
ORDINANCE NUMBER 1398

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City of Cambridge

In the Year Two Thousand and Seventeen

AN ORDINANCE

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

In 13.90 entitled “Planned Unit Development 7 District” as follows:

13.90 PLANNED UNIT DEVELOPMENT 7 DISTRICT

13.91 *Purpose.* The PUD-7 District is intended to provide for the creation of a vibrant mixed-use district of high quality general and technical office and retail activity, with significant components of residential use and open space. The retention of government office facilities on the site is desired, as well as space for smaller innovation companies as a component of the commercial space that is created. The creation of open space to serve residents of the District and the surrounding neighborhoods, as well as workers, students from nearby institutions, and visitors, is desired. The PUD-7 District permits larger scale development and supporting commercial activities and residences close to Kendall Square and the major public transit services located there. It encourages strong connections between new development at Kendall Square, the East Cambridge riverfront, the PUD-7 area and the neighborhoods of eastern Cambridge. It also promotes permeability at the edges of the district, public spaces that will feel welcoming and comfortable to all users, ground floors that will activate public streets and spaces, and civic functions and amenities serving residents and visitors of all ages and all socioeconomic backgrounds. The expectation is for the District to transform into a recognizable center of activity and civic life for Kendall Square and the surrounding neighborhoods. Development in the PUD-7 District is expected to meet high standards for urban design, architectural design, environmental sustainability and open space design. Development should be generally consistent with the policy objectives set forth in the then current Kendall Square (“K2”) Planning Study and Design Guidelines (2013), the Planning and Design Principles established by the City’s Volpe Working Group (2017) and Volpe Site Design Guidelines (2017), collectively, the “PUD-7 Guidelines and Principles.”

13.91.1 Master Plan Area. To further the purpose of this Section 13.90, any Development Parcel or portion of a Development Parcel meeting the requirements set forth in

Section 13.93 below that is at least five (5) acres in area shall be considered a Master Plan Area, within which a Development Proposal shall present physical information in a more conceptual or 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.

13.91.2 Master Plan Requirements. Within the Master Plan Area, the locations of streets and open spaces, the quantities of proposed land uses, and 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 Master Plan Criteria set forth in Section 13.91.4 below and the guidance provided in the PUD-7 Guidelines and Principles. At a minimum, a Development Proposal and subsequent Final Development Plan for a Master Plan Area must contain the following components:

(a) Site Development Plan — describing how the Master Plan Area is divided into distinct building sites (including any Government Owned Lot as defined in Section 13.97 below), streets, and open spaces and their development characteristics, including potential uses and Gross Floor Area (“GFA”).

(b) Site Massing Plan — illustrating the height and massing of building volumes for each proposed building site, and including studies of anticipated shadow and wind impacts resulting from building mass.

(c) Parking and Loading Plan — identifying the locations of all parking facilities, bicycle parking facilities and facilities for loading or other vehicular service functions, and the number of spaces proposed at each location.

(d) Connectivity Plan — illustrating all pedestrian, bicycle and vehicular circulation routes within the Master Plan Area, their connections to nearby public circulation routes and destinations outside the Master Plan Area, and approximate locations of access and egress points on each building and parking facility within the Master Plan Area.

(e) Open Space Plan — illustrating and quantifying the areas of all proposed open space and the ownership and designation of each area, specifically delineating open space required in Section 13.94 below and the portions of such open space that will be permanently guaranteed for public use, as well as descriptions of major design elements and themes to be incorporated into each space and the types of uses and activities that could be accommodated in each space, including areas that will be designated for programmed uses such as spill-out dining and performance space.

(f) Ground Floor and Activation Plan — illustrating the conceptual arrangement of functions such as retail establishments and other active uses, residential and office lobbies, and utility spaces at the ground floor of each building in the Master Plan Area, as well as the locations and anticipated sizes of

Active Space, Innovation Space, and Community Space that may be required or incentivized by the specific provisions of this Section 13.90 and strategies for programming and activating those spaces (specifically including a report from a retail specialist describing strategies for recruiting and supporting retail tenants in a manner that will support the requirements and goals of the District).

(g) Housing Plan — providing the approximate number and mix of housing unit types proposed on each residential site, and identifying the anticipated location of dwelling units that may be required or incentivized by specific provisions of this Section 13.90.

(h) Phasing Plan — describing the general sequence in which development is proposed to proceed, and specifically describing how the phasing requirements set forth in this Section 13.90 will be met.

(i) Sustainability Plan – describing: (1) how the sustainability requirements set forth in Section 13.96.4 below will be met; (2) expected greenhouse gas emissions from the development and strategies employed to improve energy efficiency and support renewable energy production, through individual building design and by utilizing existing or new district-wide energy systems; and (3) expected vulnerability of the development to the effects of climate change, including increased precipitation, flood risk, temperature, and urban heat island effect, and strategies to promote resiliency within individual building sites and at a larger district-wide level, including natural stormwater management systems, increased vegetation and shade, and measures to withstand and recover from extreme climatological events.

