

ORDINANCE NUMBER 1319

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City of Cambridge

In the Year Two Thousand and Nine

AN ORDINANCE

In amendment to the Ordinance entitled “Zoning Ordinances of the City of Cambridge”

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

Amend Section 13.40 and 13.50 of the Zoning Ordinance of the City of Cambridge so that they read as set forth below.

Amend the Zoning Map of the City of Cambridge as follows:

- 2. To add a new PUD-3A District the land on Binney Street, First Street and Linskey Ways, all as shown and cross-hatched “PUD-3A (proposed)” on the attached map entitled “Proposed PUD Overlay Districts.”**
- 3. To add a new PUD-4C District the land on Binney Street, Rogers Street, Bent Street, First Street, Second Street, Third Street, Fifth Street and Sixth Street, all as shown and cross-hatched “PUD-4C (proposed)” on the attached map entitled “Proposed PUD Overlay Districts.”**
- 4. To remove from the PUD-4B District the land which is made a part of the PUD3-A District and the PUD4-C District pursuant to items 1 and 2 above.**

13.40 PUD-3 AND PUD 3A DISTRICTS: DEVELOPMENT CONTROLS

Unless otherwise indicated in this Section 13.40, the following provisions apply equally to all PUD-3 districts.

- 13.41** *Purpose.* The PUD-3 districts are intended to provide for the creation of a high quality general and technical office environment which permits larger scale development and supporting commercial activities and which encourages strong linkages between new development at Kendall Square and along the East Cambridge riverfront. The PUD 3A District specifically is intended to permit larger scale development along the Binney Street corridor, consistent with the scale of development permitted in the abutting PUD-3 District, which also creates large areas of contiguous Public Open Space in the PUD 3A district or in adjacent PUD Districts in order to create a better transition from neighborhoods to commercial areas. As required by Section 13.48 and 13.59, any Final Development Plan for a Development Parcel in a PUD-3A District containing increased density and heights as described in Sections 13.43.1(2) and 13.44.4 shall minimize noise from rooftop mechanical equipment; contain environmentally sustainable buildings; promote pedestrian usage of the sidewalks,

an improved pedestrian environment, pedestrian connections to public transit, and a sense of neighborhood continuity by providing an interesting, lively, and active presence at street level, by requiring a mix of residential, retail, and other uses as part of the Final Development Plan and by providing attractive exterior through-block connector space; provide parking which is primarily located underground and is maintained at lower ratios than customarily required by the Zoning Ordinance, so as to eliminate surface parking lots and promote public transportation and other parking and traffic demand measures which will reduce automobile trips; be consistent with the *Eastern Cambridge Design Guidelines* dated October 15, 2001; and preserve certain existing structures which add to the character of the neighborhood. Any such Final Development Plan encompassing land area in excess of 10 acres is expected to be constructed over a lengthy period of time of up to 20 years. By meeting these requirements and providing large areas of contiguous Public Open Space, a Final Development Plan in the PUD 3A district meeting these requirements will promote the goals of the *Eastern Cambridge Planning Study* dated October 2001 and the public health, safety, and welfare.

13.42 *Uses Allowed in the PUD-3 Districts.* The uses listed in this Section 13.42, alone or in combination with each other, shall be allowed upon permission of the Planning Board. Office and laboratory uses are preferred.

13.42.1 Residential Uses

- (1) Townhouse Development. Any special permits for parking arrangements for townhouse development required by Section 11.10 shall be granted by the Planning Board in a Planned Unit Development in a PUD-3 district.
- (2) Multifamily dwellings.
- (3) Hotels or motels.

13.42.2 Transportation, Communication, Utility Uses and Institutional Uses. All uses listed in sections 4.32 and 4.33 and which are allowed or conditionally allowed in the base zoning district.

13.42.3 Office and Laboratory Uses. All uses listed in Section 4.34.

13.42.4 Retail Business and Consumer Service Establishments.

- (1) Stationery and office supply store.
- (2) Printing and reproduction service establishment, photography studio.
- (3) Other store for retail sale of merchandise located in a structure primarily containing nonretail use, provided that no such establishment shall exceed two thousand, five hundred (2,500) square feet gross floor area (except in a PUD-3A district, where such establishments shall not exceed 12,000

gross square feet), and that no manufacturing, assembly or packaging occur on the premises.

- (4) Barber shop, beauty shop, laundry and dry-cleaning pick-up agency, shoe repair, self-service laundry or other similar establishments.
- (5) Restaurants or other eating and drinking establishments listed in Subsection 4.35 e, f, and g.
- (6) Theater or hall for public gatherings, including Performing Arts Centers as hereinafter defined.
- (7) Bowling alley, skating rink, tennis center or other commercial recreation establishments.

13.42.5 Other Uses. Any use not listed in subsections 13.42.1 - 13.42.5 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-3 district and is necessary to support the predominant uses in the district. Certain additional uses may be permitted in the PUD-3A district as set forth in Section 13.59.

13.42.6 “Performing Arts Center” means one or more buildings on the same or adjacent lots used exclusively for the production, creation, performing, presentment, screening, development or viewing of at least three distinct forms of theatrical, musical, cinematic, dance, oratorical and other performing arts, to be viewed or experienced in at least three distinct venues within such building or buildings, together with such uses customarily accessory thereto, such as, but not limited to, stage, backstage, rehearsal or practice, classroom, storage, mechanical, dressing room, green room, lobby shop and/or store, ticketing, restaurant and/or lounge, and accessory office uses.

