

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2022 MAR 22 AM 11:57
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION

Case Number:	383
Location of Premises:	330 Third Street and 585 Third Street
Zoning:	Office 3A (O-3A); PUD-CDK; PUD-3
Applicant:	BMR – Third LLC 4570 Executive Drive, San Diego, CA 92121
Owners:	BMR – Third LLC 4570 Executive Drive, San Diego, CA 92121 NSTAR Gas Company 247 Station Drive SE210, Westwood, MA 02090
Application Date:	September 20, 2021
Preliminary Hearing/Determination:	October 19, 2021
Second Public Hearing:	January 25, 2022
Date of Planning Board Decision:	January 25, 2022
Date of Filing Decision:	March 22, 2022
Summary of Proposal:	Planned Unit Development (PUD) Canal District Kendall Special Permit (Section 13.202), Special Permit for Reduction of Green Roofs Requirement (Section 22.35.3) and Project Review Special Permit (Section 19.20) to construct a 16-story mixed-use building of 500,000 square feet of gross floor area to include laboratory space, office space, art performance center, and indoor-outdoor public space.
Decision:	GRANTED, with conditions.

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws, Chapter 40A, and shall be filed within twenty (20) days after filing of the above referenced decision with the City Clerk. Copies of the complete decision and final plans, if applicable, are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Swaathi Joseph

For further information concerning this decision, please contact Swaathi Joseph at 617-349-4668, or sjoseph@cambridgema.gov.

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit Application dated 9/3/2021 containing the following volumes:
 - Volume 1 containing supporting written materials for issuance of the requested special permit including special permit forms, project description, a summary of requested special permits, community engagement summary, detailed responses to applicable special permit approval criteria, infrastructure narrative, noise mitigation narrative, sustainability narrative and appendices.
 - Volume 2 containing Development Proposal for the project including plans and illustrations as well as appendices.
2. Presentation slides shown to the Planning Board on 10/19/2021.
3. Responses to Planning Board comments dated 12/13/2021 and Special Permit Volume 2 dated 12/28/2021 containing Final Development Plan for the project including plans and illustrations as well as appendices.
4. Revised Special Permit Volume 2 dated 1/11/2022 containing Final Development Plan for the project including plans and illustrations as well as appendices.
5. Presentation slides shown to the Planning Board on 1/25/2022.

City of Cambridge Documents

6. Memo to the Planning Board from Katherine F. Watkins, City Engineer, dated 10/12/2021.
7. Memo to the Planning Board from Community Development Department Staff, dated 10/13/2021.
8. Memo to the Planning Board from Joseph E. Barr, Director of Traffic, Parking and Transportation, dated 10/15/2021.
9. Memo to the Planning Board from Community Development Department (CDD) staff, dated 1/19/2022.
10. Memorandum to the Planning Board from Joseph E. Barr, Director, Traffic, Parking and Transportation Department (TP+T), dated 1/20/2022.

Other Documents

11. Letter to the Planning Board from 585 Arts Advisory Circle, dated 10/14/2021.
12. Letter to the Planning Board from Charles J Marquardt, dated 1/20/2022.
13. Email communication to the Planning Board from Dan Yonah Marshall, dated 1/24/2022.
14. Letter to the Planning Board from C.A. Webb, Kendall Square Association, dated 1/25/2022.
15. Letter to the Planning Board from Todd Bennett, undated.
16. Notice of Extension of Time to March 31, 2022, dated 12/7/2021.

APPLICATION SUMMARY

The Application involves the development of a single 16-story building consisting of approximately 500,000 square feet of office and laboratory uses, arts and cultural space, and interior public open space uses on two parcels on the east side of Third Street, between Kendall Street and Athenaeum Street (Block 14, Lots 39 and 46). Specifically, the proposal includes a 30,000 square foot arts and cultural center with a performing arts theater consisting of up to 385 seats (exempt from GFA per Section 13.204.1.b of the Cambridge Zoning Ordinance); 15,000 square feet of interior ground floor public space (“Ground Floor Public Commons”); 485,000 square feet of office/laboratory uses; and approximately 11,000 square feet of outdoor open space.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Planned Unit Development (PUD) Final Development Plan Approval (12.36)

The Applicant submitted a Development Proposal on September 28, 2021 in accordance with the requirements of Article 12.000. The Planning Board approved the Development Proposal following a public hearing on October 19, 2021, and issued a Preliminary Determination approving the Development Proposal with requests for additional material to be included in the Final Development Plan. The Preliminary Determination was filed with the City Clerk on November 9, 2021. The Applicant responded to the requests for additional material and submitted a Final Development Plan on December 28, 2021.