(j) Transportation Plan – incorporating: (1) a Transportation Impact Study required by Section 19.20 of this Ordinance; (2) a Shared Parking Study required by Section 13.95.5 below; (3) a study of the impacts of increased demand on public transportation services in the Kendall Square area; (4) a description of the development’s relationship to future regional rail, bus, pedestrian/bicycle and other transportation system connections in the area, such as the Grand Junction rail corridor; and (5) a Transportation Demand Management and Mitigation program describing measures to offset or mitigate the project’s impacts on transportation systems. Such studies shall account for the proposed scale and phasing of development and the limitations on system capacity to accommodate new vehicle, transit, and other trips.

(k) Environmental Comfort Plan – describing or showing screening, building elements, or other site improvements designed to reduce impacts from wind and shadows, provide adequate lighting for safe use while minimizing excessive light, mitigate urban heat island effect, and control noise generated by mechanical systems and by truck traffic, particularly on Binney Street.

(l) Architectural Character Plan – describing general approaches to the design of buildings, landscaped areas, streets, and pathways, identifying the type of

visual character that the development will aim to achieve, with the expectation that specific designs of individual buildings and spaces will be reviewed in further detail as they are developed.

13.91.3 Master Plan Approval. The Planning Board shall grant a PUD special permit approving a Final Development Plan for a Master Plan Area (with the exception of any Government Owned Lot that is not subject to local regulation) upon finding that the Final Development Plan is consistent with the criteria set forth below, all other criteria applicable to approval of a Final Development Plan in this Zoning Ordinance and any other special permits being sought, and upon consideration of the PUD-7 Guidelines and Principles. In approving a Final Development Plan, the Planning Board may incorporate criteria and additional guidelines for future design review of individual building sites and open spaces in support of its findings. The PUD special permit may identify specific modifications to the Final Development Plan that may be subject to future approval by a written determination of the Planning Board. Otherwise, any modifications to a Final Development Plan for a Master Plan Area shall be considered pursuant to the PUD Amendment provisions set forth in Section 12.37 of this Zoning Ordinance.

13.91.4 Master Plan Criteria. An approved Final Development Plan for a Master Plan Area shall meet the following objectives:

- (1) Providing a mix of commercial, including research and technology, and residential uses, with particular emphasis on ground-floor retail along portions of Third Street and Broadway, to encourage activity throughout the day and evening.
- (2) For residential uses, incorporating a diversity of dwelling unit sizes that are appealing and accessible to a variety of users, including families with children and households from a variety of socioeconomic backgrounds.
- (3) Breaking up large blocks to increase permeability and create a fine-grained network of connections that seamlessly integrates the PUD-7 District with the surrounding urban fabric of Kendall Square and the East Cambridge, Wellington-Harrington, and Port neighborhoods.
- (4) Sensitively interfacing with adjacent land uses with respect to use scale, density, setback, bulk, height, landscaping, and screening, while providing integrated pedestrian circulation systems with particularly strong linkages to the Broad Canal, riverfront, Grand Junction corridor, other public spaces within Kendall Square, and the East Cambridge, Wellington-Harrington, and Port neighborhoods.
- (5) Sensitively managing the height and bulk of new buildings to (a) reduce the impact of shadows, excessive wind, and obstruction of light and views, with specific consideration given to residential buildings and public spaces; (b) reduce detrimental environmental impacts such as excessive ground coverage,

diminution of open space, and monotonous development; (c) provide an appropriate scale at interfaces with adjoining lower scale uses, such as proposed and existing buildings and open spaces in the vicinity; (d) not otherwise diminish the health and safety of the area around the development parcel; and (e) establish a defined urban character at a “streetwall” height that is distinct from taller “tower” elements of buildings, in accordance with the goals set forth in the PUD-7 Guidelines and Principles.

(6) Creating an integrated network of high-quality streets and open spaces, including significant space for public gathering and recreation, that serves the surrounding communities as well as the development on the site by encouraging and fostering a sense of community, civic engagement, social interaction, economic development, and environmental sustainability.

(7) Integrating development with open space physically and functionally by means of building orientation, active frontages, location of building entrances, pedestrian linkages between major activity centers, and similar techniques in accordance with the objectives set forth in the PUD-7 Guidelines and Principles.

(8) Providing a strong street edge on major public streets, including Broadway and Third Street as well as new street connections through the district, to create a memorable “main street” experience.

(9) Providing active ground floors that animate streets and open spaces, and add to the vitality of Kendall Square.

(10) Fostering a spirit of inclusiveness and diversity, particularly in the planning and programming of Open Space, Active Space, Innovation Space, and Community Space (in accordance with the requirements set forth below) to draw users and visitors from across the city.

(11) Enhancing the architectural diversity and aesthetic qualities of the PUD-7 District to harness the spirit of innovation and creativity in Kendall Square and reinforces a Cambridge sense of place.

(12) Promoting best practices for environmental sustainability in district-wide planning and in establishing design objectives for individual buildings and sites, in accordance with the City’s ongoing planning efforts, including the Net Zero Action Plan and Climate Change Preparedness and Resiliency Plan.