13.43 *District Dimensional Regulations.*

13.43.1 (1) PUD-3 District: The maximum ratio of floor area to the total area of the Development Parcel shall be 3.0 for Residential Uses, 4.31 a-h, and Dormitory Uses, Section 4.33 b (7), and 2.0 for all other permitted uses.

A portion or portions of the existing or former Broad Canal without reference to ownership may be counted in calculating the area of the Development Parcel. Each portion so counted shall be included in computing the development parcel area for one planned unit development.

(2) PUD-3A District: The maximum ratio of floor area to total area of the Development Parcel shall be 1.25 except that the Planning Board may approve a Final Development Plan with a maximum FAR exceeding 1.25 but not to exceed a maximum FAR of 3.0 where the Final Development Plan meets the requirements of Section 13.59. Pursuant to Sections 13.59.4 and 13.59.9, certain

building areas may be excluded from Gross Floor Area for purposes of calculating such FAR.

- 13.43.11** Notwithstanding any other provision of the Zoning Ordinance, including the definition of Gross Floor Area in Article 2.000, the Gross Floor Area of a Performing Arts Center in the PUD-3 District shall include only publicly accessible, above grade, circulation, performance, and amenity spaces as measured from the interior face of walls of each space provided that all other dimensional requirements, limitation on the permitted number of seats, or other requirements imposed under a PUD-3 District Special Permit, as amended, have been found by the Planning Board to have been satisfied.
- 13.43.2** The minimum size of the Development Parcel for a PUD shall be two (2) acres. A Development Parcel within the PUD-3 may contain noncontiguous lots elsewhere in this PUD district or within adjacent PUD districts.
- A Development Parcel within the PUD-3A District may contain noncontiguous lots elsewhere in one or more of the PUD-3A District, the PUD-4C District and, solely for the purpose of including lots to be dedicated to Public Open Space, the PUD-2 District subject to the provisions of Section 13.59.
- There shall be no specified minimum lot size for lots located within a Development Parcel. Planning Board approval of all proposed lots located within a Development Parcel shall be required.
- 13.43.3** For the purpose of computing residential density, the minimum lot size for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire Development Parcel.
- 13.43.4** There shall be no minimum width for the Development Parcel and no minimum width for lots located within the Development Parcel. There shall be no other minimum required front, rear and side yard requirements for a Development Parcel or for lots located within a Development Parcel. The Planning Board shall approve all such building setbacks. Any buildings on a parcel abutting the Broad Canal should be set back or so designed as to provide a pedestrian pathway along the canal's edge.
- 13.43.41** In a PUD-3A District, there shall be a setback of ten (10) feet from the streetline of Binney Street at and above a point between 78 and 85 feet above grade (the exact location of such point to be determined by the Planning Board in its review of the Development Proposal and Final Development Plan). Up to one-third of façade length on a cumulative basis may be exempted from this requirement.
- 13.44** *Height.*
- 13.44.1** In the PUD-3 District the maximum height of any building shall be two hundred and thirty (230) feet, except as modified in Section 13.44.2.

13.44.2 In the PUD-3 District the Planning Board shall not approve any Final Development Plan in which twenty-five (25) percent or more of the land area of the Development Parcel is covered with such buildings or parts of buildings not exempted by Section 5.23 in excess of one hundred and twenty (120) feet in height or in which fifteen (15) percent or more of the land areas of the Development Parcel is covered with such buildings or parts thereof in excess of two hundred (200) feet in height. Notwithstanding the foregoing, the Planning Board, in its discretion, may accept for review an application for a Special Permit based on a Development Proposal which deviates from the aforesaid provisions of this Section 13.44.2, provided that the Final Development Plan is in conformity with such provisions. Lower buildings or building elements are encouraged closer to the Charles River while taller buildings or building elements are encouraged closer to Kendall Square.

13.44.3 In the PUD-3 District, in evaluating a Development Proposal providing building height in excess of one hundred and twenty (120) feet, the Planning Board shall give consideration to evidence presented on the following:

- (a) that increased height will not cast shadows or alter air currents in ways that will unreasonably limit the amount of light and air reaching other buildings in the vicinity to a significantly greater extent that if the building height did not exceed one hundred and twenty (120) feet;
- (b) that increased height would mitigate detrimental environmental impacts such as excessive ground coverage, diminution of open space, and monotonous development;
- (c) that increased height would not adversely affect and would result in increased sensitivity to the visual and physical characteristic of the particular location through more harmonious relationships to the terrain and to the proposed and existing buildings in the vicinity that have functional or visual relationships to the proposed building;
- (d) that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and
- (e) that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the development parcel.

13.44.4 In the PUD-3A District, the maximum height of any building shall be one hundred twenty (120) feet, except that the Planning Board may approve a Final Development Plan with a building height within the PUD-3A District of one hundred forty (140) feet subject to the requirements of Section 13.59.

13.45 *Open Space.* The minimum ratio of open space to the total area of the Development Parcel as defined in Article 2.000 and Section 5.22 shall be fifteen (15) percent except as modified below.

