requirements.

7. Conveyance

Where any utility is to be conveyed to the City of Cambridge, it shall be done in a manner acceptable to the City. The Permittee shall prepare all documents necessary to transfer these facilities to the City.

8. Housing

- a. This Decision authorizes the construction of the proposed Residential Uses as set forth in the Final Development Plan and included in the Aggregate Development Program (Appendix A) attached hereto. Per 13.93.c.1 of the CZO, in no event shall the total GFA dedicated to Residential Uses comprise less than 40% of the total permitted GFA in the Final Development Plan.
- b. Residential development authorized in this Decision is subject to the Inclusionary Housing provisions of Section 11.200, as they are modified by Section 13.93.1(c)(5), which states that subject to the provisions of Section 11.203, the percentage shall be twenty percent (20%).
- c. The Final Development Plan shall include the development of no less than twenty (20) Middle Income Units as set forth in the Letter of Commitment dated October 23, 2017.
- d. The Final Development Plan shall include that a minimum of five percent (5%) of the Dwelling Unit Net Floor Area be devoted to Innovation Housing Units, measuring between three hundred fifty (350) and four hundred fifty (450) square feet in size, as set forth in the Letter of Commitment dated October 23, 2017.

The total number of Affordable Family-Sized Dwelling Units required under Section 11.203.3(g) shall be determined based on the total Dwelling Unit Net Floor Area devoted to Affordable Dwelling Units required by Section 13.93.1(c)(5) and, to the extent legally permissible under Section 11.200 and other applicable legal requirements. Before the issuance of a Building Permit, the specific number, sizes, and location of affordable units shall be designated and approved by CDD's Housing Division, and the owner shall enter into an Affordable Housing Covenant, which shall conform with the requirements of Section 11.200 and Section 13.93.1(c)(5). Compliance shall be certified by the Housing Division of CDD prior to issuance of a Building Permit for authorized residential uses. Nonresidential Development authorized in this Decision is subject to the Incentive Zoning provisions of Section 11.200. The Housing Contribution payment, required in Section 11.200, shall be calculated upon the issuance of a Building Permit and provided to the City for each Building individually prior to the issuance of the first Certificate of Occupancy for that Building. The payment shall be at that rate established by the Ordinance at the time of issuance of the Building Permit, and applied to the area of eligible uses in the building, which area shall be certified by a registered architect. In a mixed-use Building containing non-subject uses, common areas shall be allocated proportionately.

9. Active Space

- a. The Planning Board approves the proposed location of required Active Space as described and illustrated in the Final Development Plan. In addition, the Board authorizes any non-residential ground-floor space within the PUD to be occupied by Active Space without amending this Special Permit.
- b. Active Space shall include those uses enumerated in Section 13.96.1, along with any other use authorized in writing by the Planning Board in accordance with Section 13.96.1.a.3. Active Space shall specifically include the uses explicitly authorized below:
 - i. All Retail or Consumer Service Establishments and Outdoor Retail or Consumer Service Establishments listed in Sections 4.35 and 4.36 of the Zoning Ordinance, with the exception of Drive-In Food Service Establishments, Drive-In Consumer Service Establishments, Drive-In Theaters, Outdoor Auto Sales Facilities, Auto Service Stations, and Auto Washes except if explicitly approved by the Planning Board. This Decision specifically authorizes that the GFA associated with the development of the Entertainment Venue, as described in the Final Development Plan, be considered as Active Space.
 - ii. Any additional use that is generally open to the public and that the Planning Board determines (during the Design Review process or in response to a request from the Permittee) meets the goals of Section 13.96.1 of the Ordinance.
- c. The Permittee shall form an Open Space and Retail Advisory Committee in accordance with the Final Development Plan and the Letter of Commitment dated October 23, 2017.
- d. Prior to the issuance of a Building Permit for a Building containing Active Uses (not to include a Building Permit only for the underground parking), the Permittee or its designee shall coordinate with Economic Development Division (EDD) staff to develop a process to constitute and administer the aforementioned advisory committee, and to manage ongoing communication between the Permittee and EDD staff. The objective will be to ensure that input from community members and City staff will be provided in a timely, coordinated, and effective way. Considerations will include the most appropriate timing to provide meaningful input into the marketing of spaces and potential measures to support future retail operators.

