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ARTICLE 13.000 PLANNED UNIT DEVELOPMENT DISTRICTS

Text current through Ordinance #1357 of June 3, 2013.

13.10 PUD AT KENDALL SQUARE: DEVELOPMENT CONTROLS
13.20 PUD-1 DISTRICT: DEVELOPMENT CONTROLS
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13.10 PUD AT KENDALL SQUARE: DEVELOPMENT CONTROLS

13.11 *Purpose*. The PUD-KS district is intended to provide for the creation of a mixed-use district of high quality general and technical office and retail activity, with a significant component of residential use. The creation of a large public park is desired. The PUD-KS district permits larger scale development and supporting commercial activities close to Kendall Square and the major public transit services located there. It encourages strong linkages between new development at Kendall Square, the East Cambridge riverfront, and the PUD-KS area and the neighborhoods of eastern Cambridge, facilitated in part by a strong retail presence along Third Street. Development in the PUD-KS district should be generally consistent with the policy objectives set forth in the Eastern Cambridge Plan and the guidance provided in the Eastern Cambridge Design Guidelines.

13.12 *Uses Allowed in a PUD-KS District*. The uses listed in this Section 13.12, alone or in combination with each other, shall be allowed upon permission of the Planning Board. The amount and extent of uses may be further regulated and limited as set forth elsewhere in this Section 13.10.

13.12.1 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-KS district.

(2) Multifamily dwellings.

13.12.11 Transient Residential Uses

For the purposes of this Section 13.10, the following Transient Residential Uses shall be considered non-residential uses

(1) Hotels or motels

13.12.2 Transportation, Communication, Utility 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. Telephone exchange use set forth in 4.32 g (1) shall be permitted provided that any facility having a floor area greater than four hundred (400) square feet shall only be permitted in a building in existence as of June 1, 2001 that, if vacant, has not been occupied by a residential use in the five years immediately preceding the time of application for a Certificate Of Occupancy for the proposed use, or if occupied, the current use is any office and laboratory use, Section 4.34; any retail business and consumer service establishment, Section 4.35; any light industry, wholesale business or storage use, Section 4.37; or any heavy industry use, Section 4.38.

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

13.12.4 Retail Business and Consumer Service Establishments. The following retail uses shall be permitted, provided that the total amount of retail GFA in the District does not exceed 70,000 square feet and no individual establishment exceeds ten thousand (10,000) square feet of Gross Floor Area unless the Planning Board determines in writing that more retail GFA and establishments of a greater size better serve the residents within the PUD district and in adjacent districts and better advance the policies set forth in the Eastern Cambridge Plan and the Eastern Cambridge Design Guidelines.

(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 non-retail use provided 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.

13.12.5 Institutional Uses. All uses listed in Section 4.33 f and g.

13.12.6 Other Uses. Any use not listed in subsections 13.12.1 through 13.12.4, otherwise allowed in a Business B District may be allowed by the Planning Board only upon written determination by the Board that such use is consistent with the objectives of the PUD-KS district and the policies and guidelines set forth in the ECaPS Plan.

13.13 *District Dimensional Regulations*.

13.13.1 Permitted FAR. In the PUD-KS District the maximum ratio of floor area to Development Parcel shall be 3.0, subject to the further use limitations set forth below in Section 13.13.11.

13.13.11 Limitations on Non-Residential Development. In the PUD-KS District all non-residential uses shall be further limited as set forth below. Where the amount of non-residential Gross Floor Area (GFA) is limited to a percentage of the total GFA

authorized, the calculation shall be based on GFA authorized exclusive of any GFA that may be constructed as a result of the application of the FAR bonuses permitted in Section 11.200 or any GFA devoted exclusively to structured parking.

(1) For any lot or combination of lots held in common ownership as of June 1, 2001 having in total an area of less than five acres, the total GFA devoted to non-residential uses shall not exceed ten (10) percent of the total GFA authorized in a PUD for that portion of a PUD Development Parcel containing such lot or lots, or any portion thereof. This limitation shall apply to each Development Parcel individually. This limitation shall not apply to any individual lot created subsequent to the Planning Board approval of the PUD Final Development Plan.

Notwithstanding the above limitations, additional non-residential GFA shall be permitted as set forth in Paragraph (3) below.

(2) For any lot or combination of lots held in common ownership as of June 1, 2001 having in total an area of more than five (5) acres, the total GFA devoted to non-residential uses shall not exceed sixty (60) percent of total GFA authorized, inclusive of any GFA otherwise exempt from the provisions of the Cambridge Zoning Ordinance in a PUD for that portion of a PUD Development Parcel containing such lot or lots, or any portion thereof. This limitation shall not apply to any individual lot created subsequent to the Planning Board approval of the PUD Final Development Plan.

Notwithstanding the above limitations, additional non-residential GFA shall be permitted as set forth in Paragraph (3) below.

At least ninety-five (95) percent of the authorized non-residential GFA must be located on the portion of said lot or lots having an Office 2 base district designation.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) the Planning Board may in its discretion approve a Final Development Plan providing GFA in excess of sixty (60) percent of the authorized GFA in the PUD provided it is conclusively demonstrated to the Planning Board that all residential GFA required to be developed on such lot or lots in their entirety, by this Paragraph, has already been constructed.

(3) For the entire PUD-KS district, the first 50,000 square feet of retail and customer service uses authorized in total in all approved PUDs shall not be counted toward the non-residential GFA limitations of Paragraphs (1) and (2) above provided the GFA is located on the ground floor of a multistory building, fronts on and has a public entrance onto Third Street, Broadway, or a public park, and for each individual establishment the GFA does not exceed 10,000 square feet.

13.13.2 Minimum Development Parcel Size. The minimum size of a Development Parcel within the PUD-KS shall be the greater of (1) 40,000 square feet or (2) seventy-five percent of the area of a lot or combination of lots (a) in existence as of June 1, 2001 and (b) held in common ownership where it is proposed to incorporate any portion of such lot or lots within the Development Parcel. A Development Parcel within the PUD-KS may contain noncontiguous lots elsewhere in the PUD-KS district or within a contiguous PUD district. There shall be no specified minimum lot size for lots located within a Development Parcel.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) limit the feasibility of creating a Development Parcel meeting the size requirements of

this Section 13.13.2, the Planning Board may in its discretion approve a PUD application having a smaller Development Parcel size.

13.13.3 Residential Density. 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.

13.13.4 Maximum Building Height.

13.13.41 The maximum height permitted in the district shall be sixty-five (65) feet except as it may be further limited or permitted below. The permitted heights are further illustrated on the Building Height Regulation Map for the PUD-KS, Map 13.11.

(1) Additional Building Height to Eighty-Five Feet. The maximum height shall be eighty-five (85) feet in the areas described below:

(a) An area bounded by the centerlines of Fifth Street, Monroe Street, Third Street and Potter Street.

(b) An area bounded by the centerline of Potter Street and its northwesterly extension; then the centerline of the former Sixth Street (the MXD district boundary line); then a line northeasterly of, parallel to and two hundred (200) feet distant from the northeasterly sideline of Broadway; then a line northwesterly of, parallel to, and three hundred (300) feet distant from the northwesterly sideline of Third Street, to the point of beginning.

(2) Additional Building Height to One Hundred and Twenty Feet. The maximum height shall be one hundred and twenty (120) feet in that area bounded by areas described in Paragraph (1) above; then the centerline of Third Street; then a line northeasterly of, parallel to, and one hundred (100) distant from the northeasterly sideline of Broadway; then the centerline of the former Sixth Street (the MXD district boundary line) to the point of beginning.

(3) Additional Building Height to One Hundred and Eighty Feet with Portions to Two Hundred and Fifty Feet. The maximum height shall be one hundred and eighty (180) feet in that area bounded by the area described in Paragraph (2) above; then the centerline of Third Street; then the centerline of Broadway; and then the centerline of the former Sixth Street (the MXD district boundary line) to the point of beginning. However, portions of buildings may rise above one hundred and eighty (180) feet to no more than two hundred and fifty (250) feet provided the area of all floorplates of portions of buildings above 180 feet do not exceed ten percent of the total area of the Development Parcel.

(4) Portions of Buildings limited to Forty-five Feet. Notwithstanding the provisions of Paragraphs (1) – (3) above, any portion of a building that is within fifty (50) feet of an existing or proposed Public Open Space or single intervening street abutting that open space may exceed 45 feet only if for each floor above 45 feet, that floor is set back an additional 10 feet from the façade of the floor below, until the maximum height is attained, or until a 20 foot setback from the façade at 45 feet is attained. Alternately, a set back of 20 feet from the façade of the building at a height of 45 feet shall be permitted, and the remaining portions of the building allowed to achieve the maximum height permitted in Paragraphs (1) – (3) above or any variation between the two provisions.

13.13.42 The Planning Board shall not approve any Final Development Plan in the PUD-KS District not in conformance with the regulations of Section 13.13.4 above. In the portion

of the PUD-KS that allows buildings to 200 feet or more, the Planning Board may approve a building up to 250 feet if other buildings or portions of buildings in that portion of the Development Parcel are no higher than one hundred and fifty (150) feet.

13.13.43 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 than 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 characteristics 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;

(a) that increased height would result from actions taken to lessen the impact of traffic and parking on the surrounding area; and

(b) that the orientation and location of the proposed structure would not otherwise diminish the health and safety of the area around the development parcel.

(c) The additional height permits accommodation of GFA transferred from the Eastern Cambridge Development Rights Transfer Donating District.

13.13.5 Other Dimensional Requirements. 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 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 lot sizes and building setbacks.

13.14 *Open Space*. The following Open Space requirements shall be met on each Development Parcel.

(1) For that portion of a Development Parcel consisting of lots described in Section 13.13.11, Paragraph (1) above, any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on the Development Parcel and shall in the aggregate equal at least twenty (20) percent of the area of that portion of the Development Parcel.

(2) For that portion of a Development Parcel consisting of lots described in Section 13.13.11, Paragraph (2) above, any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on the Development Parcel and shall in the aggregate equal at least Forty-two (42) percent of the area of that portion of the Development Parcel, subject to the further limitations set forth in Section 13.14.1 below.

Owners of adjacent Development Parcels may collectively provide the required open space by easement, deed restriction, covenant, or comparable legal instrument enforceable by the City of Cambridge or other public entity. In that event each

Development Parcel shall, for purposes of this Section 13.10 be deemed to include that portion of such open space as the owners shall allocate to it in chosen legal instrument.

All required open space shall be generally accessible to the public for reasonable periods throughout the day for the purposes for which the open space is designed and approved by the Planning Board, which may include but not be limited to walking, bicycling, active and passive recreation. The Planning Board must approve any proposal to significantly limit public access to the required open space.