- 13.45.1** The Planning Board may reduce the open space requirement if the development is located adjacent to a Public Open Space and if the development is physically and functionally integrated with the Public Open Space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors, or if the development provides for contiguous Public Open Space as described in Section 13.59.
- 13.45.2** Open space shall include parks, plazas, landscaped areas open to the sky, playgrounds, balconies, roofs developed for recreational or leisure usage, and pedestrian ways such as bridges, decks, arcades, loggias, and gallerias as specified by the Planning Board.
- 13.46** *Perimeter and transition.* Any part of the perimeter of a PUD which fronts on an existing street or Public Open Space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Development in the PUD-3 districts should provide integrated pedestrian circulation systems, particularly strong linkages between the riverfront and Kendall Square. Development in the PUD-3A District should enhance the pedestrian experience along Binney Street. See Section 13.59.3
- 13.47** *Parking and Loading Requirements.* Development in the PUD-3 district shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.47. In the PUD-3A district these provisions shall be further modified by Section 13.59 for any development subject to the provisions of Section 13.59.
- 13.47.1** Off street parking facilities shall be provided as follows:
- (1) Residence: Minimum number of spaces per group of dwelling units: 10 per 10.
 - (2) Public Assembly: Number of Seats requiring one space: 15.
- 13.47.2** Institutional, Retail and Office: Number of Square Feet of Gross Area Requiring One Space:
- (1) Institutional: 1,800 square feet
 - (2) Retail and Office:
 - Ground Floor: 900 square feet
 - Other level: 1,800 square feet.
- 13.47.3** The parking requirements of this Section 13.47, and as modified in Section 13.59 for development subject to the provisions of Section 13.59, may be satisfied

anywhere on the Development Parcel, notwithstanding anything to the contrary contained in Article 6.000.

13.48 Where indicated in this Section 13.40, the provisions of Section 13.59 shall apply equally in the PUD-3A District. The Planning Board shall include in any Special Permit conditions that require ongoing compliance with any and all applicable provisions of Section 13.59.

13.50 PUD-4, PUD-4A, PUD-4B and PUD-4C DISTRICTS: DEVELOPMENT CONTROLS

Unless otherwise indicated in this Section 13.50, the following provisions apply equally to all PUD-4 Districts.

13.51.1 *Purpose.* The PUD-4, PUD-4A and PUD-4B districts are intended to provide the opportunity for creation of a highly active, medium density commercial and residential area with a mix of retail, office and residential uses. Development in the PUD-4, PUD-4A and PUD-4B districts shall be generally consistent with the policy objectives set forth in the *Eastern Cambridge Planning Study* dated October 2001 and the guidance provided in the *Eastern Cambridge Design Guidelines* dated October 15, 2001 and with the *East Cambridge Riverfront Plan* dated October 15, 2001. The PUD-4A and 4B districts specifically are intended to encourage a mix of uses with a substantial component of housing, with the housing, where possible, located within the development parcel adjacent to the existing residential neighborhood. In the PUD-4A District reuse of existing historic industrial structures for mixed residential, retail and office uses is encouraged. It is the intent of these Districts to encourage an active urban setting around the Lechmere Canal and along public and private streets both during and after customary business hours. Ground floor building spaces oriented toward the Lechmere Canal and public streets should primarily contain retail or consumer service office uses to the extent possible. Extensive ground level building frontage along the Lechmere Canal developed to institutional or office uses is not encouraged.

13.51.2 *Purpose.* The PUD-4C District is intended to provide for the creation of quality development that enhances the pedestrian experience along Binney Street, creates a transition between commercial development along the Binney Street corridor and residential neighborhoods to the north, and creates large areas of contiguous Public Open Space in the PUD-4C District or in adjacent PUD Districts. As required by Section 13.59, any Final Development Plan in a PUD-4C District containing increased density and heights as described in Sections 13.53.1(4) and 13.54.4 shall minimize noise from rooftop mechanical equipment; contain environmentally sustainable buildings; promote pedestrian usage of the sidewalks and pedestrian connections to public transit, and a sense of neighborhood continuity by providing an interesting, lively and active presence at street level, by requiring a mix of residential, retail and other uses as part of the Final Development Plan and by providing attractive exterior through-block connector

space; provide parking which is primarily located underground and is maintained at lower ratios than customarily required by the Zoning Ordinance, so as to eliminate surface parking lots and promote the use of public transportation and other parking and traffic demand measures which will reduce automobile trips; be consistent with the *Eastern Cambridge Design Guidelines* dated October 15, 2001; and preserve certain existing structures which add to the character of the neighborhood. Any such Final Development Plan encompassing land area in excess of 10 acres is expected to be constructed over a lengthy period of time of up to 20 years. By meeting these requirements and providing large areas of contiguous Public Open Space, an approved Final Development Plan in the PUD 4C district will promote the goals of the *Eastern Cambridge Planning Study* dated October 2001 and the public health, safety and welfare.

- 13.52** *Uses Allowed in PUD-4 Districts.* The uses listed in this Section 13.52, alone or in combination shall be allowed. However, the amount and extent of uses may be further regulated and limited in each PUD district as set forth elsewhere in this Section 13.50.
- 13.52.1** Residential Uses. All uses listed in Section 4.31 a-h, and i2.
- 13.52.2** Transportation, Communications and Utility Uses and Institutional Uses. All uses listed in Sections 4.32 and 4.33, which are allowed or conditionally allowed in the applicable base zoning districts.
- 13.52.3** Office and Laboratory Uses. All uses listed in Section 4.34.
- 13.52.4** Retail Business and Consumer Service Establishments. All uses listed in Section 4.35.
- 13.52.5** Open air or Drive in Retail and Service Uses.
- (1) sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors; commercial greenhouse or warehouse;
 - (2) open air place of entertainment;
 - (3) automobile service station where no major repairs are made provided that all lubrication and repairs are carried out within the building and further provided the service station will be located within or attached to a parking garage or other structure as accessory use.
- 13.52.6** Other Uses. Any use not listed in Subsections 13.52.1 - 13.52.5 shall be allowed only upon written determination by the Planning Board that such use is (1) compatible with the Lechmere Canal and Square district in the *East Cambridge Riverfront Plan* dated May, 1978 and the policy objectives set forth in the *Eastern Cambridge Plan* dated October 2001 and the guidance provided in the *Eastern Cambridge Design Guidelines* dated October 15, 2001 and (2) necessary to support the predominant uses in the PUD-4 districts.