- e. The retail consultant report by Jesse Baerkahn of Graffito SP dated November 16, 2020, provided in the Final Development Plan in accordance with Section 13.96.1(d).1, will serve as a guidance document for the Permittee, the advisory committee, and EDD staff in future activities related to retail planning, development and ground floor activation.
- f. The Planning Board hereby approves the exemption of the proposed Entertainment Venue from GFA limitations as Active Space per 13.96.1.a.3 of the CZO.

10. Innovation Space

- a. This Decision approves the inclusion of 167,326 square feet of Innovation Space as proposed in the Final Development Plan. The proposed locations of Innovation Space shall be provided to the Planning Board prior to the issuance of a Building Permit for any nonresidential Building Site.
- b. Future changes to the proposed locations of Innovation Space shall be approved as Minor Amendments as set forth in Condition #18 of this Decision.

11. Noise and Vibration

- a. All buildings within the permitted Planned Unit Development, and all construction activity pursuant to this Special Permit, shall conform to the requirements of the City of Cambridge Municipal Noise Ordinance.
- b. In accordance with Section 13.96.2, at a minimum, any noise or vibration emanating from buildings and uses within the permitted Planned Unit Development shall not be normally perceptible at ground level without instruments at a distance of one hundred (100) feet from the source lot line.
- c. To certify compliance with the Cambridge Noise Ordinance and with Section 13.96.2 of the CZO, prior to and as a condition of the issuance of the first Certificate of Occupancy for a new or substantially altered commercial Building, the Permittee shall provide to CDD an acoustical report, including field measurements, demonstrating compliance of such building with all applicable noise requirements.
- d. In accordance with Section 13.96.2, prior to obtaining any Building Permit to add any equipment having a capacity greater than five (5) horsepower to the rooftop, the Permittee shall provide to CDD a narrative report demonstrating that there will be continued compliance with all applicable noise requirements after such addition, and upon completion of such addition and as a condition to operation thereof, an acoustical report, including field measurements, demonstrating such compliance.

12. Construction Management

- a. Before issuance of a building permit for any Phase of development within the Development Parcels, the Permittee shall prepare a new or updated Construction Management Program consistent with the requirements of Section 18.20, which Program shall be reviewed and approved by the CDD, DPW, the Water Department, TP&T, the Inspectional Services Department, and other departments as deemed appropriate by the City.
- b. The Construction Management Program shall include those elements listed in Section 18.20, with particular attention to ensuring safe and convenient pedestrian access to major public facilities.
- c. The Permittee shall be required to prepare and implement a Construction Management Program in accordance with Section 18.20 of the Zoning Ordinance, which shall be reviewed and certified by TP&T and DPW prior to issuance of a Building Permit for development authorized by this Special Permit. Such a program shall include, in addition to the specific items required by said Section 18.20:
 - i. A plan for site remediation in accordance with applicable local, state and federal requirements;

- ii. Identification of all work to take place in the public right of way including but not limited to potential impacts to existing public shade trees to be coordinated early in the design process with the City Arborist; and
- iii. A community outreach program including, at a minimum, the following elements:
 - 1. An identified point of e-mail and telephone contact to respond to community questions and feedback throughout the construction process;
 - 2. A system for communicating ongoing project updates, which may include a web page, e-mail list, social media presence, direct outreach, and/or other measures; and
 - 3. One or more signs posted on-site, legible from the public way, providing the information above along with a brief description of the project, the amount of commercial space, an expected completion date, and a rendering of the street-facing elevations.

13. Sustainable Environmental Strategies

- a. The requirements of Section 22.20 and Section 13.96.4 shall apply to all development in the Planned Unit Development. If the requirements of Section 22.20 in effect at the time of issuance of this Special Permit are superseded by a duly enacted amendment to the CZO, then the amended provisions shall apply to any development that has yet to receive Design Review approval pursuant to Condition #4 of this Decision.
- b. Pursuant to Condition #4 of this decision, the design review submission for a building site shall include a Green Building Checklist and Narrative as required to be submitted with a Special Permit Application under Section 22.20, which shall also address the sustainability standards contained in Section 13.96.4, enhanced commissioning for newly constructed or renovated office and lab buildings, opportunities for ground source and air source heat pumps, solar photovoltaics, solar hot water, bio-fuel emergency power fuel, battery storage, the potential for initial or future electrification of building energy systems, airtightness and additional methods to reduce or eliminate fossil fuel usage, including in the context of relevant energy initiatives implemented through the City of Cambridge, and exploring participation, if available, in any program sponsored by the City of Cambridge for community renewable energy purchase. opportunities for shared heating load sharing, either as a district or phased pairs of buildings. The submission shall also include a description of strategies for reducing or offsetting embodied greenhouse gas emissions from construction materials and a description of compliance with the Green Roofs Requirement in Section 22.35 of the Zoning Ordinance.