13.14.1 Required Public Open Space. For that open space required in Section 13.14, Paragraph (2) above, the required open space shall consist in part of a contiguous 7.5 acre Public Open Space to be located in the northwest quadrant of the PUD-KS district as further described and located in the Eastern Cambridge Plan. The Public Open Space shall be under the control of the City of Cambridge through fee simple conveyance, easement, or other legal mechanism acceptable to the City. In the event that the City of Cambridge does not accept the facility, the PUD permittee shall maintain the park for the use of the general public as originally designed and approved by the Planning Board in the Special Permit. The Public Open Space shall be designed and constructed by the permittee according to the conditions of the PUD special Permit and when conveyed to the City shall be environmentally and otherwise suitable for the recreational uses for which it is designed.

However, where circumstances related to the transfer of property from the federal government to other governmental or private entities (for the purpose of private development on a portion or all of the land in the control of the federal government) limit the feasibility of creation of a 7.5 acre park, the Planning Board may at its discretion approve a Final Development Plan providing a contiguous Public Open Space of less than 7.5 acres. In approving such a Final Development Plan the Planning Board shall find that a smaller facility continues to meet the objectives of the Eastern Cambridge Plan and the Eastern Cambridge Design Guidelines,

13.14.2 The Planning Board shall encourage development that is located adjacent to a Public Open Space to be physically and functionally integrated with the open space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, and similar techniques.

13.15 *Perimeter and transition*. Any part of the perimeter of a PUD-KS 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. Developments in the PUD-KS district should provide integrated pedestrian circulation systems, with particularly strong linkages among the riverfront, Kendall Square, and the Eastern Cambridge neighborhoods.

13.17 *Parking and Loading Requirements*. Development the PUD-KS District 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 this Section 13.17.

13.17.1 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 13.17.2 below) and Office:

Ground floor: 1,125 square feet

Other level: 1,800 square feet

13.17.2 Ground Floor Retail and Customer Service Uses. Retail and customer service uses fronting on and having a public entrance onto a public street or a public open space, 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 13.17.1 above.

13.18 Traffic Mitigation Measures. In reviewing a development proposal under the provisions of this Section 13.70 and Section 19.20, the Planning Board shall determine that the proponent has demonstrated, at the time of Final Development Plan approval, a commitment to a Transportation Demand Management Program consistent with the reduce parking mandated in this PUD. The measures to be taken in this program must address:

(1) The amount of parking provided,

(2) The scale of development and the mix of uses proposed, and

(3) The assumptions employed with regard to the proportion of automobile use for those traveling to the site.

For examples of such Measures, the Planning Board shall refer to the Eastern Cambridge Plan, Article 18.000, and the requirements of Section 19.20 in establishing Transportation Demand Management measures applicable to any approved PUD.

13.19 *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.

13.110 Residential Uses Abutting Binney Street. Where any Development Proposal locates residential dwellings along Binney Street, the Planning Board shall, in approving a Final Development Plan containing such residential units, be satisfied that the negative impacts of truck and other heavy vehicular traffic on Binney Street will be adequately mitigated for the residents of the proposed dwelling units. Such mitigation shall be achieved through the location of the buildings within the Development Parcel and the distribution of activities within those buildings; the provision of setbacks, landscaping and similar kinds of buffers; the inclusion of non-residential uses at the ground floor; the employment of construction techniques to minimize the transmission of sound and vibrations; and/or through the employment of any other appropriate measures.

13.20 PUD-1 DISTRICT: DEVELOPMENT CONTROLS

13.21 *Purpose.* The PUD-1 district is intended to provide the opportunity for a medium density mixed use development with commercial, office, and a variety of residential uses.

13.22 *Uses Allowed in a PUD-1 District.*

13.22.1 The following uses alone or in combination with other uses shall be allowed upon permission of the Planning Board:

(1) All Residence Uses specified in Section 4.31

(2) All Institutional, Transportation, Communication, and Utility Uses specified in Sections 4.32 and 4.33

(3) All Office and Laboratory Uses specified in Section 4.34

(4) All Retail Business and Consumer Service Establishment uses specified in Section 4.35

13.22.2 Any other use, alone or in combination with other uses, contained in Article 4.000 may be allowed by permission of the Planning Board only if a substantial public benefit can be demonstrated by the applicant.

13.23 *District Dimensional Regulations.*

13.23.1 The maximum ratio of floor area to total area of the development parcel shall be 3.0.

13.23.2 The minimum size of the development parcel for PUD shall two and one half (2 1/2) acres. There shall be no specified minimum lot size for lots located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.23.3 For the purpose of computing residential density, the minimum land area for each dwelling unit shall be six hundred (600) square feet. Residential density shall be computed based on the entire development parcel.

13.23.4 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 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.

13.24 *Height.*

13.24.1 The maximum height of any building shall be sixty (60) feet, except as modified by sections 13.24.2 and 13.24.3, below.

13.24.2 The maximum allowable height may be increased to one hundred and ten (110) feet upon permission of the Planning Board, if the Planning Board finds that provision of any of the following amenities provides substantial public benefits:

(1) open space or recreational facilities dedicated to public use;

(2) walkways or similar facilities which enable the public to have access through the PUD to existing areas of unique natural or man-made value;

(3) development design, which enhances any unique natural or man-made features of the site or abutting areas;

(4) pedestrian malls, arcades, decks, bridges, or similar facilities within the interior of the PUD which are designed to appeal to the general public;

(5) designs for residential development which are intended to appeal to a family population;

(6) provision of residential development for a mixture of economic groups utilizing federal, state, or private programs conditional upon the provision of appropriate legal assurance, that a mixed income development will be implemented;

(7) other amenities that the developer may propose which the Planning Board feels provide unique advantages to the general public or which contribute to achieving city development goals;

provided, however, that the Planning Board shall not approve any Final Development Plan in which 20 (twenty) percent or more of the land area of the development parcel is covered with buildings or parts of building not exempted by Section 5.23 in excess of eighty (80) feet in height or in which five (5) percent or more of the land area of the development parcel is covered with such buildings or parts thereof in excess of 100 (one hundred) 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 13.24.2, provided that the Final Development Plan is in conformity with such provisions.

13.24.3 In evaluating a Development Proposal providing height in excess of sixty (60) 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 than it the building height did not exceed sixty (60) 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 characteristics of the particular location through more harmonious relationships to the terrain and to 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 shall not otherwise diminish the health and safety of the Harvard Square area.

13.25 *Private open space.* The minimum ratio of private 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.

13.25.1 The Planning Board may reduce the private 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 open space by means of building orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors.

13.25.2 Private 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.

13.26 *Perimeter and Transition.* Any part of the perimeter of a PUD-1 which fronts on an existing street or public open space shall be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening.

13.27 *Parking and Loading Requirements.* Development in a PUD-1 district shall conform to the Off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.27.

13.27.1 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.

13.27.2 Institutional, Retail and Office: Number of Square Feet of Gross Floor 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

13.30 PUD-2 DISTRICT: DEVELOPMENT CONTROLS

13.31 *Purpose.* The PUD-2 district is intended to encourage a medium density residential and office development with some supporting retail uses along the riverfront in East Cambridge. It is also intended to encourage an active, high quality development substantially in accordance with the Development Policies outlined in the 1978 East Cambridge Riverfront Plan.

13.32 *Uses Allowed in a PUD-2 District.* The uses listed in this Section 13.32 alone or in combination with each other shall be allowed upon permission of the Planning Board. Residential uses are preferred. Development of about four hundred (400) new dwelling units in this district is encouraged.

13.32.1 Residential Uses.

(1) Multifamily dwellings.

(2) Hotels or Motels.

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

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

13.32.4 Retail Business and Consumer Service Establishments.

(1) Store for retail sale of merchandise located in a structure primarily containing non-retail uses, provided that no such establishment shall exceed two thousand five hundred (2500) square feet gross floor area and that no manufacturing, assembly or packaging occur on the premises.

(2) Barber shop, beauty shop, laundry and dry-cleaning pick-up agency, shoe repair, self-service laundry or other similar service establishment.

(3) Restaurants or other eating and drinking establishments listed in Subsections 4.35e, f, and g.

(4) Theater or hall for public gatherings.

(5) Printing shop, photographer's studio.

13.32.5 Other Uses. Any use not listed in Subsections 13.32.1, 13.32.4 shall be allowed only upon the written determination by the Planning Board that such use is compatible with the development policies for “The Front” district specified in the East Cambridge Riverfront Plan and is necessary to support the predominant uses in the PUD-2 district.

13.33 *District Dimensional Regulations.*

13.33.1 The maximum ratio of floor area to total area of the development parcel shall be 3.0; however, the maximum ratio for a planned unit development in which seventy-five (75) percent or more of the gross floor area of development will be devoted to multifamily dwellings or townhouses shall be 4.0.

13.33.2 The minimum size of a development parcel shall be one acre (43,560 square feet.) A development parcel within the PUD-2 district may contain noncontiguous lots elsewhere in this PUD district or within a contiguous lots elsewhere in this PUD district or within a contiguous PUD district. There shall be no minimum lot size for lots located within a development parcel. The Planning Board shall approve all lot sizes located within a development parcel.

13.33.3 For the purpose of computing residential density, the minimum land area for each dwelling unit shall be three hundred (300) square feet. Residential density shall be computed based on the entire development parcel.

13.33.4 There shall be no minimum width for the development parcel. Buildings on parcels abutting the Cambridge Parkway should be setback from the Parkway Street line. 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. A variety of setbacks along Cambridge Parkway and crenellated facades are encouraged along the riverfront rather than a continuous, unbroken building mass.

13.34 *Height.*

13.34.1 The maximum height of any building shall be one hundred twenty (120) feet.

13.34.2 A variety of building heights ranging between five (5) and twelve (12) stories are encouraged within the district.

13.34.3 In order to assure that adequate sunlight reaches public open space along the riverfront, building planes facing or generally oriented toward the riverfront should be stepped back in such a way as to minimize the shadows that are cast on the river side of the Cambridge Parkway.

13.35 *Private open space.* The minimum ratio of private open space to the total area of the development parcel as defined in Article 2.000 and Section 5.22 shall be twenty-five (25) percent except as modified below.

13.35.1 The Planning Board may reduce the private open space requirement if the development is located adjacent to a public open space and if the development physically and functionally integrated with the open space by means of buildings orientation, location of building entrances, pedestrian linkages between major activity centers, or similar factors.