(13) Demonstrating a commitment to implementing a Transportation Demand Management and Mitigation Program consistent with the reduced parking mandated in this PUD zoning and the capacity limitations of the transportation network that serves the Kendall Square area, including roadways and public transportation systems. In approving a Final Development Plan, the Planning Board shall refer to Article 18.000 and Section 19.20 of this Zoning Ordinance, applicable PUD-7 Guidelines and Principles, and other City transportation planning efforts (including the Kendall Square Mobility Task Force), and may

require measures to be linked to milestones, thresholds or performance standards connected to the scale and pace of development within the PUD.

- 13.91.5 Pre-Application Conference. In the course of preparing a Development Proposal for a Master Plan Area, the Developer shall be required to participate in at least one PUD Pre-Application Conference as established in Section 12.33 of this Zoning Ordinance and a similar conference with the full City Council or Ordinance Committee. The purpose of the conference will be to discuss the conceptual alternatives for site arrangement, building massing, circulation systems and public space arrangement, as well as general approaches to architectural and landscape design, and for the Developer to receive informal feedback from the Planning Board prior to preparing the materials required by Section 13.91.2. As set forth in Section 12.33.2, any statement made by the Planning Board or the Developer at the Pre-Application Conference shall not be legally binding. Notwithstanding Section 12.33.3, the Developer shall present graphic and written materials as needed to illustrate and describe conceptual development alternatives.
- 13.92 *Uses Allowed in a PUD-7 District.* The uses listed in this Section 13.92, 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 13.90. This Section 13.92 shall refer to uses as they are listed in Article 4.000 and otherwise defined in this Zoning Ordinance as of the effective date of the enactment of this Section 13.90.
- 13.92.1 Residential Uses. All uses listed in Sections 4.31 d. (Townhouse Development); 4.31 g. (Multifamily Dwelling); and 4.31 i.2. (Hotels or Motels).
- 13.92.2 Transportation, Communication and Utility Uses. All uses listed in Section 4.32 and which are allowed or conditionally allowed in the base zoning district.
- 13.92.3 Office and Laboratory Uses. All uses listed in Section 4.34.
- 13.92.4 Retail Business and Consumer Service Establishments. All uses listed in Section 4.35 with the exception of j. (mortuary, undertaking or funeral establishment).
- 13.92.5 Open Air or Drive in Retail & Services. Uses listed in Sections 4.36 a. (Sales place for flowers, garden supplies agricultural product conducted partly or wholly outdoors, commercial greenhouse or garden) and 4.36 e. (Open air theatre or other open air place of entertainment), but not including drive-in theatres.
- 13.92.6 Institutional Uses. All uses listed in Section 4.33.
- 13.92.7 Light Industry, Wholesale Business and Storage. Uses listed in Sections 4.37 a. (Assembly and packaging of articles), b. (Manufacturing, processing, assembly and packaging), c. (Bottling of beverages) and f. (Printing, binding, published and other related arts and trades).

13.92.8 Other Uses. Any use not listed in subsections 13.92.1 through 13.92.7, otherwise allowed in a Business B District, may be allowed by the Planning Board upon written determination by the Board that such use is consistent with the objectives of the PUD-7 District and is consistent with the predominant uses in the PUD-7 District.

13.93 *District Dimensional Regulations.*

13.93.1 Permitted Gross Floor Area (GFA). In the PUD-7 District the maximum GFA shall be three million, two hundred fifty thousand (3,250,000) square feet, including the up to four hundred thousand (400,000) square feet of GFA devoted exclusively to a use designated as Other Government Facility in the Table of Use Regulations on a Government Owned Lot (as set forth in Section 13.97 below), subject to the provisions set forth below.

(a) Assignment of GFA to Lots. A Development Proposal for a Development Parcel including all lots within the PUD-7 District shall describe how all of the permitted GFA set forth above will be assigned to lots within the District. However, to the extent a Development Proposal for a Development Parcel excludes the single lot identified on the Cambridge Assessing Maps as Map/Lot 28-43, which is located at the southwesterly corner of Binney Street and Third Street and is approximately five thousand, eight hundred eighty-nine (5,889) square feet in size, such Development Parcel shall be allowed a maximum of three million, two hundred twenty thousand (3,220,000) square feet of GFA to be allocated to the remaining lots in the District.

(b) GFA Exemptions. The following shall be excluded from the calculation of GFA for the purpose of meeting the requirements set forth in this Section or elsewhere in this Zoning Ordinance:

(1) GFA devoted exclusively to a use designated as Other Government Facility in the Table of Use Regulations on a Government Owned Lot (as set forth in Section 13.97 below), but only to the extent that the GFA of all Other Government Facility uses on any and all Government Owned Lots located within the PUD-7 District exceeds four hundred thousand (400,000) square feet, in the aggregate.

(2) GFA devoted to Active Space that is exempt according to the provisions of Section 13.96.1, Paragraph (3) below, up to a maximum of five percent (5%) of GFA allowed in the PUD-7 District.