14. Contributions to Community Fund

In accordance with Section 13.96.6(a), the Permittee shall contribute to a Community Fund, established by the City Manager, an amount equal to ten dollars (\$10.00) multiplied by the number of square feet of new Gross Floor Area (GFA) for the commercial uses authorized by this Special Permit (“Fund Contribution Payment”), which Fund Contribution Payment shall be paid on a building-by-building basis at the time of the issuance of a Certificate of Occupancy for a specific building at such amount as is determined by multiplying the above-referenced rate by the GFA of the non-residential uses in the subject building that are not exempt from GFA pursuant to the provisions of Section 13.93.1.

15. Letter of Commitment

Prior to the issuance of any building permit or certificate of occupancy for development authorized by this Special Permit, CDD and all other relevant City departments shall verify to the Superintendent of Buildings

that all portions of the Letter of Commitment dated October 23, 2017, by the Massachusetts Institute of Technology, attached as Appendix F to this Decision, are continuing to be met.

16. Other Requirements

All authorized development shall conform to all other requirements of Ordinances of the City of Cambridge, including but not limited to the Asbestos Protection Ordinance, Chapter 8.61 of the City Municipal Code.

17. Subdivision of the Development Parcel

In the event that the Permittee desires to subdivide a Development Parcel into separate lots containing specific buildings approved by this PUD, the Permittee shall submit a subdivision plan showing the layout and dimensions of such lot with the Design Review materials for such Building. The Planning Board shall approve all setbacks of buildings and any further subdivision of Blocks into smaller lots (should they be proposed) at the time of final design approval. In the event that the Permittee intends to subdivide any portion of the Development Parcels into smaller lots after the Design Review process is completed, including, without limitation, vertical air-rights subdivisions of the Development Parcels, or portions thereof, the Permittee shall file a copy of the subdivision plan with CDD for inclusion in the record of this PUD. Except as provided above, no further approval by the Planning Board or CDD shall be required to authorize a subdivision of any Development Parcel or lots within the Development Parcel.

18. Procedures for Granting Minor and Major Amendments to this Decision

- a. Determination. Except where a change is explicitly authorized as a Minor Amendment in this Decision, the Planning Board shall determine whether a proposed change is considered a Major Amendment or Minor Amendment pursuant to Section 12.37 of the CZO.
- b. Minor Amendments. A Minor Amendment to this Decision shall be approved by an affirmative vote of at least five (5) members of the Planning Board after consideration of the proposed change, enumerated on the Agenda, at an appropriately noticed meeting of the Planning Board. In approving a Minor Amendment, the Board shall issue a written determination that:
 - i. The change is consistent with the standards for a Minor Amendment set forth in Section 12.37 of the CZO; and
 - ii. The change does not violate applicable Sections of the Zoning Ordinance, or if the change requires relief pursuant to a special permit or variance, such relief has been granted; and
 - iii. The change will not substantially alter the Findings upon which this Decision is based.
- c. Major Amendments. Notwithstanding the provisions of Article 12.000, any Major Amendment shall only be granted after an affirmative vote of at least five (5) members of the Planning Board and only after the proposed change has been advertised as a new Special Permit subject to the procedural requirements of Section 10.40. The Planning Board shall consider the substance of the change as presented in the amendment application documents and shall not be reviewing this Decision in its entirety. Upon granting a Major Amendment, the Board shall issue written Findings that the amended portions of the Final Development Plan remain in conformance with all special permit criteria applicable to the PUD. However, if the Board finds that a requested Major Amendment to this Decision constitutes a substantial alteration to the intent, purpose and substance of this Decision, such Major Amendment shall be considered under the procedures established in Article 12.000 as if it were a new Planned Unit Development Special Permit after the submission of all required application materials.

- d. Conditions. Upon issuing any Amendment, the Planning Board may impose additional conditions intended to ensure conformance with the intent, purpose and substance of this Decision as well as any applicable requirements, standards or criteria set forth in applicable Sections of the Zoning Ordinance.