Certain additional uses may be permitted in the PUD-4C as set forth in Section 13.59

13.53 *District Dimensional Regulations.*

13.53.1 Maximum Floor Area Ratio. The maximum ratio of floor area to the total area of the Development Parcel shall be as set forth below. For purposes of this Section 13.53.1, residential use shall mean those uses set forth in Section 4.31 a-h.

- (1) PUD-4 District: 2.0 for all uses, or the Gross Floor Area of the buildings contained within the Development Parcel at the time of application for a PUD special permit, whichever is greater.
- (2) PUD-4A District: 2.5 for all uses, or the Gross Floor Area of the buildings contained within the Development Parcel at the time of application for a PUD special permit, whichever is greater. In no case, however, may non-residential uses, including hotels and motels, exceed fifty (50) percent of the total GFA authorized by a PUD special permit.
- (3) PUD-4B: For all uses an FAR twice that permitted for non-residential uses in the applicable base zoning district (i.e. 2.0 in the Business A District; 2.5 in the Industry A-1 district). In no case, however, may the GFA of the non-residential uses, including hotels and motels, authorized by a PUD special permit exceed that resulting from the application of the non-residential FAR permitted in the applicable base zoning district to the PUD parcel area (i.e. 1.0 in a Business A district and 1.25 in an Industry A-1 district).
- (4) PUD-4C District: 1.25 for all uses, except that the Planning Board may approve a Final Development Plan with a maximum FAR exceeding 1.25 but not to exceed a maximum FAR of 3.0 where the Final Development Plan meets the requirements of Section 13.59. Pursuant to Sections 13.59.4 and 13.59.9, certain building areas may be excluded from Gross Floor Area for purposes of calculating such FAR.

13.53.2 Minimum Development Parcel. The minimum size of the Development Parcel for a PUD shall be twenty-five thousand (25,000) square feet. A Development Parcel within the PUD-4 districts may contain non-contiguous lots elsewhere in any one of the PUD-4 districts or within a contiguous PUD district.

For a Development Parcel within the PUD-4C District that is subject to the provisions of Section 13.59, the minimum size shall be two (2) acres and may contain non-contiguous lots elsewhere in the PUD-4C District, the PUD-3A District, and, solely for the purpose of including lots to be dedicated to Public Open Space, the PUD-2 District.

There shall be no specified minimum lot size for lots located within a Development Parcel. Planning Board approval of all lots located within a Development Parcel shall be required.

13.53.3 Dwelling Unit Density. For the purpose of computing residential dwelling unit density, the minimum land area for each dwelling unit shall be four hundred and fifty (450) square feet. Residential density shall be computed based on the entire Development Parcel. Wherever a residential FAR of 3.0 is permitted, the Planning Board may increase the dwelling unit density to one unit per three-hundred (300) square feet of land area.

13.53.4 Other Dimensions. There shall be no minimum width for the Development Parcel and no minimum width for lots within the Development Parcel. There shall be no minimum required front, rear and side yard requirements for a Development Parcel or for lots located within a Development Parcel. The Planning Board shall approve all such building setbacks.

Any development subject to the provisions of Section 13.59 shall be subject to the following setback requirements:

- (1) Four (4) feet from the Rogers Street streetline for any building facing Rogers Street Park (see Section 13.59).
- (2) Eight (8) feet for the first two stories and four (4) feet above the second story, measured from the northerly street line of Binney Street between Second Street and Third Street.

13.54 *Maximum Height.* The maximum height for any building shall be as set forth below:

- (1) PUD-4 district: Eighty-five (85) feet.
- (2) PUD-4A district: Sixty-five (65) feet except as provided for below:
 - (a) Alterations and additions within the footprint of any building or group of abutting buildings existing on the site at the time of the application for a PUD special permit may exceed sixty-five feet but may be no higher than the highest portion of the existing buildings within the Development Parcel.
 - (b) Building height shall be thirty-five (35) feet in that area bounded by the centerline of Cambridge Street; then by a line easterly of, parallel to and one hundred (100) feet distant from the westerly boundary line of the PUD-4A; then the centerline of O'Brien Highway; then the westerly boundary line of the PUD-4A, to the point of origin.

- (3) PUD-4B district: Sixty-five (65) feet except that between Thorndike Street and Bent Street building height shall be forty-five (45) feet within 200 feet of the easterly sideline of Second Street.
- (4) PUD-4C District: Forty-five (45) feet north of the northerly sideline of Rogers Street (subject to the limitation on buildings set forth in Section 13.59 below, where applicable) and Sixty-five (65) feet south of the northerly sideline of Rogers Street, except the Planning Board may approve a Final Development Plan with the following building heights, subject to the provisions of Section 13.59:
 - (a) In the block bounded by Binney Street, Third Street, Rogers Street and Second Street:
 - (i) A building height of eighty-five (85) feet for a building devoted primarily to residential uses north of the northerly sideline of Binney Street and within seventy-five (75) feet of the easterly sideline of Third Street; and
 - (ii) A building height of seventy-eight (78) feet within one hundred and thirty-eight (138) feet of the northerly sideline of Binney Street, exclusive of the area described in Paragraph (i) above.
 - (b) In the block bounded by Binney Street, Sixth Street, Rogers Street, and Fifth Street: a building height of seventy-five (75) feet.