(3) Fifty percent (50%) of the GFA devoted to Innovation Space, up to a maximum of five percent (5%) of non-residential GFA allowed in the PUD-7 District, as described in Section 13.96.3 below.

(4) Private outdoor decks or balconies, up to eight percent (8%) of the GFA of any building.

(5) Any and all of the GFA devoted to the Community Space required by Section 13.96.5.

(c) Required Residential Development.

(1) At least forty percent (40%) of the total permitted GFA in a Final Development Plan, excluding up to four hundred thousand (400,000) square feet of GFA devoted exclusively to a use designated as Other Government Facility in the Table of Use Regulations on a Government Owned Lot (as set forth in Section 13.97 below), shall be devoted to residential use. Such calculation shall be based on GFA authorized exclusive of any GFA devoted solely to structured parking. Individual Development Parcels may exceed the limitations set forth above, as long as the limitations are satisfied, in the aggregate, within the PUD-7 District.

(2) For the purpose of this Section, residential uses shall mean the residential uses listed in Section 4.31 d. and g. of this Zoning Ordinance. In addition, hotel or motel uses (Section 4.31, i-2), up to a maximum of one hundred thousand (100,000) square feet, may be used to partially satisfy the required residential development.

(3) Final Development Plans for Development Parcels shall include a Phasing Plan providing a general sequence for the construction of residential and non-residential uses. The Planning Board shall approve such a Phasing Plan if it is found to ensure that residential uses will be completed on a schedule that meets the objectives of the City and ensures compliance with the requirement set forth in Paragraph (1) above. In general, exclusive of Other Government Facility Uses on Government Owned Lots, non-residential development on Development Parcels shall not be authorized to exceed, in the aggregate, sixty percent (60%) of the total non-exempt GFA permitted for non-residential uses until substantial construction activity of a significant portion of the required residential GFA within the Final Development Plan has commenced. Full completion of all of the permitted non-residential GFA shall not be allowed before substantial construction activity has commenced on all of the required residential development. The Planning Board may approve variations to the standards in this Paragraph if the Phasing Plan is found to be in general conformance with the intent of this Paragraph.

(4) Residential GFA shall be subject to the Inclusionary Housing Provisions of Section 11.203 of this Zoning Ordinance, but in no case shall the Inclusionary Housing Requirement be less than twenty percent (20%). However, notwithstanding the provisions of Section 11.203.5, no further increase in Floor Area Ratio or Gross Floor Area beyond the limitations set forth in this Section 13.93.1 shall be provided.

(5) In the event that a Final Development Plan contains hotel or motel uses in partial satisfaction of the housing requirements as set forth in Paragraph (2) above, the Final Development Plan shall also include Affordable Dwelling

Units containing an aggregate Net Dwelling Unit Floor Area equal to twenty percent (20%) (or such larger percentage as may be specified in Section 11.203.2 of this Zoning Ordinance) of the aggregate GFA of any hotel or motel uses to the extent such uses are being counted toward satisfaction of the minimum residential use requirement set forth above in Section 13.93.1(c)(1), in addition to the Affordable Dwelling Units required in the non-hotel residential portions of the Final Development Plan. No hotel uses shall receive a certificate of occupancy until the City has issued certificates of occupancy for the Affordable Dwelling Units comprising the Net Dwelling Unit Floor Area required by this Paragraph.

13.93.2 Minimum Development Parcel Size.

(a) A Development Parcel within the PUD-7 District shall include all lots that are in existence as of July 6, 2017, and held in common ownership where it is proposed to incorporate any portion of such lot or lots within the Development Parcel. A portion of a Development Parcel may be designated as a Government Owned Lot subject to the provisions set forth in Section 13.97 below. 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 13.93.2, the Planning Board may in its discretion approve a PUD application having a smaller Development Parcel size. However, in no case shall a Development Parcel contain less than twenty-five thousand (25,000) square feet of total lot area.

(b) A Development Parcel within the PUD-7 District may also contain contiguous or noncontiguous lots elsewhere in the PUD-7 District or within another PUD District that are situated within three hundred (300) feet of the boundaries of the PUD-7 District. There shall be no specified minimum lot size for lots located within a Development Parcel.

13.93.3 Residential Density. There shall be no required minimum Lot Area Per Dwelling Unit in the PUD-7 District.

13.93.4 Maximum Building Height.

(a) The maximum height permitted in the PUD-7 District shall be two hundred fifty (250) feet, except as it may be further limited or increased in this Section 13.93.4. The permitted heights are further illustrated on the Building Height Regulation Map for the PUD-7 District, Map 13.91.

(b) Reduced Building Height to One Hundred Seventy Feet. The maximum height for non-residential buildings shall be reduced to one hundred seventy (170) feet in the portion of the PUD-7 District bounded by the centerline of Binney Street, the centerline of Third Street, the southerly line of Monroe Street and a line that is the extension of the easterly line of Fifth Street running from the

northerly line of Fifth Street to centerline of Binney Street. In such portion of the District, any part of a building exceeding one hundred seventy (170) feet in height shall (i) be limited to residential and/or institutional dormitory uses (and may include related amenity space), and (ii) have floor plates measuring no more than fifteen thousand (15,000) square feet.