Pursuant to Section 12.36.4, the Board reaffirms the findings made in its Preliminary Determination and finds that the Final Development Plan remains in conformance with the evaluation criteria set forth in Section 12.35.3, as set forth below.

(1) The Development Proposal conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth in the specific PUD district in which the project is located.

The Board finds that the Final Development Plan is in conformance with the General Development Controls set forth in Section 12.50 and the development controls of the PUD-CDK zoning district contained in Section 13.200 of the Zoning Ordinance. The Final Development Plan demonstrates compliance with the specific requirements set forth in the PUD-CDK zoning adopted in 2020.

(2) The Development Proposal conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located.

The zoning for the PUD-CDK district was developed to be consistent with established plans and guidelines for Kendall Square and East Cambridge, including the Kendall Square Planning Study and Design Guidelines (2013), the draft Kendall Square Design Guidelines (the “K2 Design Guidelines”), the Connect Kendall Square Open Space Plan (the “Kendall Square Open Space Plan”), and the Volpe Working Group Planning & Design Principles dated July 20, 2017 (the “Volpe Guidelines”), collectively referred to as the “PUD-CDK Guidelines and Principles”. The Board has reviewed the PUD-CDK Guidelines and Principles along with comments provided by Community Development

Department (CDD) staff and finds the Final Development Plan to be consistent with such guidelines and principles.

(3) The Development Proposal provides benefits to the city that outweigh its adverse effects.

The Board finds that, on the whole, the proposed PUD will benefit the City by enabling the redevelopment of the parcel into a mixed-use district that is comprised of high quality general and technical office and laboratory uses with diverse active commercial retail and community uses, alongside an arts and culture center and publicly-accessible open spaces that will diversify the mix of uses in the neighborhood and enhance the Third Street streetscape and open space network. The proposed PUD will provide additional benefits as outlined in the Letter of Commitment that is incorporated by reference into the PUD-CDK zoning.

In making this determination the Planning Board shall consider the following:

(a) The quality of the site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public

The Final Development Plan thoughtfully arranges buildings and land uses around a planned network of streets and open spaces that makes logical connections to the existing urban fabric. Buildings are designed to provide ample active ground-floor uses throughout the development to encourage pedestrian activity and street level activity along Third Street, Athenaeum Street, and Kendall Street. Publicly accessible open space is provided in the form of an approximately 15,000 square foot interior Ground Floor Public Commons and ample open space and recreational areas around the perimeter of the site. Slight adjustments to the design of the proposed building and open spaces presented in the Development Proposal have resulted in an improved Final Development Plan.

(b) Traffic flow and safety

The Final Development Plan

The Final Development Plan includes a new network of private streets, sidewalks and bicycle lanes which help to facilitate safe, orderly access and mobility to/from and throughout the site. There will be no new off-street parking constructed as part of the development, which will utilize existing and available parking spaces in two underground parking garages in the vicinity of the site. Off-street loading

and associated building service functions are organized and consolidated along the interior of the site. The Final Development Plan includes a Transportation Impact Study (TIS) which has been certified complete and reliable by TP+T staff and includes a program of transportation improvements and other measures (attached hereto as Appendix B) which help to mitigate impacts created by the project.

(c) Adequacy of utilities and other public works

The Application Documents, testimony at the public hearing, and memorandum from the City Engineer indicate that there is adequate utility and public works capacity to satisfy the demand from the Final Development Plan. With the appropriate mitigation as identified in the Department of Public Works Memorandum dated 10/14/21, City requirements related to infrastructure are understood and will be met in the new development.

(d) Impact on existing public facilities within the city

The Final Development Plan is not expected to result in any negative impact on existing public facilities.