In approving heights in a PUD development the Planning Board shall be guided by the intent of this Section 13.50 to provide transitions in height between the higher density development along First and Binney Streets and lower density development and lower height along Second Street adjacent to the residential neighborhood.

13.55 *Open Space.* The minimum ratio of open space to the total area of the Development Parcel shall be twenty (20) percent except as modified below. The open space may be any combination of Useable, Permeable, Green Area or Publicly Beneficial Open Space as defined in Article 2.000 and further regulated in Section 5.22 of the Ordinance.

13.55.1 The Planning Board may reduce the open space requirement if the development is located adjacent to a Public Open Space and if the development is physically and functionally integrated with that Public Open Space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors. The open space requirement may also be reduced to the extent that the Planning Board finds that such reduction facilitates preservation and reuse of existing historic structures, facilitates the conversion of such structures to residential use, or otherwise advances the urban design objectives as they apply to a PUD's specific location. The Planning Board also

may reduce the open space requirement if the Final Development Plan conforms to the requirements and limitations of Section 13.59, as applicable.

- 13.55.2** Open space may include parks, plazas, landscaped areas open to the sky, playgrounds, balconies, roofs developed for recreational or leisure usage, and pedestrian ways, such as bridges, decks, arcades, loggias, and gallerias as permitted by the Planning Board.
- 13.55.3** Open space at the ground level held in private ownership to serve the needs of residents and employees of buildings within the PUD should be located and designed to complement and to be connected with existing and planned Public Open Space in the district. In approving a Final Development Plan, the Planning Board may specify certain landscaping and other site design details to assure the PUD will be compatible with public improvement in the districts and with the development policies outlined in the *East Cambridge Riverfront Plan* dated May, 1978 and the *Eastern Cambridge Planning Study* dated October 2001.
- 13.56** *Perimeter and Transition.* Any part of the perimeter of a planned unit development which fronts on an existing street or Public Open Space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping and screening.
- 13.57** *Parking and Loading Requirements.* Development in the PUD-4 districts shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, and in the Schedule of Parking and Loading Requirements applicable to the Residence C-3, Office 3, Business B and Industry B districts, except as modified by Section 13.57.1 - 3 below. In the PUD-4C District these provisions shall be modified by the parking provisions of Section 13.59 for any development subject to the provisions of Section 13.59.
- 13.57.1** Off street parking facilities shall be provided as follows:
- (1) Residence: 1 space per unit minimum, 1.5 spaces per unit maximum.
 - (2) Public Assembly: Number of seats requiring one space: 15.
 - (3) Institutional: 1 space per 1,800 square feet.
 - (4) Retail (except as noted in Section 13.57.2 below) and Office:

Ground floor: 1,125 square feet

Other level: 1,800 square feet
- 13.57.2** Ground Floor Retail and Customer Service Uses. Retail and customer service uses fronting on and having a public entrance onto First Street, located at the first floor level of a multistory building, and not exceeding 10,000 square feet for each

separately leased establishment shall not be required to provide any accessory parking. Where parking is provided it shall be subject to Section 13.57.1 above.

13.57.3 The parking requirements specified in this Section 13.57 may be satisfied in total or in part by a lease agreement between the developer and the City, other public entity, or private consortium for use of parking spaces in the public or pooled private parking facilities located within the Districts. The total number of parking spaces leased and constructed for the planned unit development shall be at least equivalent to the requirements specified in Article 6.000. The parking requirements specified in this Section 13.57, as may be modified in Section 13.59 below for applicable development also may be satisfied anywhere on the Development Parcel, notwithstanding anything to the contrary contained in Article 6.000.

13.58 *Relationship to MBTA Urban Ring Transportation Planning Project.* In all PUD application documents, the applicant shall indicate how the proposed PUD development relates physically to the most current plans developed by the MBTA for implementation of the Urban Ring transportation project.

13.59 *Special Requirements, Conditions and Standards Applicable to Certain Development Authorized by the Planning Board in the PUD-3A and PUD-4C Districts.*

Where compliance with the provisions of this Section 13.59 is required by certain provisions of Sections 13.40 and 13.50, the Planning Board shall approve a Final Development Plan only after finding that in addition to all other applicable requirements the following requirements have been met. The Planning Board shall, in addition, include conditions in the approval of the Final Development Plan that will ensure ongoing compliance with these requirements

13.59.1 *Rooftop Mechanical Equipment Noise Mitigation.* Sound emanating from rooftop mechanical equipment on all new structures in the approved Final Development Plan shall be minimized by the adoption of best available and feasible practices regarding the location and sizing of equipment, the selection of equipment and sound attenuation measures.

At a minimum, any noise or vibration shall not be normally perceptible at ground level without instruments at a distance of one hundred (100) feet from the source lot line and buildings shall comply with the City of Cambridge Noise Ordinance.

In order to enforce these requirements, the applicant shall provide, in addition to the Noise Mitigation narrative required as part of Article 19.000 review, acoustical reports prepared by a professional acoustical engineer as described below:

- (1) Prior to and as a condition of the issuance of the first certificate of occupancy for a new building, an acoustical report, including field

measurements, demonstrating compliance of such building with all applicable noise requirements; and

- (2) Prior to obtaining any building permit to add any equipment having a capacity greater than 5 horsepower to the rooftop, 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.