(c) Increased Building Height. In the portion of the PUD-7 District bounded by the centerline of Third Street, the centerline of Broadway, the westerly boundary of the PUD-7 District and the northerly line of Potter Street and its extension from the centerline of Third Street to the westerly boundary of the PUD-7 District, building heights can be increased above two hundred fifty (250) feet, subject to the limitations set forth below:

(1) The use of any occupiable space situated above three hundred (300) feet in height shall be limited to residential and/or institutional dormitory uses (and may include related amenity space).

(2) Portions of buildings situated above two hundred fifty (250) feet in height shall have floor plates measuring no more than fifteen thousand (15,000) square feet of GFA.

(3) No more than ten percent (10%) of the aggregate land area of the PUD-7 District (including any private rights of way situated on or constructed within parcels owned by the Developer or public streets created after the adoption of this Article 13.90) may be covered by portions of buildings in excess of two hundred fifty (250) feet in height, excluding the height of any buildings containing Other Governmental Uses. In approving a Final Development Plan, the Planning Board may increase such coverage upon finding that it would facilitate the accommodation of residential uses in accordance with the requirements of this Section 13.90 and the PUD-7 Guidelines and Principles.

(4) No more than one building shall be allowed to exceed three hundred fifty (350) feet in height. In reviewing a Development Proposal or Final Development Plan including a building that exceeds three hundred fifty (350) feet in height, the Planning Board shall give consideration to a building that is designed to be a distinctive architectural landmark. In no event shall any building having a height in excess of five hundred (500) feet be permitted.

(d) Notwithstanding the non-residential height limits contained above, publicly accessible areas of a building located at or above a height of three hundred (300) feet shall be permitted, subject to approval by the Planning Board. Such public access shall be subject to such reasonable hours of operation and rules and regulations as the owner of the building containing such uses may from time to time adopt; however, the Planning Board must approve any proposal to significantly limit public access to such uses.

13.93.5 Other Dimensional Requirements. There shall be no minimum width for a Development Parcel and no minimum width for lots located within a 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, except that no building shall be constructed within ten (10) feet of the westerly boundary of a development parcel abutting the existing open space parcel that connects the corner of Binney Street and Sixth Street to the corner of Broadway and Ames Street. There shall be no minimum required distance between buildings situated on the same lot within a Development Parcel. The Planning Board shall approve all such lot sizes and building setbacks.

13.94 *Open Space.*

(a) At a minimum, twenty-five percent (25%) of the land area within the PUD-7 District, excluding any land designated as a Government Owned Lot, shall be Public Open Space or Publicly Beneficial Open Space, subject to the further standards set forth below. Less than twenty-five percent (25%) of the land area of an individual Development Parcel may be Public Open Space or Publicly Beneficial Open Space, provided that the requirement of this Paragraph is otherwise met within a combination of parcels in the PUD-7 District in accordance with Paragraph (c) below.

(b) For the purpose of this Section 13.90, the building footprint of any free-standing structure devoted to Community Space, as defined in Section 13.96.5 below, shall be applied toward the minimum Open Space requirements set forth in the preceding paragraph. Such free-standing structure must be used solely for Community Space, with the exception that Active Space, as described in Section 13.96.1 below, is permitted on the ground floor but such Active Space shall not apply toward the minimum Open Space requirements set forth in Paragraph (a) above.

(c) Owners of adjacent Development Parcels or non-adjacent parcels contained within the PUD-7 District (with the exception of Government Owned Lots) may collectively provide the required Open Space, provided that the parcels are held in common ownership or the Planning Board finds that the owners of each Development Parcel have provided written evidence of an agreement that the total amount of open space required for both Development Parcels is provided and that the Open Space Plans for each Development Parcel meet the standards for approval. In that event, the Planning Board shall identify in the Special Permits for each PUD the amount of open space required on each parcel.

(d) The required Open Space shall contain, in the aggregate, at least two (2) acres of such Open Space that is permanently guaranteed for public use by means of a recorded covenant, easement, conservation restriction, or other similar legal instrument acceptable to the City. Such public use may include active or passive recreation, pedestrian and bicycle connections, enjoyment of natural environments, spillover activity from publicly accessible ground floor uses, public

performances, or other programming opportunities. All such open space shall be generally accessible to the public for the purposes for which the open space is designed and approved by the Planning Board.

