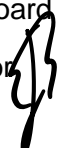




CITY OF CAMBRIDGE

TRAFFIC, PARKING, + TRANSPORTATION

MEMORANDUM

To: Cambridge Planning Board
From: Joseph E. Barr, Director 
Date: July 15, 2021
Subject: MIT Volpe Exchange Parcel (PB#368)

The Cambridge Traffic, Parking, and Transportation Department (TP+T) has been working with the Massachusetts Institute of Technology (MIT) through the MIT Investment Management Company (MITIMCo) over the last several months on the proposed Volpe Exchange Parcel project and has reviewed the Project's Final Development Plan dated June 4, 2021.

MITIMCo is seeking approval of a Planning Board Special Permit for the overall development of the Volpe Exchange Parcel at 55 Broadway, to consist of approximately 3 million square feet of mixed use development, including approximately 1.1 million square feet of residential use (approximately 1,400 units), 1.75 million square feet of commercial space (i.e., Office/R&D, innovative space) and approximately 125,000 square feet of retail/active use (which includes a community center and entertainment space). Overall, the Project's Final Development Plan proposes a maximum of 1,759 parking spaces (a reduction from the 1,876 parking spaces originally proposed), primarily in two below-grade parking garages and a limited number of surface parking spaces. The Project has also updated its bicycle parking spaces to 1,876 long-term and 338 short-term bicycle parking spaces. It plans to continue to provide approximately 14 loading bays to serve its eight (8) proposed buildings.

MITIMCo completed a Transportation Impact Study (TIS) for the Project which was certified by TP+T on November 4, 2020. The TIS indicated that due to its size, the Project triggered 113 Planning Board Special Permit transportation exceedances. The Project will generate the following trips:

- 6,553 daily vehicle trips, including 757 AM and 852 PM peak hour vehicle trips;
- 6,263 daily transit trips (721 AM/814 PM peak hour transit trips);
- 2,623 daily pedestrian trips (284 AM/335 PM peak hour pedestrian trips); and,
- 1,099 daily bicycle trips (138 AM/152 PM peak hour bicycle trips).

TP+T submitted a memo to the Planning Board dated March 29, 2021 with our initial comments on the Project and have had many productive meetings with MITIMCo and their traffic consultant VHB since then as the Project has advanced.

Although there are various details that will need to be evaluated by TP+T during design review for each individual building, overall TP+T is satisfied with the Project's high-level

master plan transportation parameters, such as the roadway access and circulation plan, maximum parking supply, and transportation mitigation program.

In TP+T's March 29, 2021 Planning Board memo, we listed various transportation goals for the Project. From our work with MITIMCo, TP+T believes that the Project is meeting the goals in the following ways:

- Reduce overall vehicle trips; shift trips to sustainable modes.
 - The Project is a mixed-use project located in a transit-oriented location which by its nature reduces vehicle trips. The Project has an approved PTDM Plan with a commitment to prioritizing sustainable modes of transportation and to not exceed a 35% single occupancy vehicle (SOV) mode share for Office/R&D employees.
- Promote transit use while taking account of existing congestion on the transit network.
 - The Project has committed to provide \$8.5 million to the City toward transit improvements. The Project will provide transit-pass subsidies and continue to work cooperatively with the City on fostering improved transit conditions for Kendall Square.
- Reduce vehicle trips on neighborhood streets.
 - The Project will first and foremost support and prioritize walking, biking, and transit trips to and from the Project instead of SOV travel by committing to various measures such as limiting and charging for automobile parking spaces, constructing a bicycle, pedestrian and transit accessible development, and designing and constructing a Binney Street/Fifth Street intersection that physically blocks neighborhood cut-through traffic to/from the site from using Fifth Street north of Binney Street.
- Improve safety and operations at intersections and streets for all modes.
 - The Project will construct and maintain privately owned roadways, sidewalks, paths/pathways, and bike facilities which will provide new and safe connections that are open to the public for all modes. The Project will also fund and/or contribute toward the 100% design plans for and reconstruction of abutting City streets/intersections including, Binney Street (between Third and Fifth Street), Third Street (between Broadway and Binney Street), and Broadway (between Third Street and Ames Street), to improve safety and meet the needs for all users of these street.
- Improve, contribute to, and support availability of transit and bicycle trips.
 - As noted above, the Project will contribute \$8.5 million to the City to use as the City decides toward area transit improvements. The Project will subsidize transit and bike trips and provide and maintain 1,876 long-term and 338 short-term bicycle parking spaces.
- Improve pedestrian and bicycle safety, connections, and convenience.
 - The Project will create new sidewalks and bicycle facilities that will provide accessible, safe, and convenient connections between the Project site and destinations in Kendall Square.
- Manage parking supply, use Transportation Demand Management to manage automobile demand, and incentivize non-SOV modes. Monitor trip generation and transportation impacts.
 - The Project has an approved PTDM plan including a monitoring program. The Project will use best practices to manage and monitor its parking supply and demand.