(e) Potential fiscal impacts

The Final Development Plan is generally expected to result in positive fiscal impacts for the City, including increased tax revenue and contributions to public improvements and mitigation as required in the PUD-CDK zoning and Letter of Commitment.

Pursuant to Section 12.36.4, the Board finds that the Final Development Plan contains those revisions required by the Planning Board in its Preliminary Determination (appended hereto) as well as responses to requests for additional information as discussed below. These materials were summarized in a Comment Response Matrix provided as part of the Final Development Plan submission and provided direct responses to each of the requests in the attached Preliminary Determination as well as references to additional information provided within the Final Development Plan submission itself.

2. Project Review Special Permit (Section 19.20)

The Board finds that the Final Development Plan conforms to the criteria for approval of a Project Review Special Permit contained in Section 19.20, as set forth below.

(19.25.1) Traffic Impact Findings. Where a Traffic Study is required as set forth in Section 19.24 (2) the Planning Board shall grant the special permit only if it finds that the project will have no substantial adverse impact on city traffic within the study area as analyzed in the Traffic Study. Substantial adverse impact on city traffic shall be measured by reference to the traffic impact indicators set forth in Section 19.25.11 below.

(19.25.11) Traffic Impact Indicators. In determining whether a proposal has substantial adverse impacts on city traffic the Planning Board shall apply the following indicators. When one or more of the indicators is exceeded, it will be indicative of potentially substantial adverse impact on city traffic. In making its findings, however, the Planning Board shall consider the mitigation efforts proposed, their anticipated effectiveness, and other supplemental information that identifies circumstances or actions that will result in a reduction in adverse traffic impacts. Such efforts and actions may include, but are not limited to, transportation demand management plans; roadway, bicycle and pedestrian facilities improvements; measures to reduce traffic on residential streets; and measures undertaken to improve safety for pedestrians and vehicles, particularly at intersections identified in the Traffic Study as having a history of high crash rates.

The indicators are: (1) Project vehicle trip generation weekdays and weekends for a twenty-four hour period and A. M. and P.M. peak vehicle trips generated; (2) Change in level of service at identified signalized intersections; (3) Increased volume of trips on residential streets; (4) Increase of length of vehicle queues at identified signalized intersections; and (5) Lack of sufficient pedestrian and bicycle facilities. The precise numerical values that will be deemed to indicate potentially substantial adverse impact for each of these indicators shall be adopted from time to time by the Planning Board in consultation with the TPTD, published and made available to all applicants.

The Applicant submitted a Transportation Impact Study (TIS), which was reviewed by the Traffic, Parking and Transportation Department (TP+T) and certified as complete on August 4, 2021. As communicated in a memorandum from TP+T dated January 20, 2022, the proposal creates additional Planning Board Special Permit Transportation Criteria exceedances, including intersection level of service (LOS) exceedances (Third Street/Kendall Street/Potter Street), lane queue exceedances, pedestrian delays, and transportation exceedances due to lack of bicycle facilities. However, the memo noted that the proposed development has committed to build no new off-street parking in the Project and has proposed transportation demand management (TDM) measures, which will significantly limit increases in traffic. TP+T proposed a transportation mitigation program to appropriately address the impacts being generated by the proposed development. These mitigations include, among other elements, additional electric vehicle supply equipment (EVSE) being installed in nearby garages being used to support the demand from the proposed building, design and reconstruction of Third Street between Potter Street and Munroe Street/Linskey Way, \$1.7 million toward transit improvements in the Kendall Square area, and ongoing loading dock and traffic management planning.

Therefore, upon consideration of the transportation analysis, the communication from TP+T, and the agreed-upon mitigation measures, the Planning Board finds that the proposed development will not result in substantial adverse impact on city traffic in the area.

(19.25.2) Urban Design Findings. The Planning Board shall grant the special permit only if it finds that the project is consistent with the urban design objectives of the city as set forth in Section 19.30. In making that determination the Board may be guided by or make reference to urban design guidelines or planning reports that may have been developed for specific areas of the city and shall apply the standards herein contained in a reasonable manner to nonprofit religious and educational organizations in light of the special circumstances applicable to nonprofit religious and educational activities.