- 13.95 *Parking and Loading Requirements.* Development in the PUD-7 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 13.95.
- 13.95.1 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 13.95 may be satisfied (a) anywhere in the PUD-7 District or, if located outside of the PUD-7 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, occupancy agreement, license or other comparable legal instrument 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.
- 13.95.2 All parking provided within an approved PUD shall be considered collectively accessory to all approved uses within the PUD and the PUD-7 District. 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 these rules, all parking spaces (whether existing or proposed) that are accessory to an Other Government Facility use as listed in Section 4.33, paragraph (g) of the Table of Use Regulations shall be distinctly identified and shall not be accessory to any other uses.
- 13.95.3 *Minimum Parking.* In approving a Final Development Plan for a Development Parcel, the Planning Board may waive any minimum parking requirements applicable in the PUD-7 District and the underlying Zoning District. 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 Final Development Plan 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 below and with the guidance of City agencies.
- 13.95.4 *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. For any use not listed below, the maximum parking ratio set forth in Article 6.000 shall apply. Exceeding the maximum allowed parking shall require a waiver of maximum parking required under the general provisions of Article 6.000.

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- (a) Maximum of 0.8 spaces per 1,000 square feet of GFA for office and laboratory uses.
 - (b) Maximum of 0.75 spaces per residential dwelling unit.
 - (c) Maximum of 0.5 spaces per 1,000 square feet of retail space.
 - (d) Maximum of 1 space per 4 sleeping rooms for hotel use.

13.95.5 Shared Parking Study. A Development Proposal for development in the PUD-7 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.

13.95.6 Surface Parking. All parking within the PUD-7 District shall be provided underground, as defined in Section 5.25.22 of this Zoning Ordinance, with the following exceptions that may be approved by the Planning Board in a Final Development Plan:

(a) Surface Parking on Private Roadways. On-grade parking shall be allowed along private ways to be constructed within the PUD-7 District, provided that the location and amount of said on-grade parking shall be depicted in the Final Development Plan.

(b) Interim Use of Surface Parking. On an interim basis, in anticipation of later construction of 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 parking structure will be constructed within the Development Parcel or on an adjacent Development Parcel or outside of the PUD-7 District in a location that complies with the provisions of Section 13.95.1, but it may be located either on or off of the lot which it will serve;

(2) Construction of the replacement parking structure will commence within five years of the date of certificate of occupancy for the building initially served by on grade parking;

(3) The future 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 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, license, occupancy agreement or comparable legal instrument.

(c) Where required, parking spaces for persons with disabilities may be located on-grade.

(d) Nothing in this Section 13.95 shall prohibit the use of the surface parking spaces on Government Owned Lots.

13.95.7 Ground Floor Retail and Customer Service Uses. Retail and customer service uses not exceeding ten thousand (10,000) square feet of space for each separately leased establishment shall not be required to provide any accessory parking. Where parking is provided, it shall be subject to the other provisions of this Section 13.95.

13.95.8 Loading. The Planning Board, in its approval of a Final Development Plan, 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-7 District, upon finding that such waiver would reduce the negative impacts of loading activities on the public realm.

13.95.9 Bicycle parking shall be provided in accordance with Section 6.100 of this Zoning Ordinance.

13.96 *Special Requirements, Conditions and Standards Applicable to Certain Development Authorized by the Planning Board in Kendall Square.* The Planning Board shall approve a Final Development Plan in the PUD-7 District 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.

13.96.1 Active Space. Final Development Plans 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, with the exception of buildings containing Other Government Facility uses on Government Owned Lots, the ground floors of buildings in the PUD-7 District immediately fronting on Third Street or Broadway shall be planned, designed, and constructed to contain Active Space as required below, and the ground floors of buildings facing public parks and public streets in the PUD-7 District shall be designed to be inviting to the public and to accommodate Active Space in the future where feasible.

(a) Characteristics of Active Space. For purposes of this Section, “Active Space” shall include any interior floor area meeting the following standards:

(1) Use Limitations. Active Space shall include retail business and consumer service establishments permitted in Section 13.92.4, institutional uses that are generally open to the public such as museums and exhibition spaces, child care, education or recreation uses serving families with children, Community Space as required in Section 13.96.5 below, and other uses that are generally open to the public and that the Planning Board determines meet the goals of this Section. Space occupied by office uses, specifically including lobbies for office or laboratory tenants, as well as banks, trusts, and other financial institutions, shall not be considered Active Space. Portions of hotel and other lobbies containing retail uses that are open to the general public, and not reserved exclusively for hotel guests or tenants, may be considered Active Space with written Planning Board approval.

(2) Location. Active Space shall be located at the ground floor of a building, adjacent to and at the grade of a public sidewalk or Open Space, and with one or more entrance(s) providing direct access from such sidewalk or Open Space and not requiring passage through any non-Active Space, provided that access through lobbies constituting Active Space as set forth above in Section 13.96(a)(1) shall be permitted. In addition, with Planning Board approval, Active Space may be located either below grade or above the ground floor if such space is combined with or accessory to Active Space with entrances at the ground floor, provided the Board finds that such location is appropriate for the intended use and is generally consistent with the purpose and objectives of the District.