13.59.2 *Sustainability.*

All new structures within a Final Development Plan shall be planned, designed and constructed to be eligible to achieve at least the level “Silver” using the applicable LEED Rating System of the United States Green Building Council in effect on January 1, 2009 (or any higher standard to which new buildings in the City of 50,000 square feet or more are made subject by City Ordinance). An applicant subject to this requirement shall provide to the Planning Board as part of its application for final approval under Article 19.000 for any new building in an approved Final Development Plan a completed LEED scorecard, with supporting documentation, demonstrating that the new building will meet the requirements of this section.

13.59.3 *Active Uses and Pedestrian Activity.*

The Final Development Plan shall enhance the public pedestrian usage of the sidewalks and create a sense of neighborhood continuity by providing an interesting, lively and active presence at street level. Accordingly, portions of the ground floors of buildings in locations such as the ones enumerated below, or comparable locations, shall generally be planned, designed, constructed and used for Active Uses (defined below). At a minimum, at least 20,000 square feet shall be developed Active Uses.

13.59.31 *Definition of Active Uses.* For purposes of this Section 13.59, “Active Uses” means:

- (1) Retail sales and services listed in Sections 4.35 and 4.36;
- (2) Restaurants, and establishments where alcoholic beverages are sold and consumed, listed in Section 4.35;
- (3) Mixed-Mode Transportation Hub, which shall mean a facility which shall include a bicycle storage and bicycle service facility, convenient access to a “car-sharing” program, and a shuttle bus stop and a protected waiting area for shuttle buses to public transit facilities; and

- (4) Other uses which the Planning Board determines meet the goals of this Section 13.59.3.

13.59.32 *Location of Active Uses.*

While Active Uses are desirable and encouraged at many locations throughout a Development Parcel located in a PUD-3A or PUD-4C district, potential locations of Active Uses of particular merit include the following locations for the portion of the Development Parcel within the PUD-3A District:

- (1) Portions of buildings and sites adjacent to the intersection of Binney Street and Second Street (including a “Mixed-Mode Transportation Hub,” as defined above); and
- (2) Portions of buildings and sites facing First Street across from the Triangle Park (as defined below).

Potential locations of Active Uses of particular merit include the following location for the portion of the Development Parcel within the PUD-4C District:

- (3) Portions of buildings and sites adjacent to the intersection of Binney Street and Third Street.

The Planning Board shall have flexibility in approving the actual location of Active Uses in the Final Development Plan. In order to preserve such flexibility, all ground floor space in an approved Final Development Plan, whether or not in one of the potential locations for Active Uses described above, shall contain design features which could accommodate future Active Uses.

13.59.33 *Building and Site Design Requirements for Active Uses and Open Spaces.*

- (1) Each Active Use shall have at least one entrance from the sidewalk separate from the principal entrance of the building.
- (2) Where the length of a commercial building’s primary façade exceeds 135 feet, loading, service, and garage ramp areas shall occur behind no more than one third (1/3) of ground level façade length facing a park. Along the remaining two-thirds (2/3) of ground level façade length, transparent glazing shall make up at least 40% of ground-level façade area, and areas of opaque wall may extend no more than 25 feet horizontally. Notwithstanding these design requirements, it is preferred that parking entries and service facilities not be located within that portion of a building facing Rogers Street Park.
- (3) In order to provide open and inviting public access between buildings and sidewalks, a Final Development Plan shall contain attractive exterior through-block connector space in the block bounded by Binney Street, Second Street, Rogers Street and Third Street (where that area is

encompassed by the Development Parcel) and shall provide for the expansion and enhancement of the existing through-block connector in the block bounded by Binney Street, Second Street, Linskey Way and Third Street (where that area is encompassed by the Development Parcel). Exterior connector space shall be open to the public at all times.

- (4) Outdoor courtyards, delineated gathering space, or sitting areas are encouraged throughout the Development Parcel in any approved Final Development Plan.
- (5) In order to promote pedestrian activity on adjacent public streets from tenants and employees within commercial buildings, any cafeteria serving such commercial space may be located only on the ground floor level of a building, and must be open to the public at least 20 hours per week.

13.59.34 *Required Marketing Plan.*

An approved Final Development Plan shall include a marketing and merchandising plan to be implemented over the life of the permit in order to recruit users and otherwise use diligent efforts to cause ground floor areas of buildings and adjacent sites as approved in the Final Development Plan to be occupied by Active Uses. Among other things, the marketing plan shall (1) set forth target uses and users (and shall particularly target local and/or independent retailers), (2) designate an individual responsible for implementing the plan who shall serve as a point of contact with the Community Development Department (through its Economic Development Division), (3) describe the types of economic incentives which may be offered to tenants such as rental and fit-up allowances, and (4) include a street activation plan.

The Planning Board shall require in its conditions of approval an annual reporting to the Community Development Department, until the later of three years after full occupancy of all required Active Use space and ten years after the issuance of the first building permit for a building in the Final Development Plan, regarding the ongoing efforts on the part of the Permittee to comply with such plans. The Permittee shall revise the marketing and management plan as necessary to achieve full occupancy of all required Active Use space within a reasonable period of time.

13.59.4 *Required Housing.*

The Final Development Plan shall provide for at least 220,000 square feet of gross floor area to be devoted to residential uses. The residential units shall contain at least 47,000 square feet of Gross Floor Area of housing affordable to middle income households whose total income does not exceed one hundred twenty (120%) percent of the median income for the Boston Standard Metropolitan Statistical Area and at least 33,000 square feet of Gross Floor Area of housing affordable to low and moderate income households whose total income does not

exceed eighty (80%) percent of the median income for the Boston Standard Metropolitan Statistical Area.