- Actively manage loading and deliveries.
 - The Project will establish a loading and delivery plan for each new building which, as feasible, will include tools to help consolidate the number of deliveries to minimize the number of vehicles and also facilitate or prioritize deliveries made by small, electric vehicles or delivery bicycles. .

As stated above, TP+T has been working with MITIMCo and has reviewed the Final Development Plan and offers the following comments to the Planning Board for your consideration.

Site Plan

There has been good progress made and TP+T generally supports the overall revised site plan including roadway alignments and cross-sections.

- In terms of the internal streets, TP+T generally supports the Fifth Street alignment and conceptual layout--including separated bicycle facilities on each side of the street,¹ as well as the two-way bicycle facility on the south side of Potter Street which will connect Third Street to the Kitty Knox path. It is important to note that these designs are subject to additional changes and refinements during design review for individual buildings.
- TP+T supports the updated site plans which moves the proposed location of the left-turn lane off Broadway to Fifth Street and removes the previously proposed driveway to the parking garage located directly off Broadway west of Fifth Street.
- More discussions and analysis will be needed for the “truck only” restriction for right turn in and out only at the Broadway/Kendall Way intersection as opposed to allowing all users to make the turn. However, that regulation can be determined by TP+T and MITIMCo as part of individual building permit design review for buildings on Kendall Way. The regulation may also be “tested” or changed over time based on operational experience.
- TP+T believes that the alignment of the Fifth Street and Potter Street intersection has been improved and is acceptable subject to any further refinements, such as making the intersection raised or other design details which can be addressed as part of individual building design reviews.
- As the Project is built-out, other minor roadway changes can be addressed with City staff, unless staff determines that a change is “material”, at which point MITIMCo will be asked to submit an appropriate amendment for Planning Board review and approval.
- MITIMCo has proposed to be responsible for regulating, managing, and enforcing street use on Broad Canal Way and Kendall Way, and, together with the adjacent

¹ While MIT intends to construct one-way cycle tracks on each side of Fifth Street, we understand that its ability to do so in the segment between Potter Street and Munroe Street will depend on being able to obtain rights from the owners of 303 Third Street as 303 Third Street owns to the centerline of Fifth Street in this location. MIT has agreed to undertake commercially reasonable efforts to obtain those rights, but if it is unsuccessful in obtaining such rights, MIT will coordinate modifications to the cycle tracks on Fifth Street with Cambridge TP+T and DPW and will file the modified plan agreed to by MIT and DPW with TP+T and the Planning Board as an update to the Final Development Plan, which modification shall be deemed part of the Final Development Plan.

property owner, on Fifth Street and Potter Street. TP+T is generally fine with this approach, subject to a Special Permit condition that the streets are to be open for public use upon such terms, conditions, and reservations as are acceptable to TP+T, the Department of Public Works and MITIMCo.

- MITIMCo should provide a “Curb Use Operation & Signage Plan” during the Design Review process for each site that would provide clarification and details on types of proposed curb use and will be subject to TP+T approval.
- MITIMCo will be responsible for maintaining or ensuring the maintenance of the privately owned roadways, sidewalks, parks/pathways, and bike facilities. For the public ROW, and locations where the “public” sidewalks and bike facilities may end up moving in and out of MITIMCo property, they are expected to maintain (plow and sweep) both the sidewalk and bike facilities abutting their Project, regardless of whether they are in City ROW or their property, along with any other sidewalks and bike facilities mutually agreed upon by MITIMCo and City departments. TP+T, in coordination with the Department of Public Works (DPW) has developed a framework for a maintenance agreement which should be finalized between MITIMCo, DPW, and TP+T prior to the issuance of the first Building Permit, and subject to changes as agreed to between the City and MITIMCo.
- All private ways, sidewalks, and bicycle facilities within the site shall be open to public travel and uses upon such terms, conditions, and reservations as are acceptable to DPW, TP+T, CDD, and MITIMCo. These agreements shall be in place for each private way, sidewalk, and bicycle facility prior to the opening of the relevant phase of development.
- Lastly, the extension of Broad Canal Way as a unique street is an exciting opportunity. However, the specific elements will still require further City review, such as if and when vehicles would be allowed on the street, if there will be a raised street curb compared to a shared street with no raised curb between the sidewalk and street, details of the proposed water feature, and various other design and access control questions. TP+T will continue to work with MITIMCo and other City staff on a final design and operational plan for Broad Canal Way and the Project’s other private streets during design review for individual buildings, to be approved by TP+T prior to issuance of certificates of occupancy for buildings that are accessed by those streets. TP+T may also approve operational plans on a temporary basis while streets are under development.