(3) Establishment Size Limitations for GFA Exemption. Active Space shall be exempt from the GFA requirements of this Section 13.90, up to the maximum exemption set forth above in Section 13.93.1(b)(2), only to the extent that it is leased or otherwise occupied by individual commercial establishments or uses occupying no more than three thousand (3,000) square feet, which may include vendor stalls or kiosks located within larger public spaces. Grocery, market or pharmacy uses of up to ten thousand (10,000) square feet shall also be exempt. The Planning Board may also exclude other Active Space from the calculation of GFA to facilitate the inclusion of specific larger-scale active uses that are consistent with the purpose and objectives of the District and the PUD-7 Guidelines and Principles. The GFA and approximate location of all such exempt Active Space shall be depicted in a Final Development Plan.

(b) Required Active Space.

(1) At a minimum, a total of at least sixty-five percent (65%) of those portions of the interior ground floors of buildings that are within a minimum depth of twenty (20) feet from a Principal Front Wall Plane directly fronting Broadway or Third Street shall be Active Space. Active Space is also encouraged to activate new major streets and open spaces created within a PUD.

(2) At least twenty-five percent (25%) of the floor area of the Required Active Space in the Final Development Plan shall be devoted to

Independent Retail Operators each occupying no more than three thousand (3,000) square feet of floor area. Such space requirements may be satisfied as larger public atrium spaces containing smaller vendor stalls or kiosks. For the purposes of this Section 13.90, "Independent Retail Operators" shall mean any retail operator that does not own and operate more than ten (10) retail locations in the Commonwealth of Massachusetts with same name and the same retail concept on the date that the first lease is initially executed for such retail space.

(c) Notwithstanding the provisions set forth above, the Planning Board, in approving a Final Development Plan, may grant minor modifications to the requirements set forth in this Section 13.96.1, upon finding that the proposed Ground Floor and Activation Plan meets the purpose of the PUD-7 District.

(d) Prior to submitting an application for a special permit in the PUD-7 District, the Developer shall have either hired or engaged, respectively, an employee with substantial retail experience or the services of a consultant or other party with retail expertise in order to advise the Developer in connection with tenancing and programming of retail and other Active Space to be included in the applicable Development Parcel. The recommendations of that consultant shall be included in the Development Proposal.

13.96.2 Rooftop Mechanical Equipment Noise Mitigation. Sound emanating from rooftop mechanical equipment on all new or substantially altered structures 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 commercial buildings shall not be normally perceptible 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 Developer shall provide, in addition to a 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 new 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 thereof, an acoustical report, including field measurements, demonstrating such compliance.

13.96.3 *Innovation Space.* A Development Proposal containing at least two hundred thousand (200,000) square feet of new GFA for Office Uses identified in Section 4.34, and specifically excluding any office space designated as Other Government Facility on a Government Owned Lot, shall include a plan for Innovation Space meeting the requirements set forth below.

(a) Required Space.

(1) The Development Proposal must identify Innovation Space that has a GFA equal to, or in excess of, five percent (5%) of the new GFA approved in the Final Development Plan for Office Uses other than the office space designated as an Other Government Facility on a Government Owned Lot. GFA, including, without limitation, existing GFA, within the PUD-7 District or other Zoning and/or PUD Districts situated within one and one-half (1.50) miles from the PUD-7 District may be used to meet this requirement.

(2) Where at least 40,000 square feet of Innovation Space is required, Innovation Space may be distributed in separate buildings, provided, however, that each separate "unit" of Innovation Space contains at least 20,000 square feet. If less than 40,000 square feet of Innovation Space is required, the Innovation Space must be contained in a single building.

(3) Developers of properties within the PUD-7 District may collaborate with one or more property owners in Zoning and/or PUD Districts located within one and one-half (1.50) miles from the PUD-7 District to develop or designate joint Innovation Space. In such a case, the total square footage of Innovation Space must be large enough to satisfy the sum of the requirements, if any, for such participating Developers and their Zoning and/or PUD Districts.

(4) A developer may enter into a lease, license or other contract or occupancy agreement with a third party, whereby the third party provides (via sublease or other occupancy agreement), administers, and manages the required Innovation Space within a building (or buildings) without violating the requirements of this Section 13.96.3, provided that such third party complies with the requirements of this Section as the same may be varied by the Planning Board.

(b) Characteristics. For the purposes of this Section, Innovation Space shall have the following characteristics:

(1) Durations of lease agreements (or other similar occupancy agreements) with individual business entities shall be for periods of approximately one (1) month.

(2) No single business entity may occupy more than 2,000 square feet or ten percent (10%) of the entire Innovation Space required to be provided in the

PUD-7 District, whichever is greater. The average size of separately contracted private suites may not exceed 200 square feet of GFA.

(3) Innovation Space shall include shared resources (i.e., co-working areas, conference space, office equipment, supplies and kitchens) available to all tenants occupying at least fifty percent (50%) of the Innovation Space.

(4) Individual entities occupying Innovation Space may include small business incubators and accelerators, small research laboratories, office space for investors and entrepreneurs, facilities for teaching and for theoretical, basic and applied research, product development and testing prototype fabrication, or production of experimental products.

(c) 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 in this Section 13.96.3, if the Planning Board finds that the Innovation Space, as proposed, will be consistent with the purposes of these standards and characteristics.