13.35.2 Private 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.

13.35.3 Private open space at the ground level should be located and designed to complement and to be connected with existing and planned public open space in the district. Private open space oriented toward Cambridge Parkway and the riverfront park between Cambridge Parkway and Commercial Avenue is preferred for development parcels abutting those areas. In approving a final development plan, the Planning Board may specify certain landscaping and other site design details to assure that that the development will be compatible with public improvements in the PUD-2 district and with the development policies outlined in the East Cambridge Riverfront Plan.

13.36 *Parking and Loading Requirements.* Development in a PUD-2 district shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.36.

13.36.1 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

13.36.2 Institutional, Retail and Office: Number of Square Feet of Gross Floor 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

13.36.3 On grade parking, not enclosed in a structure, may be constructed in the PUD-2 District only under the following conditions:

(1) On an interim basis in anticipation of later construction of structured parking provided that there is compliance with each of the following:

(a) the future parking structure will be constructed within the District but it may be located either on or off of the lot;

(b) construction of the future parking structure will commence within three years of the date of permit application for development on the lot;

(c) such future parking structure may be constructed and/or operated by the applicant or by any public or private entity;

(d) the future parking structure will contain sufficient spaces reserved for users of the lot to meet the parking requirements for the lot specified in Subsections 13.36.1 and 13.36.2; and

(e) binding commitments shall exist to guarantee, to the reasonable satisfaction of the Planning Board that requirements (a) through (d) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, performance bond, or comparable legal instrument.

(2) On a permanent basis on the lot for visitors parking or for such other limited uses as the user of the lot deems appropriate provided that no more than ten (10) percent of the spaces required by subsections 13.36.1 and 13.36.2 or twenty (20) spaces, whichever is greater, shall be allowed on grade under this Section 13.36.3(2).

13.36.4 The parking requirements specified in this Section 13.36 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 a public or pooled private parking facility located within the District. The total number of parking spaces leased and

constructed for the planned unit development shall be as least equivalent to the requirements specified in subsections 13.36.1 and 13.36.2.

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.

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 in 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 Permitee, 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.

13.60 deleted

13.70 PLANNED UNIT DEVELOPMENT IN THE NORTH POINT RESIDENCE DISTRICT.

13.71 *Purpose*. This Section 13.70 is intended to provide the opportunity to create a new residential neighborhood from an area now primarily industrial in character. Retail and office uses and community services are encouraged as part of that neighborhood to serve the residential community and stimulate activity in the area for extended hours throughout the day. Significant new public open space to serve the residents of the district and the general public is desired. It is also intended that development in the PUD in the North Point Residence District will be generally consistent with the policy objectives set forth in the Eastern Cambridge Plan and guidance provided in the Eastern Cambridge Design Guidelines.

13.72 *Applicability*. A special permit for a Planned Unit Development may be granted by the Planning Board in the North Point Residence District in accordance with the requirements of Sections 12.30 and 12.40, and the development controls specified in Section 12.50 and this Section 13.70. All references to and requirements for a PUD district in those sections shall also apply to a Planned Unit Development in the North Point Residence District.

13.73 *Use Regulations*. Any use permitted in Article 16.000 - North Point Residence District may be allowed by the Planning Board, but subject only to the requirements and limitations of this Section 13.70. Other uses, not permitted in Article 16.000 but permitted in a Business B District, may be allowed by the Planning Board upon a written determination that such use is compatible with and advances the policy objectives of the Eastern Cambridge Plan and that it is necessary to support the predominant residential use in the PUD in the North Point Residence District. However, except as set forth in Section 13.73.0 below, non-residential uses may not constitute more than thirty-five (35) percent of the total authorized Gross Floor Area within any Development Parcel, exclusive of both Gross Floor Area devoted to parking facilities and the additional Gross Floor Area (GFA) that may be constructed as a result of the application of FAR bonuses permitted in Section 11.200.

13.73.0 *Special Permit for Non-residential Uses.* The Planning Board may permit up to one hundred (100) percent of the total authorized Gross Floor Area within a Development Parcel to consist of non-residential uses if there is only one (1) building proposed to be located within the Development Parcel.

13.73.1 Special Provisions Related to Permitted Retail Uses.

The total Gross Floor Area for retail and consumer service establishments authorized by the Planning Board in all approved PUDs within that portion of the PUD in the North Point Residence District located west of Charlestown Avenue shall not exceed 75,000 square feet or 25,000 square feet for that portion of the PUD located east of Charlestown Avenue, unless a finding is made by the Planning Board that additional retail use will better serve the objectives of this Section 13.70 and the objectives of the Eastern Cambridge Plan. All retail and consumer services establishments shall be subject to the following limitations:

(i) In no instance shall any individual retail or consumer service establishment exceed 10,000 gross square feet unless the Planning Board determines in writing that establishments of a greater size better support and serve the residents within the PUD district and better advance the policy objectives set forth in the Eastern Cambridge Plan and the guidance proved in the Eastern Cambridge Design Guidelines.

(ii) No off street parking is provided.

(2) The initial 50,000 square feet of retail and consumer service establishments authorized in total in approved PUDs shall be exempt from any limitations as to non-residential Gross Floor Area as set forth in Section 13.73.1 above subject to the following limitations:

(i) The GFA is located on the ground floor and fronts on and has a public entry onto a publicly accessible street.

(ii) The establishment is located within the 500-radius described in Section 13.74.11 below.

13.73.2 Limitations on Telephone Exchange Uses. Where the floor area of any such use exceeds 400 square feet, the use shall only be located within 250 feet of the Boston/ Somerville/Cambridge municipal boundary line and west of Charlestown Avenue.

13.74 Dimensional Requirements.

13.74.1 Floor Area Ratio (FAR) Limitation. The maximum ratio of Gross Floor Area to the total area of the Development Parcel, which area shall be calculated in accordance with Section 13.74.2 below, shall be 2.4 except as modified by Sections 13.74.11 – 13.74.12 below. Any GFA contained within the head house or transit station serving the MBTA Green Line, excluding any GFA occupied by private retail, office, or other uses, shall not be subject to the FAR limitations set forth in this Section 13.74.1. Where a Development Parcel encompasses lots to which different FAR and non-residential use limitations apply, the FAR and non-residential use limitation regulations shall be used only to determine the total amount of GFA permitted including the GFA

devoted to residential and non-residential uses. Those FAR and non-residential use regulations shall not regulate or limit the distribution of the authorized GFA or uses within the Development Parcel as a whole. That distribution shall be determined by the Planning Board in its approval of the Final Development Plan.

13.74.11 Additional FAR for Proximity to Transit. For any portion of a Development Parcel located within a 500-foot radius of a point defined as the intersection of the centerline of McGrath and O'Brien Highway and the northerly extension of the centerline of First Street, the permitted FAR shall be 3.0. That portion of said Development Parcel shall be permitted to use up to 35% of the allowable FAR for non-residential uses. The portions of the development parcel outside the 500-foot radius shall be subject to the limitations of Sections 13.74.1 and 13.74.12. The additional GFA permitted by this Section 13.74.11 must be located within the portion of the development parcel located within the 500-foot radius; provided that the Planning Board may allow such additional GFA to be located outside of the 500-foot radius upon determining that such relocation of GFA would further the establishment of an active retail plaza near Lechmere Station. (See Map 13.81)

13.74.12 Additional FAR for Increased Residential Use. For those portions of the PUD district not located within the 500-foot radius described in Section 13.74.11, the FAR permitted in Section 13.74.1 may be increased according to the schedule set forth below as the proportion of GFA devoted to residential uses increases, as proposed in the application for a PUD special permit and approved by the Planning Board.

Proportion of Residential GFA Proposed and Approved	Permitted FAR
All residential	3.0
No less than 90%	2.9
No less than 85%	2.8
No less than 80%	2.7
No less than 75%	2.6
No less than 70%	2.5
No less than 65%	2.4

To attain the increase in FAR, the proposed development must attain the percentage thresholds indicated above. There shall be no partial application of the gradations noted above.

13.74.2 Minimum Development Parcel Size. The minimum size of the Development Parcel shall be the larger of (1) one hundred thousand (100,000) square feet or (2) seventy-five percent of the area of a lot or combination of lots (a) in existence as of June 1, 2001 and (b) held in common ownership where it is proposed to incorporate any portion of such lot or lots within the Development Parcel provided that clause (2) shall not apply to a lot or combination of lots owned by The Commonwealth of Massachusetts or a department thereof as of June 1, 2001. The area of a development parcel may include land dedicated (after adoption of this Section 13.70 and prior to the issuance of any building permit for work under a PUD special permit under this Section 13.70) by the owner or former owner of the land, whether in fee or by easement, deed restriction, covenant or comparable legal instrument enforceable

by the City of Cambridge or other public entity, as a public way, private way open to public use, or public open space.

13.74.21 Where the Development Parcel required in Section 13.74.2 is greater than 100,000 square feet, the applicant may at his own discretion designate a portion of Development Parcel as a Master Plan Area, within which area physical information may be presented in a more generalized way, subject to more detailed approval by the Planning Board at a time and in a manner determined by the Board in its PUD special permit decision. Within the Master Plan Area location of streets and public parks, the quantities of proposed land uses, general building envelopes, locations and heights shall be indicated in sufficient detail that the Planning Board can reasonably assess the impact of the Master Plan and its general consistency with the objectives of the PUD district and the guidance provided in the Eastern Cambridge Design Guidelines.

13.74.3 Maximum Building Height. The maximum height of buildings in the PUD district shall be eighty-five (85) feet except as otherwise shown on the PUD in the North Point Residence District Height Limitation Map (Map 13.71) and as provided herein and as further regulated by the provisions set forth in Sections 13.74.31 – 13.74.33 below.

(1) Maximum Building Height of One Hundred and Fifty (150) Feet. The maximum height of buildings shall be 150 feet in the following described areas:

(a) That area bounded by a line beginning as the centerline of Charlestown Avenue, then the centerline of North Point Boulevard and its southeasterly extension to the Cambridge/Boston municipal boundary line, then the Cambridge/Boston municipal boundary line, and then the centerline of O'Brien Highway (Bridge Street) to the point of origin.