Automobile Parking

- TP+T has worked with MITIMCo on their parking plan and supports the proposed Final Development Plan including a maximum of 1,759 spaces (which is a 117 space reduction from the originally proposed 1,876 spaces for the Project). The parking will be primarily located in two below-grade parking garages and includes a limited number of on-street parking spaces. The change in the total number of spaces is from MITIMCo agreeing to a maximum 0.75 parking space per 1,000 sf for the Office/R&D uses instead of a maximum 0.8 ratio. TP+T believes that a maximum

0.75 ratio this is a more appropriate because of the Project's transit-oriented location.

- To finalize the parking plan, MITIMCo worked with TP+T and updated their TIS parking analysis in a memo dated May 10, 2021. The analysis includes shared parking between site users that have peak parking demands during different times of the day (i.e., Office and Residential uses have maximum parking demands during different times in a day which allows parking spaces to be used by residents at night and office workers during the day). Based on the updated parking analysis, the Project's Parking demand is expected to peak at noon on weekdays with 1,759 spaces in use. At 9 AM, the Project is expected to have 147 empty parking spaces and at 10 PM, the Project is expected to have 992 empty parking spaces when site employees are at their homes.
- In addition, MITIMCo is in negotiations with abutters around opportunities to use underutilized parking spaces that already exist near the Project site. In the event that MITIMCo enters into such an arrangement with an abutter, the approved number of parking spaces to be constructed will be reduced by the number of parking spaces that are the subject of such an agreement. Page 114 in the Special Permit Final Development Plan Application discusses this in more detail and explains that up to 250 parking spaces within the 303 Third Street parking garage could potentially be utilized for this Project. TP+T strongly supports this type of shared parking by using underutilized parking spaces that already exists in the area before building new parking spaces. This would mean the Project would construct 1,509 new parking spaces instead of 1,759 spaces, but because an agreement with an abutter, the Project would have use of up to a total of 1,759 spaces. The 303 Third Street Project or another Project would likely need its own Special Permit from the Cambridge Planning Board to permit the parking plan. TP+T has proposed and supports such a shared parking arrangement, and we recommend the following:
 - The Volpe Exchange Parcel Project should have a maximum parking supply of 1,759 spaces and no minimum parking supply.
 - The Volpe Exchange Parcel Project should be allowed to enter into an agreement with another Property located within 1,000 feet to utilize that Property's parking spaces for residential or non-residential parking for the Volpe Exchange Parcel Project and to reduce the number of on-site spaces at the Volpe Exchange Parcel project by an equal number of spaces as in the agreement.
 - If the 303 Third Street Property or another nearby property seeks a Special Permit for a reduction in required parking in order to enter into an agreement with the Volpe Exchange Parcel Project, we would expect to support the Planning Board looking favorably on approving such an arrangement, assuming that the specific parameters are appropriate within the context. This would enable the use of existing unused accessory parking spaces at one facility to be used to meet the parking needs at another Project thus reducing the overall supply of parking spaces.
- In general, the parking plan is based on the following parameters:

- Office/R&D: No minimum accessory parking required. Maximum 0.75 spaces/ksf
- Residential: Maximum 0.49 spaces/unit (note, however, additional parking (up to 0.75 spaces/unit) shall be made available during evenings and weekends for residents or resident guests if spaces are available on-site).
- Retail/Active Uses: Maximum 0.25 spaces/ksf during daytime (note, however, that maximum retail parking for Project special events may be increased during evenings/weekends if spaces are available on-site subject to approval by TP+T).
- To begin to align with recent requests from the City Council, the Project should Install 90 dual-head Level 2 chargers (serving 180 vehicles) and Install conduit and /or wiring to support the future installation of additional Level 2 chargers to serve the remainder of the parking spaces, and ensure sufficient capacity in electrical panels and transformers to support future installation of chargers serving all 1759 spaces. MITIMCo shall track use of the EV charging stations (including users requests) on at least an annual basis and increase the number of installed charging stations to meet/slightly exceed identified demand such that there is always available capacity for EV charging as the number of EVs in service grows.
- The parking plan is balanced in order to meet the Project's parking needs but not provide too much parking that may encourage auto use.
- MITIMCo should help consolidate the number of deliveries to minimize the number of vehicles, and also set policy, facilitate, or prioritize deliveries made by small, electric vehicles or delivery bicycles.
- At no time shall parking spaces be available that exceeds the maximum parking ratios for any land use at the site, unless approved by TP+T. Any excess parking spaces built before buildings are occupied shall be made physically inaccessible to parking, such as roped off or physical barriers, provided however, that MIT shall be allowed to use such excess spaces for parking by construction workers that are actively working on the Development Parcel until the establishment of the uses to be served by the parking facilities on a permanent basis.

Bicycle Parking

- As stated above the Project will provide 1,876 long-term and 338 short-term bicycle parking spaces to meet the City's bicycle zoning parking requirements.
- The detailed location for the long-term and short-term bicycle parking spaces have been provided in the Special Permit Application and PTDM Plan. They are well spread-out throughout the Project and appear to meet the City's Bicycle Parking Zoning layout design requirements. The TP+T and CDD will also work with MITIMCo on the final locations as part of Design Review for individual garages and buildings as the project is built-out.

Transportation Mitigation

TP&T and MITIMCo share the goal of long-term success for the Kendall Square area and will continue to work together on an ongoing basis. To mitigate the Project's transportation impacts and the 113 Planning Board Special Permit transportation

exceedances documented in the TIS, TP+T worked with MITIMCo to develop a transportation mitigation program that aligns with the transportation goals discussed above and other City goals, plans and policies, such as the Envision Cambridge Plan, Cambridge 2015 and 2020 Bicycle Plan, 2015 Cambridge Transit Strategic Plan, Cambridge Pedestrian Plan, Vehicle Trip Reduction Ordinance and many other policies, plans and goals.

To mitigate the Project's transportation impacts, the measures described in the attached table should be in place before completion of the Project. The mitigation phasing schedule described in the table shall apply, subject to reasonable changes or adjustments as approved by the City, and as dictated by circumstances of the development build-out. Changes to the phasing of mitigation may be approved by the Planning Board as a Minor Amendments; however, changes to the phasing that are determined by TP+T to be necessary due to circumstances beyond the control of MITIMCo may be approved administratively by TP+T, in coordination with DPW and CDD. The phasing described below is based on the overall phasing plan submitted as part of the Final Development Plan; should that overall phasing contained in Final Development Plan change then a new mitigation phasing timeline may need to be developed and, if required, will require an Amendment to the Special Permit (whether a minor or major amendment is required to be determined based on the overall Amendment required for the overall phasing change and the language of the Final Development Plan Special Permit).

Further detailed design review will occur during the Project's Design Review process by City staff prior to the issuance of a Building Permit for each building. The design review process shall include street and sidewalk cross-sections, pavement marking and signage plans, and construction management plans. The limits of the street and sidewalk work shall be based on building construction phasing in a logical manner and may require interim plans and conditions as the Project is built-out for roads to be open to the public when safe and feasible, as approved by the City.