13.96.4 *Sustainability.* New buildings constructed within the PUD-7 District shall comply with the provisions of Section 22.20 of the Zoning Ordinance. For those construction projects subject to Section 22.23, LEED certification at the Gold level or better is required. 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 to the reasonable satisfaction of the Planning Board the impracticality 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-7 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-7 District, must evaluate the potential for on-site energy generation or the construction of co-generation facilities within the PUD-7 District. A Development Proposal for a commercial building shall include a study, prepared by the Developer, considering the feasibility of connecting the building(s) 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-7 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. The design of buildings and outdoor spaces must also provide for vegetation such as canopy trees, green walls and other measures to reduce urban heat gain.

(c) **Cool Roofs.** All new buildings approved in the PUD-7 District, 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. Where Functional Green Roofs are not employed, roofs shall be constructed to facilitate the future installation of Solar Energy Systems.

(d) **Monitoring.** All new buildings approved in the PUD-7 District shall be required to conform to the requirements of the Cambridge Building Energy Use Disclosure Ordinance, Chapter 8.67 of the Municipal Code.

(e) In connection with the approval of a Final Development Plan or in connection with the granting of a PUD or other special permit pursuant to this Zoning 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.

13.96.5 **Community Space.** A Final Development Plan shall provide for the establishment of a Community Space, which for the purpose of this Section shall mean a freestanding building or a portion of a building containing other uses that is occupied and programmed for one or more non-commercial service functions, including but not limited to public recreation, social services, and educational programs. The intent is for the Community Space to serve residents of nearby neighborhoods, including East Cambridge, Wellington-Harrington, and the Port, and to complement other public and community services available in those neighborhoods.

13.96.6 **Funding Contributions.**

(a) **Contribution to Kendall Square Fund.** Prior to issuance of a Certificate of Occupancy for any building authorized by a PUD special permit in the PUD-7 District and containing non-residential uses not exempt from GFA pursuant to Section 13.93.1, the permittee shall be required to contribute to a Kendall Square Fund established by the City Manager. The contribution (referred to as a "Fund Contribution Payment") shall be calculated by multiplying ten dollars (\$10.00) by the number of square feet of new GFA for all non-residential uses in the subject building not exempt from GFA pursuant to the provisions of Section 13.93.1, excluding the GFA of any Other Government Facility uses. The City shall use any Fund Contribution Payment made pursuant to this Section 13.96.6 for the

following uses in such allocations and amounts as the City Manager may determine:

(1) Transit Improvements. Fifty percent (50%) of any Fund Contribution Payments shall be allocated for transportation improvements and services to benefit the Kendall Square neighborhood and residents in adjacent neighborhoods not already required by the City of Cambridge Parking and Traffic Demand Management (PTDM) Ordinance. The transit improvement funds shall be allocated at the direction of the City Manager.

(2) Community Benefits Fund. Fifty percent (50%) of any Fund Contribution Payments shall be allocated to the Community Benefits Fund that has been established by the City Manager.

(b) All development that meets the definition of an Incentive Project as set forth in Article 2.000 of this Zoning Ordinance shall make a contribution in accordance with the requirements of Section 11.202 of this Zoning Ordinance.

13.97

Special Requirements Related to Government Use on Government Owned Lots. Where a Development Parcel or Master Plan Area in the PUD-7 District includes a Government Owned Lot as it is defined below, the special provisions set forth in this Section 13.97 shall apply notwithstanding any other regulations to the contrary set forth in this Ordinance.

(a) For the purpose of this Section 13.97, a Government Owned Lot shall mean a lot owned by the federal government that may be developed in conjunction with a transfer of land to a private entity, where such transferred land is adjacent to the Government Owned Lot, and where the Government Owned Lot is included as part of a Development Parcel or Master Plan Area. If so included, such Government Owned Lot shall be clearly identified in a Development Proposal and Final Development Plan.

(b) Uses on a Government Owned Lot categorized as Other Government Facility in Section 4.33 g. in in this Zoning Ordinance, if included within a Final Development Plan, shall be exempt from the requirements set forth in this Section 13.90 and elsewhere in the Ordinance, except when calculating Permitted GFA in the PUD-7 District as set forth in Section 13.93.1 above.

(c) If a Special Permit has been granted authorizing development on a Development Parcel or Master Plan Area containing a Government Owned Lot in accordance with a Final Development Plan, and the controlling government entity later separates the Government Owned Lot from the remainder of the Development Parcel or Master Plan Area, then no future modification to development on the Government Owned Lot shall affect the development authorized in the approved Final Development Plan on the remainder of the Development Parcel or Master Plan Area, and such development shall be allowed to proceed in accordance with the Final Development Plan.

13.98

Letter of Commitment. The Letter of Commitment dated October 23, 2017 by the Massachusetts Institute of Technology is incorporated herein by reference and made part of the Cambridge Zoning Ordinance and shall be binding upon the Massachusetts Institute of Technology and its successors and assigns.

In City Council October 23, 2017.

Passed to be ordained as amended by a yeas and nays vote:-

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

Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez
City Clerk