(b) That area bounded by a line beginning at the intersection of the Boston and Cambridge municipal boundary line and the centerline of Charlestown Avenue, then southwesterly to the centerline of Monsignor O'Brien Highway, then northwesterly by the centerline of Monsignor O'Brien Highway to the intersection of a line 200 feet northwesterly of and parallel to northwesterly sideline of Charlestown Avenue, then northeasterly by a line 200 feet northwesterly of an parallel to the northwesterly sideline of Charlestown Avenue to Reference Line #1 (see Section 13.74.34), then northwesterly by Reference Line #1 to its intersection with a line that is 117 feet southerly of and parallel to the westerly portion of Reference Line #1 that is deflected 22 degrees south then westerly by a line 117 feet southerly of and parallel to the westerly portion of Reference Line #1 that is deflected 22 degrees south to a point that is the intersection of a line which is 525 feet easterly of and parallel to the northerly extension of the centerline of Second Street, then northerly by a line which is 525 feet easterly of and parallel to northerly extension of the centerline of Second Street, to a point that is the intersection of a line that is 100 feet northerly of and parallel to Reference Line #1, ten westerly by a line 100 feet northerly of and parallel to Reference Line #1 to the intersection of a line that is, the northerly extension of the centerline of Second Street, then northerly by a line that is the northerly extension of Second Street to its intersection with the Cambridge and Somerville municipal boundary line, then the Cambridge/Somerville/Boston municipal boundary line to the point of origin.

(2) Maximum Building Height of One Hundred and Twenty (120) Feet. The maximum height of buildings shall be 120 feet in the following described areas:

(a) That area bounded by a line beginning at the centerline of Monsignor O'Brien Highway at the boundary of the area described in 13.74.3(1)(b) above; then northwesterly by the centerline of Monsignor O'Brien Highway to the intersection

of a line which is 325 feet northwesterly of and parallel to the northwesterly sideline of Charlestown Avenue, then northeasterly by a line 325 feet northwesterly of and parallel to then northwesterly sideline of Charlestown Avenue to Reference Line #1 at the boundary of the area described in 13.74.3(1)(b) above, then southeasterly by the boundary of the area described in 13.74.3(1)(b) above then southwesterly by the boundary of the area described in 13.74.3(1)(b) to the point of beginning.

(b) That area bounded by a line beginning at the boundary of the area described in 13.74.3(1)(b) above at the intersection of a line that is the northerly extension of the centerline of Second Street and a line that is 100 feet north of and parallel to Reference Line #1, then easterly and southerly by the boundary of the area described in 13.74.3(1)(b) above to the intersection of Reference Line #1, then westerly by Reference Line #1to the intersection of Special Zoning District 1 zoning district boundary line, then northwesterly by the Special District 1 zoning district boundary to the Cambridge and Somerville municipal boundary line, then easterly by the Cambridge and Somerville municipal boundary line to the boundary of the area described in 13.74.3(1)(b) above, then southerly by a line that is the centerline extension of Second Street and the westerly boundary of the area described in 13.74.3(1)(b) above to the point of beginning.

13.74.31 Portions of Buildings Limited to Sixty-five Feet. Except within the area described in Section 13.74.3(1)(a), any portion of a building that is within fifty (50) feet of an existing or proposed Public Open Space or single intervening street abutting that open space may exceed 65 feet only if for each floor above 65 feet, that floor is set back an additional 10 feet from the façade of the floor below, until the maximum height is attained, or until a 20 foot setback from the façade at 65 feet is attained. Alternately, a set back of 20 feet from the façade of the building at a height of 65 feet shall be permitted, and the remaining portions of the building allowed to achieve the maximum height permitted by Section 13.74.3, or any variation between the two provisions.

13.74.32 Additional Height to Two-hundred and Twenty Feet. The Planning Board may in its discretion permit no more than seven residential buildings (in addition to those permitted in Section 13.74.33 below) and one commercial building to exceed a height of one hundred and fifty (150) feet up to a maximum height of two hundred and twenty (220) feet in that portion of the PUD in the North Point Residence District west of Charlestown Avenue, subject to the following limitations.

(1) All such buildings shall be located in that portion of the PUD in the North Point Residence District where the base height for all buildings is one hundred and fifty feet, provided that portions of such buildings may be located in other municipalities and, as to the portion(s) in another municipality only, governed by the zoning regulations of the other municipality.

(2) When approving the building heights permitted under this Section 13.74.32, the Planning Board shall determine that portions of any such buildings above sixty-five feet are appropriately separated from each other.

13.74.33 Additional Height to Two-hundred and Fifty Feet. The Planning Board may in its discretion permit no more than two residential buildings to exceed one hundred and fifty feet in height up to a maximum height of two hundred and fifty (250) feet in that portion of the PUD in the North Point Residence District east of Charlestown Avenue, subject to the following limitations.

(1) All such buildings shall be located in that portion of the PUD in the North Point Residence District where the base height for all buildings is one hundred and fifty feet.

13.74.34 Description of Reference Lines. Reference Line #1 and Reference Line #2 shall be as described herein:

(1) Reference Line #1 is that line which is the northwesterly extension of the centerline of North point Boulevard that, at its intersection with Reference Line #2, is deflected south by 22* degrees and continues thereafter to its intersection with the Special District 1 zoning district boundary line. **(*scrivener's error corrected 2/14/11)**

(2) Reference Line #2 is that line which is northwesterly of, parallel to, and nine hundred (900) feet distant from the northwesterly sideline of Charlestown Avenue.

13.74.35 Waiver of Height Limitations

In order to provide a limited level of flexibility in developing a comprehensive plan for currently vacant or underdeveloped parcels of land in North Point, the Planning Board may accept a (preliminary) Development Proposal and may approve a Final Development Plan in which one or more buildings or portions of buildings, no higher than one hundred and fifty (150) feet, do not conform to the height limitations set forth in Section 13.74.3 above, subject to the following limitations and conditions.

(1) The building or portion of a building does not extend more than 100 feet into the adjacent, more restrictive height band as set forth in Section 13.74.3 and illustrated on Map 13.71.

(2) The building or portion of a building extending into the more restrictive height band does not exceed the height limit established in the less restrictive height band from which it is being extended.

(3) Such extensions are limited in nature, not inconsistent with the objective of establishing the height band provisions of Section 13.74.3, and are generally consistent with the Eastern Cambridge Design Guidelines.

(4) Other buildings proposed can be demonstrated to be lower than might otherwise be required should the height waiver not be granted by the Planning Board.

(5) The applicant can demonstrate to the satisfaction of the Planning Board that the requested deviations from the height provisions of Section 13.74.3 are reasonable in the context of the proposed Final Development Plan as a whole and permit an organization of buildings, streets, opens space and other features of the Final Development Plan that better serve the public interest and the objectives of the PUD than might otherwise be the case with strict adherence to the height limits established in Section 13.74.3

13.74.36 In the event that two or more height limitation provisions (as set forth in Sections 13.74.3 (1) and (2), 13.74.31, and 13.74.35 above) apply to a single parcel of land defined and approved by the Planning Board as part of a Master Plan and intended to be developed singly and separate from other approved parcels in the Master plan and located within 700 feet of the northwesterly sideline of Charlestown Avenue and within 400 feet south of Reference Line #1, the total allowable massing of a structure on that parcel, as limited in the Master Plan, may be distributed and allocated across the entire parcel without regard to the restrictions set forth in the above referenced Sections to the extent that it furthers the purpose of this Section 13.70 and provided

that neither the maximum allowable height applicable on the parcel by the above referenced Sections nor the maximum allowable square footage at the parcel are exceeded. Such redistribution of height may be approved by the Planning Board as part of any design review of individual buildings in the manner set forth in the approved Master Plan.

13.74.4 Other Dimensional Requirements. There shall be no specified minimum lot size for lots located within a Development Parcel. There shall be no minimum lot area per dwelling unit requirement. There shall be no requirement with respect to minimum lot widths or minimum front, side or rear yards in the District. The Planning Board shall approve all proposed building setbacks and lot configurations.

13.75 *Open Space*. Any combination of Public Open Space, Green Area Open Space or Permeable Open Space, as defined in this Ordinance, shall be provided on every Development Parcel and shall in the aggregate equal at least twenty (20) percent of the area of such Development Parcel. Owners of adjacent Development Parcels may collectively provide such open space by dedication, easement, deed restriction, covenant, or comparable legal instrument enforceable by the City of Cambridge or other public entity, in which event each such development parcel shall, for purposes of this Section 13.70 be deemed to include such portion of such open space as such owners shall allocate to it in such legal instrument. This open space requirement shall be subject to the following provisions.

(1) All required open space shall be generally accessible to the public for reasonable periods throughout the day for the purposes for which the open space is designed and approved by the Planning Board, which may include but not be limited to walking, bicycling, active and passive recreation. The Planning Board must approve any proposal to significantly limit public access to the required open space.

13.75.1 Required Public Open Space. Any approved Planned Unit Development whose Development Parcel consists in part or entirely of a lot or combination of lots (a) in existence as of June 1, 2001, (b) held in common ownership, and (c) is at least 250,000 square feet in size shall be obligated to allocate a portion of its open space requirement as set forth in Section 13.75 above as Public Open Space meeting the requirements set forth in Section 13.75.11 below. This obligation shall remain with such lot or combination of lots in its entirety, notwithstanding any subdivision or change of ownership that may occur after June 1, 2001. In each instance where such a lot or combination of lots, or a portion thereof, is included within a development parcel, the PUD special permit shall only be granted if it is established to the satisfaction of the Planning Board that the Public Open Space required in this Section 13.75.1 can be provided even if its location is on a portion of the lot or combination of lots not included within the Development Parcel under review.

13.75.11 Requirements of the Public Open Space. The required Public Open Space shall consist of a contiguous parcel of land of at least two and one half (2.5) acres in size at a location and designed in a manner consistent with the Eastern Cambridge Plan. As defined, the Public Open Space shall be within the control of the City of Cambridge through fee simple conveyance, easement, or other legal mechanism acceptable to the City. The Planning Board in its conditions shall establish the time by which the facility shall be completed. In the event that the City of Cambridge does not accept the facility, the PUD permittee shall maintain the park for the use of the general public as originally designed and approved by the Planning Board in the Special Permit. The Public Open Space shall be designed and constructed by the permittee according to the conditions of the PUD Special Permit and when conveyed to the city shall be environmentally and otherwise suitable for the recreational uses for which it is designed.

Only one facility of 2.5 acres or greater shall be required within the North Point PUD District. Once the Public Open Space obligation has be met, any remaining open space required for any PUD need only be consistent with the requirements of Section 13.75 and the applicable guidelines of the Eastern Cambridge Plan. The required facility shall be created according to the following rules.

(1) Where the Development Parcel includes a lot or combination of lots defined in 13.75.1 above where that lot or combination of lots is at least 250,000 square feet in area but less than ten acres, and where the development parcel encompasses a portion of the site of the required Public Open Space as illustrated in the Eastern Cambridge Plan, the open space required in the PUD shall be allocated in the approved Final Development Plan in part or in full at the proposed location of the Public Open Space.