	Transportation Mitigation	Phasing*
1	Binney Street Reconstruction - Complete 100% design plans and reconstruction for Binney St. between Fifth St. and Third St based on the plans developed by the Cambridge Redevelopment Authority. Intersection of Binney St./Fifth St. to include turn lanes, crossings and signalization (if warranted).	Prior to completion of Phase 3, except for interim conditions as coordinated with TPT and DPW. MIT occupancy permits shall not be dependent on work required to be completed by other developers.
2	Update the traffic signal equipment at the Binney St./Third St. intersection to accommodate proposed new sidewalk level separated bicycle lanes (i.e., bicycle signal heads if needed, phasing adjustments, etc.).	Prior to completion of Phase 3.
3	Third Street Reconstruction - Complete 100% design plans for Third St. between Binney St. and Broadway, based on the plans being developed by the Cambridge Redevelopment Authority). Reconstruct Third St. in the following segments: <ul style="list-style-type: none"> • Segment 1 from Broadway to Potter St., including dedicated northbound left turn lane on Third St. and crosswalks at approaches, a new traffic signal at the Potter St./Third St. intersection (or other traffic control devices as approved by TP+T), and crosswalks and appropriate signage at the Third St./Broad Canal Way intersection. • Segment 3 from Munroe Street to Binney Street. 	Segment 1 prior to completion of Phase 1, and segment 3 prior to completion of Phase 3, except for interim conditions as coordinated with TPT and DPW. MIT occupancy permits shall not be dependent on work required to be completed by other developers. New signal at Third Street/Potter Street to be operational prior to the issuance of the Certificate of Occupancy for the main parking garage.
4	Update the traffic signal equipment at the Broadway/Third St. intersection to accommodate proposed new cycle tracks (i.e. bicycle signal heads if needed, phasing adjustments, etc.).	Prior to completion of Phase 1.
5	Broadway Reconstruction – Complete 100% design plans and reconstruction of Broadway between Ames Street and Third Street. Intersection of Broadway with Fifth St. to include left turn lane from Broadway westbound and new crossing on the east side of the intersection signalized with a Rectangular Rapid Flashing Beacon (RRFB), or other similar control as determined by TP+T. Reconstruction to also include a new crossing near the intersection of Broadway / Kendall Way / Green Garage, signalized with a Rectangular Rapid Flashing Beacon (RRFB), or other similar control as determined by the City.	Prior to completion of Phase 1, except for interim conditions along C3 frontage as coordinated with TPT and DPW.

6	<p>As part of the construction/reconstruction of Fifth Street between Broadway and Binney Street, construct sidewalk level separated bicycle lanes on Fifth Street - Design and construct one-way cycle tracks on each side of Fifth St. Extension between Binney St. and Broadway, to the extent permitted by agreement of the abutting owner in the segment between Potter Street and Munroe Street.</p>	<p>Fifth St. section between Broadway and Potter St. to be constructed prior to completion of Phase 1, with remaining section from Potter St. to Binney St. prior completion of Phase 3. Interim conditions to be in place upon completion of Phase 1, as coordinated with TPT and DPW.</p>
7	<p>As part of the construction/reconstruction of Potter Street between Third Street and the Volpe GSA driveway, construct sidewalk level separated bicycle lanes on Potter Street - Design and construct a two-way separated cycle track on Potter St. and Potter St. Extension between Third St. and Volpe GSA driveway, to the extent permitted by agreement of the abutting owner in the segment between Third Street and Fifth Street.</p>	<p>Potter St. section between Third St. and Fifth St. to be constructed prior to completion of Phase 1, with remaining section from Fifth St. to GSA driveway prior to completion of Phase 3. Interim conditions to be in place upon completion of Phase 2 as coordinated with TPT and DPW.</p>
8	<p>Kittie Knox Path / Sixth Street Walkway Connections - Design and construct a ped/bike connection from Potter St to Kittie Knox Path/Sixth Street walkway, and a second connection from Broad Canal Way to Kittie Knox Path/Sixth Street walkway.</p>	<p>Kendall Way connection prior to completion of Phase 2, with Potter St. connection prior to completion of Phase 3.</p>
9	<p>Munroe Street Reconstruction – Reconstruct Munroe St. between Third St. and Fifth St. Construction includes mill and overlay of roadway as necessary, installation of new sidewalk, curb, and street signs on the north side of the street, and pavement markings. Existing street cross-section to remain.</p>	<p>Prior to completion of Phase 3.</p>
10	<p>Loading Dock and Traffic Management Plan. MIT will provide a loading dock and traffic management plan for each building for City approval. MIT will monitor operations and if the operations cause concerns with respect to public users and infrastructure (e.g. vehicles blocking other users or parking illegally) then MIT will work with the City to resolve those issues.</p>	<p>Prior to the issuance of a Certificate of Occupancy for each building and ongoing. Plan may be later amended with TP+T approval.</p>
11	<p>Bus Stops on Fifth Street – Construct and maintain bus stops—which may include bus shelters and real-time transit display screens—along Fifth Street at two locations (one northbound and one southbound), between Broadway and Binney Street, if determined by TP+T and CDD to be needed for future bus service. Bus stops, if found to be needed, to be installed in a location mutually agreed to by the City and MIT.</p>	<p>Prior to completion of Phase 3.</p>