The Board finds that the proposed project is consistent with the Urban Design Objectives set forth in Section 19.30, which also make reference to plans and guidelines established by the City of particular areas.

(19.31) New projects should be responsive to the existing or anticipated pattern of development.

As described in the PUD findings set forth above, the Final Development Plan helps to implement the extensive planning efforts undertaken to inform the creation of the PUD-CDK zoning regulations which have shaped this proposed development. The Final Development Plan helps to relocate an existing Gas Transfer Station along Third Street and create a new mixed-use, infill development with a diverse mix of technical office, retail and consumer service, and arts and cultural uses. The inclusion of ample interior and exterior public spaces helps to enhance the neighborhood's open space network and improve critical connections to nearby recreational and open space amenities, which will contribute to the overall vibrancy and livability of the area.

The building, sited along Third Street, helps to fill a gap in the existing streetwall and steps back at critical points in the façade to provide ample light and air onto nearby public spaces. New, improved pedestrian connections to the Broad Canal and Termeer Square from Third Street will help to enliven these spaces and encourage robust pedestrian activity. Improvements to Third Street will help to enhance bicycle and pedestrian facilities and provide for safe, convenient and sustainable transportation options for tenants and visitors to the site.

(19.32) Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.

As discussed earlier in these Findings, the Final Development Plan includes no new off-street parking being constructed as part of the project. New bicycle facilities will be constructed along Third Street, and the site will contain a new Bluebikes station and long-term and short-term bicycle parking on site. Ample public space is to be provided around the perimeter of the site and will be programmed for a range of passive and active recreational opportunities for a range of audiences and pedestrians.

(19.33) The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.

The Final Development Plan includes a building design that thoughtfully responds to neighborhood context. The building steps back from all sides at three places along the façade, allowing for the maximum penetration of light and air to the ground level and minimizing shadow and wind impacts on the site and adjacent properties. Service facilities are consolidated and located on the interior of the site, with active ground-floor uses located along Third Street and the entire southern façade of the building. The Arts and Culture Center entrance is located along the east façade on Kendall Street in order to minimize disruptions to traffic and pedestrian flow along the more highly-trafficked Third Street. The site contains significant pedestrian amenities and connections from Third Street to nearby open space and recreational amenities in the neighborhood.

(19.34) Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.

In accordance with the Conditions of this Special Permit Decision and other applicable regulations, the Final Development Plan will result in public improvements which will be subject to further technical review by City staff. Transportation and other impacts will be mitigated and monitored in accordance with City regulations, approved transportation mitigation programs, and the site's PTDM Plan. The project will be subject to enhanced standards for sustainable design as required by zoning and will be assessed for improved sustainability through the course of development. The project includes a commitment to district energy (steam) as the sole energy source for the building, a partial green roof, and stormwater strategies to minimize and mitigate potential run-off from the site.

(19.35) New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.

The Final Development Plan includes a building and site design that knits together the existing urban fabric of the neighborhood and enhances existing connections to nearby open space and recreational amenities. The addition of a building along this area of Third Street helps to fill in a critical gap in the urban streetwall, while also providing new and unique opportunities for active and passive recreation within the site and the building itself. The project includes significant ground floor public spaces that will support a wide range of retail and consumer service and arts uses that will help to improve the vibrancy of this area of Kendall Square.

(19.36) Expansion of the inventory of housing in the city is encouraged.

The Final Development Plan does not include a housing component.

(19.37) Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.

The Final Development Plan includes ample open space amenities that will exceed the minimum 20% open space requirement in the PUD-CDK district. Planned open space areas will provide a variety of programming options, including seating areas, interactive art and sculptural elements, games, and landscaping features that encourage gathering and public interaction.

3. Special Permit to Reduce Green Roof Area (Section 22.35.3)

(a) Exemption. The Planning Board may grant a special permit to reduce the required Green Roof Area, Biosolar Green Roof Area, or Solar Energy System below the area required by Section 22.35.2, provided that each square foot so reduced be compensated by a unit price contribution to the Cambridge Affordable Housing Trust. This unit price shall be determined based on the average costs to design, install, and maintain green roofs and rooftop solar energy systems in Cambridge using actual cost figures to the extent possible, shall be subject to annual adjustment based on standard construction cost indices, and shall be calculated, and recalculated approximately every three years, by the Cambridge Community Development Department. All such funds contributed to the Trust shall be dedicated to the design and incorporation of Green Roof Area, Biosolar Green Roof Area, or Solar Energy Systems into new or existing affordable housing developments.