(2) Where the PUD Development Parcel includes all or a portion of a lot or combination of lots with an area greater than 10 acres, the PUD Final Development Plan shall be required to create in its entirety a 2.5-acre Public Open Space consistent with the Eastern Cambridge Plan; if development of a 2.5-acre Public Open Space has previously occurred in whole or in part, that portion of the Public Open Space not designated in any previously approved PUD shall be provided.

13.76 *Parking and Loading Requirements*. Off-street parking and loading requirements shall be the same as currently specified 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 below.

13.76.1 Parking facilities may be located on the lot they serve or may be located in whole or in part in one or more pooled private or public parking facilities located anywhere within the PUD in the North Point Residence District.

13.76.2 Parking and loading requirements shall be as follows:

(1) Residential Uses: 1 space per unit minimum and 1.5 spaces per unit maximum.

(2) General Office Uses: 1 space per 1,250 gross square feet minimum and 1 space per 625 gross square feet maximum.

(3) Technical Office for Research and Development Uses: 1 space per 1,675 gross square feet minimum and 1 space per 840 gross square feet maximum.

(4) Retail and Consumer Services: No accessory parking shall be required if the retail and consumer service uses are located on the ground floor and front on and have a public entry directly onto a publicly accessible street.

13.76.21 Notwithstanding the provisions of Section 13.76.2 above, the total number of parking spaces serving non-residential uses in the PUD in the North Point Residence District shall not exceed 2,500 spaces, allocated to each Development Parcel at the rate of 1.2 spaces per 1,000 square feet of land in the Development Parcel.

13.77 *Approval of Roadway Plan.* No Final Development Plan shall be approved by the Planning Board without Planning Board approval of a Roadway Plan. The Planning Board shall not approve a Roadway Plan (which shall include all proposed roads, streets, driveways and other motor vehicle circulation routes) as part of the Final Development Plan unless the Planning Board finds that the impact of traffic projected to use the approved roadways is consistent with the objective of the PUD in the North

Point Residence District to limit the extent of single occupancy vehicle access to the district and is consistent with the traffic findings required in Section 19.20 – Project Review Special Permit.

Notwithstanding the provisions of Section 6.22.4, all accessory parking for development approved in a Final Development Plan shall be provided within the approved PUD area unless the Planning Board specifically allows accessory parking at other locations, consistent with all other provisions of Article 6.000.

13.78 *Other Provisions*

13.78.1 Signs. The sign regulations of Article 7.000 applicable to Retail, and Office Districts shall be applicable in the District.

13.78.2 Perimeter and Transition. Any part of the perimeter of a planned unit development which fronts on a public open space for not less than two hundred and fifty (250) feet or is immediately adjacent to and within three hundred (300) feet of the Charles River shall be so designed as to complement and harmonize with adjacent land uses (existing or proposed) with respect to scale, density, setback, bulk, height, landscaping, and screening.

13.78.3 Traffic Mitigation Measures. In reviewing a development proposal under the provisions of this Section 13.70 and Section 19.20, the Planning Board shall determine that the proponent has demonstrated, at the time of Final Development Plan Approval, a commitment to a Transportation Demand Management program consistent with the reduced parking mandated in this Section 13.70. The measures to be taken in this program must address:

(1) The amount of parking provided,

(2) The scale of development and the mix of uses proposed, and

(3) The assumptions employed with regard to the proportion of automobile use for those traveling to the site.

For examples of such Measures, the Planning Board shall refer to the Eastern Cambridge Plan, Article 18.000, and the requirements of Section 19.20 in establishing Transportation Demand Management measures applicable to any approved PUD.

13.78.4 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.

13.79 *Development Flexibility: Additional Permitted FAR and Height*

Notwithstanding any other provisions of this Section 13.70, the Planning Board may accept a (preliminary) Development Proposal and may approve a Final Development Plan that exceeds (1) the FAR limits otherwise required and (2) the proportion of non-residential GFA otherwise required subject to the following limitations and conditions:

13.79.1 Previously Issued Planned Unit Development Special Permits

The mix of uses, Gross Floor Area, and other dimensional characteristics of any existing construction authorized by the grant of a PUD Special Permit, issued before the adoption of this amended Section 13.70, shall be permitted by this Section 13.70. Such mix of uses, GFA, and dimensional characteristics may be reauthorized by any subsequent PUD Special Permit issued for the same Development Parcel under procedures established in this Section 13.70.

13.79.2 Additional Gross Floor Area for Above Ground Structured Parking

The Planning Board may permit additional Gross Floor Area for the exclusive use of structured accessory parking located above grade subject to the following limitations. It is the intent of this Section 13.79.2 to permit the use of above ground parking structures as an acoustical, visual and aesthetic barrier between occupied space (particularly housing within the district and beyond the district in the existing East Cambridge neighborhood) and the active rail lines, yards and operations therein, and adjacent bridge structures abutting the North Point Residence District. In permitting such above ground structured parking, it is expected that the authorized structures will be architecturally and visually well integrated with the development as a whole and not in themselves negatively impact the quality of the development.

(1) The parking facility shall be located adjacent to the Somerville municipal boundary line, the Boston municipal boundary line or Charlestown Avenue (the Gilmore Bridge), but in no case may it extend further than one hundred and ninety-five (195) feet from the lot line between (A) either property used for active rail use as of January 1, 2012 or Charlestown Avenue (the Gilmore Bridge) and (B) property proposed to be developed within the Development Parcel for other uses or on other land proposed to be developed in conjunction with any development authorized by this Section 13.70. It is understood that such lot line and land may be in part located in another municipality.

(2) The facility shall have a height no greater than twenty-five (25) feet unless the Planning Board specifically authorizes a greater height.

(3) The design of the garage shall be of a quality comparable to that of other, non-parking structures in the PUD.

(4) The structure shall be screened with active uses to the maximum extent possible, but at least where it is likely to be viewed from the principal pedestrian pathways within the PUD.

(5) The applicant shall provide to the Planning Board a study prepared by an acoustical engineer outlining the anticipated impact of the proposed development plan on the abatement of sound transmission from the adjacent rail yards to areas within the PUD area and in the residential East Cambridge neighborhood south and west of Msgr. O'Brien Highway.

13.79.3 Additional Gross Floor Area for Non-residential Uses

The Planning Board may permit additional Gross Floor Area for permitted non-residential uses subject to the following limitations:

(1) The additional non-residential GFA authorized shall not exceed that resulting from the application of an FAR of 0.26 and it shall be in addition to and not a substitute for the residential uses required in Section 13.74.1. In no case, however, shall the total authorized GFA for the approved PUD exceed an FAR of 2.66. The provisions of Section 13.74.11 (Additional FAR for Proximity to Transit) may continue to apply but in no case may the FAR permitted in that section exceed 3.0.

(2) No additional parking shall be provided for this additional authorized non-residential GFA. The parking supply upon which that determination is made shall be that supply permitted by the Planning Board for the development and mix of uses permitted in Section 13.74.1.

(3) The applicant shall demonstrate through the Project Review Special Permit process, Section 19.20, that the project with the additional non residential GFA shall not create a more adverse impact upon traffic than the quantity and mix of development permitted in Section 13.74.1. It is anticipated that such a standard shall be met through limitations as to the uses permitted in the additional GFA and through the provision of permanent transit enhancement improvements above those required to be provided to gain approval of the GFA and use mix permitted in Section 13.74.1. In no case, however, shall the additional non-residential FAR permitted in this Section 13.79 be granted by the Planning Board unless the relocation of the MBTA Green Line Station at Lechmere is a part of the PUD application and the Planning Board is satisfied that its construction at a new North Point location will occur prior to the occupancy of any element of the project utilizing the additional non-residential GFA.

(4) To be assured that the transportation related behavior of residents and commercial tenants predicted to occur in the Traffic Study to be conducted under Section 19.20 is borne out in fact as structures are occupied, the Planning Board may require monitoring of actual traffic generation by those residents and employees actually occupying the site. In its decision the Planning Board may establish criteria and procedures for the timing of such subsequent monitoring of traffic generation, including but not limited to the proportion of total development that is occupied, the length of time such buildings have been fully occupied, and the mix of uses in place.

13.79.4 Provision of Public Benefits

In reviewing any application for additional Gross Floor Area as authorized in Sections 13.79.2 and 13.79.3 above, the Planning Board may consider demonstrated efforts on the part of the applicant to provide permanently affordable housing for middle income households having an income at or below one hundred and twenty (120) percent of the median income for households in the Boston Standard Metropolitan Statistical Area, in

addition to those affordable units otherwise required in Section 11.200 and (2) to facilitate the provision of a public sports facility.

13.710 Monitoring of Compliance with PUD Conditions

The Planning Board shall establish in its Decisions the details for monitoring of the project and its performance, as it is implemented phase by phase. In anticipation of such conditions, the applicant shall provide in the application a proposed plan for such long-term monitoring and review.

13.80 PLANNED UNIT DEVELOPMENT 5 DISTRICT.

13.81 *Purpose*. The PUD-5 District is intended to provide for Kendall Square's continued prominence as a world-renowned center of innovation and a vibrant neighborhood through the creation of a mixed-use district of high quality general and technical office and laboratory uses with significant retail activity proximate to the MBTA station. The PUD-5 District helps organize placement of commercial and institutional buildings and establishes an additional mixed-use development containing a significant residential component to support the burgeoning residential corridor along Third Street and the strong links to existing neighborhoods and the riverfront. The PUD-5 District allows for continued support of the academic mission at MIT and encourages connective links, physical and otherwise, between the Institute and adjacent neighborhoods.

The PUD-5 District responds to the Kendall Square planning process and is intended to be a smart-growth, transit-oriented district and therefore allows for replacing surface parking lots with larger scale development in Kendall Square and the major public transit services located there. The PUD-5 District encourages low parking ratios, shared parking strategies, the use of public transportation and improved pedestrian and bicycle environments. The PUD-5 District furthers the City's goals for sustainable development through buildings and sites that are planned, designed and constructed in a sustainable way so as to minimize adverse environmental impacts as they are initially constructed and as they are occupied and operated over the course of their useful lives.

The PUD-5 District promotes the creation of a strong retail corridor along Main Street and the enhancement of Broad Canal Way. Combined, this new public crossroads will have broad appeal as a desirable destination during and beyond the traditional workday by providing a critical mass of diverse restaurants, shops, entertainment and programming. The ground floor space will engage pedestrians and provide a variety of indoor and outdoor gathering spaces, including retail that can address the needs and reflect the creativity of the local community.

13.81.1 Establishment and Scope of Subdistricts within the PUD-5 District.
The PUD-5 District shall be divided into a series of Subdistricts as described below for the purpose of defining requirements that may not apply to the District as a whole. All provisions of the PUD-5 shall apply equally to each Subdistrict, except as provided for elsewhere in Section 13.80.