The residential uses shall be constructed in accordance with the following schedule:

- (1) Construction of the first 70,000 square feet of Gross Floor Area of required residential uses must commence prior to the issuance of a building permit allowing non-residential Gross Floor Area in excess of 767,000 square feet of non-residential Gross Floor Area in the aggregate.
- (2) Construction of the remaining 150,000 square feet of Gross Floor Area of required residential uses shall commence no later than the later of (a) issuance of a building permit allowing non-residential Gross Floor Area in excess of 1,000,000 square feet of non-residential Gross Floor Area in the aggregate or (b) eight years after the grant of a Special Permit approving a Final Development Plan.

The required 220,000 square feet of Gross Floor Area devoted to residential uses shall be excluded from Gross Floor Area for the purposes of calculating Floor Area Ratio (FAR). The required residential Gross Floor Area shall not be subject to the provisions of Section 11.200 of the Zoning Ordinance. The required residential Gross floor Area shall specifically not be eligible for the FAR and dwelling unit bonuses set forth in Section 11.203.2.

Notwithstanding the exclusion of the 220,000 square feet of Gross Floor Area to be devoted to residential uses from the provisions of Section 11.200, the required low and moderate income units shall be constructed, marketed and administered in conformance with the requirements, policies and procedures established by the City for units otherwise subject to Section 11.200.

Residential Gross Floor Area approved in the Final Development Plan exceeding 220,000 square feet of Gross Floor Area shall be subject to the FAR limitations of the PUD Districts and shall be subject to the provisions of Section 11.200.

13.59.41 *Incentive Zoning Provisions.*

A PUD Final Development Plan subject to the provisions of this Section 13.59 shall provide to the Cambridge community significant material benefits in the form of, among other things, a significant component of housing serving households with a wide range of incomes at least equivalent to the housing which would have been provided pursuant to Sections 11.203.1 and 11.203.2, as well as providing the land for two large public parks and the funds to design and construct improvements thereon, an active program to establish and support retail activities within the development, donation of an existing building to the City of Cambridge with a preference for its use for municipal or community use, and measures to monitor and manage noise generation within the development;

therefore, any such Final Development Plan shall not be subject to the requirements of Section 11.203.1 and 11.203.2 of the Zoning Ordinance.

13.59.5 *Parking.*

The approved Final Development Plan shall provide for parking for non-residential uses in new buildings at a ratio no greater than .9 spaces per 1,000 feet of Gross Floor Area for retail and office uses (including technical office and laboratory uses). The Planning Board may allow, consistent with the provisions of Section 6.35, parking at a ratio which is less than 1 space per dwelling unit for any residential use. All parking for nonresidential uses shall be underground structured parking, provided that a Development Parcel may contain on grade parking equal in number to 5% of the parking otherwise required for the uses in the Final Development Plan (but in no event more than 60 spaces). In its approval of a Final Development Plan, the Planning Board may approve the location, layout and design of parking spaces which deviate from the requirements of Article 6.000 of this Ordinance.

13.59.51 *Interim Use of Surface Parking*

On an interim basis in anticipation of later construction of underground structured parking sufficient to meet all parking requirements, on grade open parking shall be allowed in a Development Parcel subject to the following conditions:

- (1) The future underground parking structure will be constructed within the Development Parcel but it may be located either on or off of the lot which it will serve;
- (2) Construction of the replacement subsurface parking structure will commence within four years of the date of certificate of occupancy for the building initially served by on grade parking;
- (3) The future subsurface parking structure will contain sufficient spaces for users of the building initially served by on grade open parking so as to meet the parking requirements for such building; and
- (4) Binding commitments shall exist to establish, to the reasonable satisfaction of the Planning Board, that requirements (1) through (3) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, or comparable legal instrument.

13.59.52 *Accessory Parking for Uses Outside the Development Parcel*

The Planning Board may approve in the Final Development Plan underground structured parking spaces as replacements for pre-existing spaces that will be displaced by improvements contemplated by such Final Development Plan.

In addition, notwithstanding any provisions of the Zoning Ordinance to the contrary, in the event that any pre-existing accessory off-street parking facilities located in a Development Parcel, that are serving a pre-existing use located outside the Development Parcel (whether within or outside the applicable PUD district), are proposed to be eliminated or displaced in accordance with the Final Development Plan, such pre-existing off-street parking may be relocated by Special Permit granted by the Planning Board to the owner of the off-site use. In granting such Special Permit, the Planning Board may grant deviations from the requirements of Article 6.000 of this Ordinance for the number, location, layout and design of the relocated parking spaces

13.59.6 *Consistency with Design Guidelines.*

The Final Development Plan shall be generally consistent with the guidance provided in the *Eastern Cambridge Design Guidelines* dated October 15, 2001, provided that in the event of any conflict between such *Design Guidelines* and this Ordinance, the provisions of this Ordinance shall govern. Application of such *Design Guidelines* may vary within the context of specific building proposals in a way that, nevertheless, respects the intent of such *Design Guidelines* and this Ordinance. Accordingly, variations from the *Design Guidelines* may be approved so long as it is demonstrated that the alternate approach serves as well or better the objectives of the PUD-3A and PUD-4C Districts or creates positive design opportunities not envisioned in the *Design Guidelines*. In granting approval under Article 19.000 for all buildings in a Final Development Plan subject to this Section 13.59, the Planning Board may approve buildings for which physical design information is presented in conceptual form, subject to later design review and approval by the Planning Board and a finding that final design of such buildings is consistent with such *Design Guidelines* as aforesaid, and such other design goals as are set forth in this Ordinance and the Special Permit approving such Final Development Plan.