12	<p>Residential Transportation Demand Management Measures (TDM)</p> <ul style="list-style-type: none"> i. Make available up to 2 carsharing spaces for a vehicle-sharing company (such as Zipcar). As demand dictates additional carsharing vehicles may be added over time. ii. Offer each adult member of each household (up to 2) upon move-in a Charlie Card valued at the cost of 100% bus/subway pass (subject to fare increases) for 2 consecutive months. This benefit will end after 2 months for the household and begins anew upon unit turnover. iii. Offer each adult member of each household (up to 2) upon move-in a 1-year Gold-Level Bluebikes membership. This benefit will end after one year for the household and begins anew upon unit turnover. iv. Provide air pumps and other bike tools in the bicycle storage room. v. Join the Charles River TMA vi. Provide free EZRide Shuttle sticker for each adult member of each household each year. vii. Charge parking separately from the residential rent, in order to remind tenants how much they pay for parking. viii. Install a real-time multimodal transportation display screen in the lobby of each building to help people decide which mode to choose for each trip (transit, carsharing, vehicle, Bluebike bikeshare, etc.). ix. Designate a transportation coordinator (TC) for the site to manage the TDM program. The TC will also oversee the marketing and promotion of transportation options to all residents at the site x. The TC will compile and distribute up-to-date information explaining all transportation options to all new residents as part of their New Resident Packet (some items are available for purchase from the Community Development Department). The packets will contain information on both the range of options available to any programs to support the use of these options. xi. The TC will be on-site during a minimum of 2 hours per week and will be available during other times to residents via email and telephone. Email and phone information for the TC will be posted in the transportation information center. 	Ongoing after issuance of the Occupancy Permit for each residential building.
13	<p>Residential Transportation Monitoring</p> <p>MIT will conduct a transportation monitoring program that includes annual monitoring of mode splits, biennial garage driveway counts, biennial counts of parking space utilization (vehicles and bikes) and a detailed survey of the residents with regard to their pattern of trips, auto and bicycle ownership and where the residents customarily store such vehicles overnight. All surveys and counts to be designed and conducted in a manner approved by CDD and TP+T.</p>	Ongoing starting 18 months after issuance of Occupancy Permit of the first residential building.

14	<p>PUD-7 Zoning Transit Improvement Fund - The permittee shall be required to contribute to a Kendall Square Fund established by the City Manager. The contribution shall be calculated by multiplying ten dollars (\$10.00) by the number of square feet of new GFA for all non-residential uses in the subject building not-exempt from GFA. Transit Improvements: Fifty percent (50%) of any Fund Contribution Payments (estimated at \$8.5 million) shall be allocated for transportation improvements and services to benefit the Kendall Square neighborhood and residents in adjacent neighborhoods not already required by the City of Cambridge Parking and Traffic Demand Management (PTDM) Ordinance. The transit improvement funds shall be allocated at the direction of the City Manager.</p>	<p>Payment associated with non-residential space within a building shall be paid prior to issuance of the first Certificate of Occupancy for such space (based on the GFA of such space).</p>
15	<p>PUD-7 Commitment to Grand Junction: Within 30 days of the completion of the design for the Grand Junction Path and the City's receipt of all rights, consents and/or approvals necessary to construction the Grand Junction Path, MIT will, at MIT's option, either (i) deliver to the City \$8,000,000 for the design and construction of the Grand Junction Path or (ii) commence construction of the portion of the Grand Junction Path located on the MIT Property.</p> <p>An additional \$500,000 has already been contributed for the design of the Grand Junction Path (in the Fall of 2017).</p>	<p>Within 30 days of the completion of the design for the Grand Junction Path and the City's receipt of all rights, consents and/or approvals necessary to construction the Grand Junction Path.</p>

***Notwithstanding the Phasing requirements, a Certificate of Occupancy may be issued prior to the completion of the construction, reconstruction or update, as reasonably approved by TP&T, in the event that the work is substantially complete or delayed due to circumstances that are not within the reasonable control of the developer. Substantially complete condition can exclude final paving, signage, striping and landscaping as reasonably approved by TP&T for functional reasons. Note: All work in public ways is subject to the grant of all necessary approvals, licenses or other rights from the City of Cambridge and/or other parties.**