13.81.2 Description of the Subdistricts within the PUD-5 District.

13.81.2.1 The Third Street Transition Subdistrict is the area bounded by the northern sideline of Lot # 31 on Assessor's Map 14 running to the centerline of Third Street, then the centerline of Third Street running southerly to the centerline of Broadway, then the centerline of Broadway and Main Street running from Third Street to a point in the centerline of Main Street that is consistent with the point of intersection that the eastern sideline of the above-referenced Parcel would have with the centerline of Main Street if such sideline continued in a straight line to the centerline of Main Street, then the eastern sideline of the above-reference Parcel northerly from the centerline of Main Street to the northern sideline of the above-referenced Parcel.

13.81.2.2 The Main Street Subdistrict is the area bounded by the point in the centerline of Main Street that is consistent with the point of intersection that the eastern sideline of Lot #15 on Assessor's Map 46 would have with said centerline if said eastern sideline were continued in a straight line to said centerline, then southerly by the eastern boundary of said Parcel to a line 150 feet north of and parallel to the property lines of lots abutting the northern sideline of Memorial Drive, then westerly by said line to the centerline of Wadsworth Street, then the centerline of Wadsworth Street running north from Memorial Drive, then the centerline of Amherst Street running west from Wadsworth Street, then the centerline of Hayward Street running north from Amherst Street to its intersection with a line 400 feet to the south of and parallel to the Main Street front property lines of lots abutting Main Street and located between Ames and Hayward Streets, then centerline of Ames Street from the parallel line to Main Street, then the centerline of Main Street, but excluding Lot #14 on Assessor's Map 48 (and the portion of Main Street immediately abutting the northern sideline of Lot #14 on Assessor's Map 48).

13.81.2.3 The Transitional Height Subdistrict is the area bounded by the centerline of Ames Street running northerly from the intersection with Amherst Street to a line 400 feet to the south and parallel to the Main Street front lot lines of properties abutting Main Street and located between Ames and Hayward Streets, then westerly by said line to the centerline of Hayward Street, then the centerline of Hayward Street running south toward Amherst Street and then the centerline of Amherst Street running west to Ames Street.

13.81.2.4 The Memorial Drive Height Subdistrict is the area bounded by the centerline of Ames Street running northerly from the northern sideline of Memorial Drive, then the centerline of Amherst Street running east toward Wadsworth Street, then the centerline of Wadsworth Street running south to its intersection with a line 150 feet north of and parallel to the lot lines of the parcels abutting the northerly boundary of Memorial Drive, then easterly along said line to the easterly boundary of Lot #15 on Assessor's Map 46, then southerly along said easterly boundary to the northern edge of the DCR right of way along Memorial Drive, then westerly by the northern sideline of Memorial Drive.

13.82 *Uses Allowed in the PUD-5 District*. The uses listed in this Section 13.82, alone or in combination with each other, shall be allowed upon permission of the Planning Board.

13.82.1 Residential Uses. All uses listed in Section 4.31(d-g) and (i)(2).

13.82.2 Transportation, Communication and Utility Uses. All uses listed in Sections 4.32, except for railroad freight terminal, railroad yard and shops (4.32c), truck or bus terminal yard or building for storage or servicing of trucks, trailers or buses, or parking lot for trucks (4.32d), and helipad or airport (4.32h).

13.82.3 Institutional Uses. All uses listed in Section 4.33.

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

13.82.5 Retail Business and Consumer Service Establishments. All uses listed in Section 4.35.

13.82.6 Open Air or Drive in Retail & Service. All uses listed in Sections 4.36a. (Sales place for flowers, garden supplies agricultural produce conducted partly or wholly outdoors, commercial greenhouse or garden) and 4.36e. (Open air theatre or other open air place of entertainment), but not including drive in theatres.

13.82.7 Light Industry, Wholesale Business and Storage. All uses listed in Sections 4.37(a), (b), (c) and (f).

13.82.8 Other Uses. Any use not listed in subsections 13.82.1 - 13.82.7 shall be allowed only upon written determination by the Planning Board that such use is consistent with the objectives of the PUD-5 District and is consistent with the predominant uses in the PUD-5 District.

13.83 *Floor Area Ratio; Gross Floor Area.*

13.83.1 Maximum Floor Area Ratio. The maximum total Floor Area Ratio (FAR) of the PUD-5 District shall be 3.9 for all permitted uses. The FAR of any given Development Parcel may exceed the limitation set forth above as long as the overall FAR in the PUD-5 District for such uses does not at any time exceed the limitation set forth above.

13.83.2 Floor Area Ratio and Gross Floor Area Exemptions. Notwithstanding anything appearing in this Section 13.83 or otherwise contained in the Zoning Ordinance to the contrary, the following shall not be counted as Gross Floor Area for the purposes of calculating the allowable FAR for the PUD-5 District or the Gross Floor Area limitations set forth further below:

a. The Gross Floor Area of any first floor or areas situated no more than one (1) floor below grade of a building devoted to the retail uses identified in Sections 13.82.5 and 13.82.6, constructed or, if located in an existing building, substantially renovated, after

the adoption of Section 13.80, provided, however, that in the event that the average size of individual retail uses located in the PUD-5 District exceed 5,000 square of Gross Floor Area, the portion of any individual retail use exceeding 5,000 square feet (or 10,000 square feet for a grocery, market or pharmacy retail use) shall be counted as Gross Floor Area for the purposes of calculating allowable FAR. The floor area of any grocery, market or pharmacy uses shall not be included in calculating the average size of individual retail uses for the purposes of this Section 13.82.3.a.

b. The area of any public transportation facility directly providing public transportation services that is owned or controlled by a public transportation agency.

c. The Gross Floor Area of any residential and institutional dormitory uses constructed in any of the Main Street, Transitional Height and Memorial Drive Height Subdistricts after January 1, 2013, but only to the extent that such Gross Floor Area, when taken together with the aggregate Gross Floor Area of all other residential and institutional dormitory uses then-situated within said Subdistricts, exceeds the total amount of Gross Floor Area devoted to such uses within said Subdistricts as of January 1, 2013.

d. Fifty percent (50%) of the Gross Floor Area devoted to Innovation Office Space (as defined in Section 13.89.3), up to an amount equal to twenty percent (20%) of the total office space remaining in the PUD-5 District.

13.83.3 Gross Floor Area Limitations.

a. Definition of New Gross Floor Area. For purposes of this Section 13.80, “New Gross Floor Area” shall mean an amount of square feet of Gross Floor Area in excess of the amount of Gross Floor Area in existence in the PUD-5 District as of January 1, 2013. For example, if an existing building in the PUD-5 District containing 50,000 square feet of Gross Floor Area is demolished and a building containing 55,000 square feet of Gross Floor Area is constructed in its place, 5,000 square feet of Gross Floor Area would be considered New Gross Floor Area.

b. Plan Requirements.

i. Existing Uses. As part of the first application for a PUD special permit under the provisions of this Section 13.80, such existing Gross Floor Area for the entire PUD-5 District shall be identified as to quantity, type of use and location and such enumeration shall thereafter serve as the basis from which to administer this Section 13.83.3.

ii. Conceptual Development Plan. A Development Proposal shall include, in addition to the required site plans for development within that particular Development Parcel, a conceptual plan depicting the range of potential building sites elsewhere in the PUD-5 District and indicating the potential size and use (or alternate uses) of future development on those sites. The purpose of this plan is to place the Development Proposal in context with existing and potential future

development and to illustrate how the remaining allowed development within the District may be distributed in the future. The conceptual development plan shall be expected to evolve over time. With each subsequent Development Proposal within the PUD-5 District, a revised conceptual plan shall be submitted. Revisions to a conceptual plan shall not require amending any previously approved PUD Special Permit, but shall not be effective to waive or modify any of the specific conditions contained in a previously approved PUD Special Permit. The Conceptual Development Plan may also incorporate the Conceptual Open Space Plan required in Section 13.87.2.

c. Commercial Limitation. No more than an aggregate of 980,000 square feet of New Gross Floor Area of the types of uses listed in Sections 13.82.4-13.82.7 shall be permitted in the PUD-5 District.

Notwithstanding anything in this Ordinance to the contrary, a building shall not be considered to be a "commercial building" if institutional uses occupy in excess of seventy-five percent (75%) of the Gross Floor Area of the building, excluding the Gross Floor Area of any retail contained therein, for the purposes of Sections 13.88 and 13.89.4.

13.84 *Parcel and Lot Requirements.*

13.84.1 Parcel and Lot Size. The minimum size for a Development Parcel for a PUD in the PUD-5 District shall be 25,000 square feet. There shall be no minimum lot size for lots within a Development Parcel in the PUD-5 District.

13.84.2 Lot Width. There shall be no minimum width for a Development Parcel and no minimum width for lots located within a Development Parcel.

13.84.2 Minimum Lot Area Per Dwelling Unit. There shall be no required minimum Lot Area per dwelling unit in the PUD-5 District.

13.85 *Setbacks*. Except as provided below, there shall be no minimum required front, rear and side yard requirements for a Development Parcel or for lots located within a Development Parcel.

13.85.1 New commercial buildings along Main Street, Third Street and Broadway containing uses set forth in Sections 13.82.4 -13.82.7 above in the PUD-5 District must be set back sixteen (16) feet from the Street Line of Main Street, Third Street and Broadway at and above a point eighty-five (85) feet above mean grade. Up to one-third of the façade length on such a street, on a cumulative basis, may be exempt from this requirement.

13.85.2 New buildings constructed in the Third Street Transition Sub-District must be set back from the portion the easterly boundary of the Sub-District situated within 120 feet of the northerly Street Line of Main Street (the "Limited Setback Boundary") (a) a distance of at least twenty (20) feet, running parallel from the Limited Setback Boundary, and (b) thirty-

six (36) feet for any portions of the building that exceed a height of eighty-five (85) feet above mean grade, running parallel from the Limited Setback Boundary.

13.86 *Height.*

13.86.1 In the Third Street Transition and the Main Street Subdistricts, the maximum height of any building shall be 250 feet, except as permitted by Section 13.86.1.1.

13.86.1.1 The Planning Board may approve Final Development Plans that result in no more than one new building exceeding 250 feet up to 300 feet in height in the Third Street Transition Subdistrict and one additional building up to 300 feet in height in the Main Street Subdistrict; provided that:

a. the use of any occupiable space situated above 250 feet in height shall be limited to residential and/or institutional dormitory uses, and

b. within a residential building, Middle Income Units (as defined below) shall occupy an aggregate Gross Floor Area equal to at least twenty-five percent (25%) of the total residential Gross Floor Area (excluding any Gross Floor Area occupied by institutional dormitory uses) in the portions of the building that exceed 250 feet in height. Such Middle Income Units shall be evenly distributed throughout the residential building in a manner approved by the Planning Board, in consultation with City staff, in the Final Development Plan for a Development Parcel, in order to ensure that the Middle Income Units are of an appropriate location, size, configuration and quality for households intended to occupy such units.