13.59.7 *Preservation.*

In the event that all or any portion of a lot listed below is included in a Final Development Plan, the exterior of the currently existing structure thereon shall not be demolished but shall be preserved in place for adaptive re-use during its useful life (or relocated, as noted):

- (1) 140-146 Sixth Street (The building at the corner of Sixth Street and Rogers Street on Tax Parcel 28-23)
- (2) 213 Binney Street (The building on the corner of Binney Street and Fifth Street on Tax Parcel 28-23 but not including the building on such Tax Parcel known as 126 Rogers Street)
- (3) 161 First Street (excluding three story rear addition) (Tax Parcel 16-20)

- (4) 41 Linskey Way (Also known as 219 Second Street) (Building may be moved to another location, in compliance with all applicable laws) (Tax Parcel 15-11)

13.59.8 *Letter of Commitment.*

Issuance of any base building permit or certificate of occupancy for any building in the Final Development Plan shall be conditioned upon certification by all relevant departments of the City to the Superintendent of Buildings that the Project is proceeding in accordance with all provisions of that certain “Letter of Commitment” dated February 9, 2009.

13.59.9 *Required Public Open Space Features.*

Where compliance with this Section 13.59 is required by any provision of Sections 13.40 and 13.50 of the Zoning Ordinance, the following Public Open Space to be dedicated to the City of Cambridge shall be required in the approved Final Development Plan:

- (1) In the block bounded by Rogers Street, Third Street, and Second Street (Tax Parcels 16-25, 16-27 and 16-1), a Public Open Space no less than two (2) acres in size in the aggregate (*Rogers Street Park*).
- (2) In the block bounded by Land boulevard, First Street, Binney Street and Monroe Street Extension (Tax Parcel 11-32) and the block bounded by Land Boulevard, First Street and Munroe Street Extension (Tax Parcel 11-46), a Public Open Space no less than 0.30 acres in size in the aggregate (*Triangle Park*).

13.59.91 *Timing of the Permanent Dedication of Required Public Open Space.*

The required Public Open Space shall be permanently dedicated to the City of Cambridge by a legal device or instrument acceptable to the City, with all buildings and foundations removed, and in an environmental condition consistent with all federal, state and local laws, rules, and regulations for all uses to which Public Open Space is intended to be put, including, but not limited to (in the case of the Rogers Street Park), unrestricted excavation for purposes of construction of recreational buildings and facilities and landscaping, and (in the case of the Triangle Park), unrestricted excavation for purposes of construction and installation of sidewalks, poles, walls, fences, landscaping and similar site improvements. The open space shall be dedicated to the City on the following schedule:

- (1) In the case of the Rogers Street Park, no later than the issuance of the first certificate of occupancy for the first non-residential building constructed in the approved Final Development Plan.

- (2) In the case of the Triangle Park, no later than the issuance of certificates of occupancy for non-residential buildings in the Final Development Plan that in the aggregate of such building construction contain at least 700,000 square feet of Gross Floor Area.

The dedication of the required Public Open Space shall be accomplished by transfer of ownership of the required lots to the City in fee simple absolute, subject to encumbrances acceptable to the City which do not interfere with the use of the land for its intended purposes such as subsurface utility easements. If the City does not accept such transfer of ownership, then the Permittee, or its successors and assigns, shall hold the land as Public Open Space available to the public in perpetuity for all uses and activities identified in the definition of Public Open Space in this Zoning Ordinance. The development of the Public Open Space, whether or not ownership is transferred to the City, shall be designed and its use shall be programmed and controlled by the City of Cambridge. No building other than any building constructed by the City ancillary to the use of the site shall be constructed on the lots so dedicated as Public Open Space. The Gross Floor Area of any such buildings shall be excluded from Gross Floor Area for purposes of calculating Floor Area Ratio.

13.59.10 *Donation of an Existing Building with a preference for its use for Municipal or Community Uses.*

Any Final Development Plan shall provide for the transfer of ownership to the City of Cambridge of the existing building and lot identified as 101 Rogers Street (also known as 117 Rogers Street and as the Foundry Building) (Tax Parcel 27-82), with a preference for its use for municipal or community uses as generally set forth in Section 4.33 of the Table of Use Regulations, at least 10,000 square feet of which shall be devoted to educational, cultural or institutional uses listed in Section 4.33 of the Table of Use Regulations, at a time and in a form acceptable to the City. Such transfer shall include the full development rights attendant to such lot at an FAR of 3.0 as generally permitted within the applicable PUD. Upon the execution of such transfer of ownership, the PUD Permittee shall be entitled to 43,684 square feet of additional Gross Floor Area for non-residential or residential development within the approved Final Development Plan above that otherwise permitted through application of the FAR limitations set forth in the PUD-3A and 4C Districts, and if ownership of a portion of up to 5,254 square feet of the lot identified as 249 Third Street (Tax Parcel 27-76) is transferred to the City of Cambridge, upon the execution of such transfer of ownership, the PUD Permittee shall be entitled to additional Gross Floor Area, as well, equal to the product of 3 times the number of square feet of such portion of such lot. Such Gross Floor Area may be included in the approved Final Development Plan, notwithstanding that such approval may precede the actual transfer of the property to the City.

In City Council February 9, 2009.

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

Yeas 8; Nays 1; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury, City Clerk