   For the purposes of this Section 13.86.1.1, Middle Income Units shall be defined as residential dwelling units for which:

   i. the occupancy is restricted to households whose total income exceeds 80% but does not exceed 120% of the median income of households in the Boston Standard Metropolitan Statistical Area adjusted for family size, or such other equivalent income standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund; and

   ii. the rent (including utilities) does not exceed thirty percent (30%) of the income of the renting household or, in the instance of home ownership units, the monthly mortgage payment (including insurance, utilities and real estate taxes) does not exceed thirty percent (30%) of the income of the purchasing household, or such other equivalent standard as may be determined by the Board of Trustees of the Affordable Housing Trust Fund.

13.86.2 In the Transitional Height Subdistrict, the maximum height of any building shall be 200 feet. Notwithstanding the above, if at least 50% of the area of the ground floor footprint of a building is located within the Main Street Subdistrict, a portion of the building at the

higher height may extend into the Transition Height Subdistrict, but by no more than 50 feet.

13.86.3 In the Memorial Drive Height Subdistrict, the maximum height of any building shall be 150 feet.

13.87 *Open Space*.

13.87.1 Minimum Open Space. The minimum overall percentage of Publicly Beneficial Open Space of the total area of the PUD-5 District shall be fifteen percent (15%). The percentage of Publicly Beneficial Open Space provided in any given Final Development Plan for a Development Parcel may be less than 15% as long as the overall ratio in the PUD-5 District is not less than 15%. In the event that a Development Parcel provides less than 15% open space, the Final Development Plan for the Development Parcel shall identify the Publicly Beneficial Open Space in the PUD-5 District that shall equal or exceed 15% of the total area of the PUD-5 District.

13.87.2 Conceptual Open Space Plan. A Development Proposal shall include a conceptual plan depicting the size, layout and configuration of Publicly Beneficial Open Space within the PUD-5 District upon completion of the proposed building(s) in the Development Parcel. This conceptual plan shall indicate the Publicly Beneficial Open Space that exists in the PUD-5 District as of the time of the submission of the Development Proposal, that will be constructed as part of the Development Proposal, and that are planned for elsewhere in the PUD-5 District. The conceptual open space plan shall be expected to evolve over time as some portions of Publicly Beneficial Open Space may be relocated or reconfigured as part of future Development Proposals. With each subsequent Development Proposal within the PUD-5 District, a revised conceptual open space plan shall be submitted. Revisions to a conceptual open space plan shall not require amending any previously approved PUD Special Permit, but shall not be effective to waive or modify any of the specific conditions contained in a previously approved PUD Special Permit. The Conceptual Open Space Plan may be presented jointly with the Conceptual Development Plan required in Section 13.83(b)(ii).

13.88 Parking and Loading Requirements. Development in the PUD-5 District shall conform to the off street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.88.

13.88.1 With regard to uses contained within new commercial buildings, provided that the requirements of Section 6.23 of the Ordinance are met, the parking requirements of this Section 13.88 may be satisfied (a) anywhere in the PUD-5 District or, if located outside of the PUD-5 District, within 2,000 feet of the use being served, notwithstanding anything to the contrary contained in Article 6.000 and (b) in total or in part by a lease agreement between the developer and the City, other public entity or private owner or consortium for use of parking spaces in the public or pooled private parking facilities within said area.

13.88.2 All parking provided within an approved PUD shall be considered collectively accessory to all approved uses within the PUD, including any uses outside of the Development Parcel that may be approved by the Planning Board. Notwithstanding anything to the contrary in Article 6.000, this Ordinance shall not restrict the management and assignment of parking spaces in a way that will most efficiently utilize the existing and proposed parking spaces to serve all approved uses. As an exception to this rule, all parking spaces (whether existing or proposed) to be included within an institutional parking pool shall be distinctly identified, and shall not be used for any other uses except in ways that are explicitly approved by the Planning Board in issuing a PUD Special Permit Decision.

13.88.3 Minimum Parking. In approving a Final Development Plan for a Development Parcel, the Planning Board may waive any minimum parking requirements applicable in the zoning district, with the exception that parking for residential uses shall not be less than 0.5 parking spaces per dwelling unit. The Planning Board may approve arrangements for shared parking of such residential parking spaces with commercial spaces. The Planning Board shall specify a minimum parking requirement for a PUD based on review and analysis of Transportation Impact Studies and other relevant information on parking demand provided in application documents, including the Shared Parking Study as required further below, and with the guidance of City agencies.

13.88.4 Maximum Parking. Maximum allowed parking for a PUD shall be limited by applying the rates set forth below to each use within the PUD and taking the summation of the result for all uses. Exceeding the maximum allowed parking shall require a waiver of maximum parking required under the general provisions of Article 6.000.

a. Maximum of 0.9 spaces per 1,000 square feet of Gross Floor Area for office uses, excluding technical office (Section 4.34(a-e)).
b. Maximum of 0.8 spaces per 1,000 square feet of Gross Floor Area for laboratory use and technical office uses (Section 4.34(f)).
c. Maximum of 0.75 spaces per residential dwelling unit (Section 4.31(d-g)).
d. Maximum of 0.5 spaces per 1,000 square feet of retail (Sections 4.35 and 4.36).
e. Maximum of 1 space per 4 sleeping rooms for hotel use (Section 4.31(i)(2)).

13.88.5 Shared Parking Study. A Development Proposal for development in the PUD-5 District shall include an analysis of anticipated parking demand for all uses in the development throughout the course of a typical day and week. This analysis may identify opportunities for reducing the total amount of parking required to serve all uses through the sharing of parking spaces by multiple uses. Based on this analysis, the Planning Board may approve a reduced minimum or maximum parking requirement upon finding that the approved amount of parking will be sufficient to serve all permitted uses.

13.88.6 Design, Dimensional, and Other Requirements of Provided Parking and Loading Facilities

a. Except as provided herein, all parking for new non-residential and non-institutional uses shall be underground structured parking. Notwithstanding this underground parking requirement, parking for all uses in the Third Street

Transition Subdistrict may be in above-ground structured parking provided such structured parking is consistent with the existing structured parking in the Subdistrict.

b. In its approval of a Final Development Plan, the Planning Board, in consultation with City staff (including the Traffic Parking and Transportation Department), may approve (i) the location, layout and design of parking spaces that deviate from the requirements of Article 6.000; (ii) the location, width and layout of curb cuts serving the Development Parcel that deviate from the requirements of Section 6.43; and (iii) a small number of on-grade parking and loading spaces to be used for, among other things, handicap parking, short-term loading, use by food trucks and other short-term or special purposes.

13.88.7 Temporary On-Grade Open Parking for Commercial Uses

On an interim basis in anticipation of later construction of underground or other structured parking sufficient to meet all parking requirements of a new commercial use constructed on a Development Parcel, on-grade open parking shall be allowed within the PUD-5 District to serve such a use subject to the following conditions:

a. The future underground parking structure will be constructed within the PUD-5 District, but it may be located either on or off of the lot which it will serve;
b. Construction of the replacement subsurface parking structure is anticipated to commence within four (4) years of the date of certificate of occupancy for the building initially served by on grade parking;
c. 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
d. Binding commitments shall exist to establish, to the reasonable satisfaction of the Planning Board, that requirements (a) through (c) above shall be satisfied. Such commitments shall be made by negotiated lease agreement, deed restriction, covenant, or comparable legal instrument.

13.88.8 Pre-Existing Parking Spaces

a. The Planning Board, after consultation with City staff, may approve in a Final Development Plan, underground or structured parking spaces as replacements for pre-existing accessory parking spaces that will be displaced by improvements contemplated by such Final Development Plan, provided that such spaces are serving pre-existing commercial uses that are not proposed to be substantially altered. The Planning Board shall approve such replacement spaces upon determining that they were legally permitted under the applicable zoning regulations when the pre-existing use was established and that the traffic generated by the pre-existing use shall not be increased as a result. If such pre-existing spaces have been guaranteed to a third party by virtue of the terms of a duly executed lease, license or other legally binding written agreement that exists as of January 1, 2013, the Planning Board may include conditions to its approval that would take effect upon the expiration of the third party's pre-existing use and

occupancy of building, pursuant to the existing agreement (as such agreement may be extended and/or renewed from time to time).

b. Where any pre-existing accessory off-street parking spaces located in a Development Parcel that are serving a pre-existing use located outside the Development Parcel (whether within or outside the PUD-5 District) are proposed to be eliminated or displaced in accordance with the Final Development Plan for that Development Parcel, such pre-existing off-street parking may be relocated to a Parcel other than the Development Parcel by Special Permit granted by the Planning Board to the owner of the off-site use after consultation with City staff, provided, however, that such use is permitted on such other Parcel either as-of-right or by virtue of zoning relief granted for such Parcel by the Planning Board or the Board of Zoning Appeals, as the case may be. 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.

c. Such replacement or relocated accessory parking spaces for pre-existing uses shall not count toward the maximum parking permitted under this Section 13.88.

13.88.9 The Planning Board, in its approval of a Final Development Plan for a Development Parcel, may waive any requirements for the amount, location and design of loading facilities within a Development Parcel, and may permit loading facilities to be shared across various uses and lots within the PUD-5 District.

13.88.10 The quantity, design and location of bicycle parking shall comply with the provisions set forth in Article 6.000 of this Ordinance.

13.89 *Special Requirements, Conditions and Standards Applicable to Certain Development Authorized by the Planning Board in the PUD-5 District.* 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 a Final Development Plan that will ensure ongoing compliance with these requirements.

13.89.1 Rooftop Mechanical Equipment Noise Mitigation. Sound emanating from rooftop mechanical equipment on all new or substantially altered structures (i.e., alterations to an existing structure or building the cost of which exceeds fifty percent (50%) of the assessed value of such building or structure) in an 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 emanating from new commercial or substantially altered (as defined in this Section 13.89.1) commercial buildings shall not be normally perceptible at ground level without instruments at a distance of one hundred (100) feet from the source lot line and shall comply with the provisions of the City of Cambridge Noise Ordinance applicable to Commercial Areas (as such term is defined in the Noise Ordinance).

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

a. Prior to and as a condition of the issuance of the first certificate of occupancy for a new or substantially altered commercial building, an acoustical report, including field measurements, demonstrating compliance of such building with all applicable noise requirements; and
b. Prior to obtaining any building permit to add any equipment having a capacity greater than five (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.

13.89.2 Required Housing.

At least 240,000 square feet of New Gross Floor Area in the aggregate must be devoted to residential uses in the PUD-5 District. Prior to the issuance of a building permit allowing construction of New Gross Floor Area for commercial uses in excess of 600,000 square feet in the aggregate, the Developer must demonstrate that construction of a minimum of 240,000 square feet of New Gross Floor Area of residential use has commenced, a full building permit has been issued for the construction of such residential use and that the construction of such square footage is being continuously and diligently pursued. The required residential Gross Floor Area shall be subject to the provisions of Section 11.200 of the Zoning Ordinance. Except as otherwise set forth herein, a Final Development Plan shall be subject to the requirements of Section 11.203.1 (Requirements for Incentive Zoning Contributions) and 11.203.2 of the Zoning Ordinance (Requirements for Inclusionary Housing), provided, however, in the Third Street Transition Subdistrict, subject to the provisions of Section 11.203, the percentage shall be increased to eighteen percent (18%).

13.89.3 Innovation Space. A Development Proposal containing at least 200,000 square feet of new Office Uses shall include a plan for Innovation Office Space meeting the requirements of this Section 13.89.3.

13.89.3.1 Required Space. For a Development Proposal containing new Office Uses, Innovation Office Space within the PUD-5 District must occupy Gross Floor Area equal to, or in excess of, the amount of Gross Floor Area that is five percent (5%) of the New Gross Floor Area approved in the Final Development Plan for Office Uses. Existing Gross Floor Area within the PUD-5 District may be used to meet this requirement. Where at least 40,000 square feet of Innovation Office Space is required, Innovation Office Space may be distributed in separate buildings, provided, however, that each separate “unit” of Innovation Office Space, contains at least 20,000 square feet. If less than 40,000 square feet of Innovation Office Space is required to be contained in the PUD-5 District, the Innovation Office Space must be contained in a single building.

Developers of properties within the PUD-5 District may collaborate with property owners in adjacent zoning districts in the Kendall Square area to develop joint Innovation Office Space Plan. In such a case, the total square footage of joint Innovation Office Space must be large enough to satisfy the sum of the requirements, if any, for such participating developers and zoning districts.

13.89.3.2 Characteristics. For the purposes of this Section 13.89.3, the required Innovation Office Space shall have the following characteristics:

a. Durations of lease agreements (or other similar occupancy agreements) with individual business entities shall be for periods of approximately one (1) month.
b. No single business entity may occupy more than 2,000 square feet or 10% of the entire Innovation Office Space required to be provided in the PUD-5 District, whichever is greater.
c. The average size of separately contracted private suites may not exceed 200 square feet of GFA.
d. Innovation Office Space shall include shared resources (i.e., co-working areas, conference space, office equipment, supplies and kitchens) available to all tenants and must occupy at least 50% of the Innovation Office Space.
e. Individual entities occupying Innovation Office Space may include small business incubators, small research laboratories, office space for investors and entrepreneurs, facilities for teaching and for theoretical, basic and applied research, product development and testing and prototype fabrication or production of experimental products.

13.89.3.3 Variations. In approving a Final Development Plan or a Minor Amendment to a Final Development Plan, the Planning Board may allow variations in the specific standards and characteristics set forth Sections 13.89.3.1 and 13.89.3.2 above, if the Planning Board finds that the Innovation Office Space, as proposed, will be consistent with the purposes of these standards and characteristics.

13.89.4 Sustainability.

New buildings constructed within the PUD-5 District shall comply with the provisions of Section 22.20 of the Ordinance. Notwithstanding the above, new commercial buildings containing uses identified in Sections 13.82.4 and 13.82.7 and new residential buildings identified in Section 13.82.1, shall comply with LEED Gold level criteria. In connection with the submission requirements of Section 22.24.2.a., the developer of such buildings shall submit a Statement of Energy Design Intent produced through the EnergyStar Target Finder tool, or comparable method. New institutional buildings will meet LEED Gold level criteria, unless the technological specifications of a proposed specialized research facility are such that the developer can demonstrate the impracticability of achieving the LEED Gold level criteria or the inordinate impact achieving the LEED Gold level would have on such specialized research facility. New buildings in the PUD-5 District must incorporate an integrated design approach and incorporate the best practices for meeting sustainability in the following five (5) areas:

a. Energy and Emissions; Steam. Each new building must conserve building energy and, to the extent applicable, reduce carbon/GHG emissions. The Developer,

with each Development within the PUD-5 District, must evaluate the potential for on-site energy generation or the construction of co-generation facilities within the PUD-5 District that will serve the new building and other buildings located within the PUD-5 District. A Development Proposal for a commercial building shall include a study, prepared by the Developer, considering the feasibility of connecting the building identified in the Development Proposal to the existing district steam system.

b. Urban Site and Landscaping; Water Management. The Developer, for each new building, must explore opportunities for (i) potable water use reductions, (ii) storm water management using open spaces, (iii) the incorporation of indigenous vegetation and (iv) storm water for irrigation purposes. At a minimum, all new buildings within the PUD-5 District must meet the Department of Public Works' standards for water quality management and the retention/detention of the difference between the 2-year 24-hour pre-construction runoff hydrograph and the post-construction 25-year 24-hour runoff hydrograph.

c. Healthy Living & Working. Each new building must provide people with access to daylight and enhance the visual and thermal comfort of people living and working within the PUD-5 District.

d. Transportation. The Final Development Plan for the PUD-5 District must encourage multimodal transportation, provide facilities for cyclists and provide an infrastructure to support alternative energy vehicles.

e. Promotion of Sustainability Awareness. New buildings within the PUD-5 must be designed to incorporate features that demonstrate other sustainability strategies.

f. Cool Roofs. All new buildings approved in the District after January 1, 2013, must employ Functional Green Roofs (as such term is defined in Article 22.000 of this Zoning Ordinance), high-albedo "white" roofs or a functionally equivalent roofing system.

g. Monitoring. All new buildings approved in the PUD-5 District after January 1, 2013, shall track and report energy use to the City using EnergyStar, Labs21, LEED-EBOM or a substantially similar mechanism. Such reporting shall occur at the end of the first year of occupancy of the building, then once annually during the first five (5) years of occupancy, and once every five (5) years thereafter. Failure to provide such reports to the City shall not constitute a failure of condition of any PUD-5 Special Permit.

h. In connection with the approval of a Final Development Plan or in connection with the granting of a Special Permit pursuant to Article 19 of the Ordinance, the Planning Board may grant dimensional and other zoning relief in order to permit the construction of a co-generation facility or other energy systems that allow developments to develop shared solutions to minimize energy usage.

13.810 *Other Provisions*.

13.810.1 Active Uses and Pedestrian Activity.

Final Development Plans for commercial uses 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 first floors of commercial buildings in locations enumerated below shall generally be planned, designed, constructed and used for Active Uses (defined below). At a minimum, a total of at least seventy-five percent (75%) of the aggregate New Gross Floor Area of the Activation Space situated within a commercial building in the PUD-5 District shall be devoted to Active Uses. For the purposes of this Section 13.810.1, the term "Activation Space" shall mean the portions of the first floors of commercial buildings immediately abutting Main Street, Broadway and the Broad Canal, situated between the Principal Front Wall Plane of such building along said Main Street and Broadway and along the northerly and easterly boundaries of the Third Street Transition Subdistrict along Broad Canal Way and the line that is situated twenty (20) feet from said Principal Front Wall Plane. Notwithstanding the above, the Planning Board, in approving a Final Development Plan for a new building, may, in consultation with City staff, grant a reduction of the required minimum total area of Active Uses within the Activation Space of the new building, where such reduction is necessitated by site conditions or other complications.

Definition of Active Uses. For purposes of this Section 13.810.1, "Active Uses" means:

(1) Retail business and consumer service establishments listed in Section 4.35;
(2) Institutional uses that are generally open to the public, such as museums and exhibition spaces;
(3) Uses listed in Section 13.82.6; and
(4) Other uses which the Planning Board determines meet the goals of this Section 13.810.1.

The definition of "Active Uses" shall specifically exclude lobbies or other spaces that serve an accessory function to upper-story office or laboratory uses.

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

(1) Active Uses shall have one or more entrance(s) from the sidewalk or plaza separate from the principal entrance of the building for non-retail uses.
(2) Outdoor courtyards, delineated gathering space, or sitting areas are encouraged throughout each Development Parcel in any approved Final Development Plan.

Prior to submitting any application for a special permit in the PUD-5 District, the applicant shall engage the services of a consultant or other party with retail expertise to advise the applicant in connection with retail and other Active Uses to be included in the applicable Development Parcel. The recommendations of that consultant shall be included in the applicable special permit application.

13.810.2 Contribution to Community Fund.

Upon the Planning Board's approval of the first Final Development Plan for a Development Parcel within the PUD-5 District, the permittee shall contribute to a

Community Fund, established by the City Manager, an amount equal to $10.00 multiplied by the number of square feet of new gross floor area for the commercial uses identified in section 13.82.4 and 13.82.7 (an amount, a "Fund Contribution Payment"). The City shall use the funds contributed by the developer pursuant to this Section 13.810.2.

Notwithstanding the above, the permittee shall, within ninety (90) days of the adoption of this Section 13.80, make a payment of $2,500,000 to the City as a deposit against future Fund Contribution Payments. On the earlier to occur of the issuance of the first Final Certificate of Occupancy for a new commercial building within the PUD-5 District or three (3) years from the date of the adoption of Article 13.80, the permittee shall make a payment of $2,500,000 to the City as an additional deposit against future Fund Contribution Payments. Following the payment of the second deposit the permittee shall not be required to make any further Fund Contribution Payments until such time as the City has issued Final Certificates of Occupancy for new commercial buildings containing 500,000 square feet of Gross Floor Area, in the aggregate.

13.810.3 Planning and Zoning Studies; Design Guidelines. In its review and approval of a Final Development Plan for a Development Parcel, the Planning Board shall consider all future planning and zoning studies and design guidelines adopted by the Planning Board for a geographic area containing the Development Parcel.

13.810.4 Letter of Commitment. The Letter of Commitment dated April 8, 2013, by the Massachusetts Institute of Technology shall be binding upon the Massachusetts Institute of Technology and its successors and assigns. The issuance of any building permit or certificate of occupancy authorized by a Planned Unit Development Special Permit issued pursuant to this Section 13.80 shall be conditioned upon certification by the Community Development Department and all other relevant City departments to the Inspectional Services Department that all portions of the aforementioned Letter of Commitment are continuing to be met.