The requested reduction in required Green Roof Area is from approximately 13,579 square feet to approximately 7,537 square feet: a reduction of approximately 6,042 square feet. According to the Application, the development program requires that a portion of the roof be reserved for future mechanical equipment once a tenant has been identified. Areas designated for future mechanical equipment are not eligible for exemption under the Green Roofs Ordinance. To counterbalance this reduction, the Applicant has committed to a number of green building and sustainability measures in the building, including a commitment that the building be fully serviced by district energy (steam) as its sole energy source. In consideration of this efforts and the conditions set forth in the Zoning Ordinance and in this Special Permit to make a required contribution to the Cambridge Affordable Housing Trust, the Planning Board finds that the requested reduction in the required Green Roof Area for the Project may be granted.

4. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

10.43 Criteria. Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

(a) It appears that requirements of this Ordinance cannot or will not be met, or ...

Upon granting of the requested special permits, it appears that the requirements of the Ordinance will be met.

- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...*

As discussed earlier in these Findings, the traffic generated will not have any substantial impact on traffic patterns and thus will not create any new congestion, hazard, or change in neighborhood character. Systems of access and egress for pedestrians, bicycles and vehicles have been designed in consultation with TP+T.

- (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...*

The proposed office/laboratory uses, retail and consumer service uses, and arts and culture uses all conform to the uses in the PUD-CDK district, and hence will not adversely affect adjacent uses that exist or are anticipated in the future. The proposed project will be compatible with the use and scale of surrounding buildings and lots, and will improve the streetscape as well as connections to nearby open space and recreational amenities.

- (d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or ...*

The proposed uses will not create nuisance or hazard, and all development activity will adhere to applicable health and safety regulations.

- (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...*

The inclusion of arts and culture uses is consistent with the City's adopted plans for the area and the PUD-CDK zoning district. The proposal includes office and laboratory uses that are compatible with adjacent development. The replacement of a vacant lot with a new building and associated publicly accessible spaces will benefit the district as a whole.

- (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.*

The project is consistent with the City's Urban Design Objectives as set forth in the 19.30 Findings above.

DECISION

Based on a review of the Application Documents, testimony given at the public hearing, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. *Approved Development.* All use, building construction, and site plan development shall be in substantial conformance with the Final Development Plan and other supporting and supplemental materials submitted to the Planning Board, except as modified by the additional Conditions of this Special Permit Decision. The development program hereby approved by the Planning Board is summarized in Appendix A, “Development Summary”. The Community Development Department (“CDD”) shall certify to the Superintendent of Buildings that all Conditions of this Decision are met prior to the issuance of a Building Permit or Certificate of Occupancy, as applicable, for any development authorized by this Special Permit.
2. *Approved Uses.* The approved uses of the project shall be all Office and Laboratory Uses listed in Section 4.34 of the Zoning Ordinance, with the exception of areas designated as “Ground Floor Public Commons” and “Arts and Culture Center” in the Final Development Plan, for which the approved uses shall be Retail or Consumer Service Establishments listed in Sections 4.35 and 4.36 of the Zoning Ordinance, including temporary, pop-up, and stall-type retail establishments, and Arts and Culture Uses listed in Section 13.203(d) of the Zoning Ordinance, along with accessory uses and functions, to the extent allowed in the PUD-CDK District. The project shall also be permitted to include Public Bicycle-Sharing Stations in Section 4.32(k) of the Zoning Ordinance. Any other use permissible in the PUD-CDK District may be authorized by a written determination of the Planning Board that such use is consistent with the objectives of the PUD-CDK District and is useful to support the predominant uses in the district.
3. *Design Review.* The project shall be subject to continuing design review by the Community Development Department (“CDD”). Before issuance of each Building Permit for the project, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Special Permit. As part of CDD’s administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design development progress to the Planning Board for its review and comment prior to certification.
 - a. *Design Details.* The Permittee shall address the following comments through the continuing design review process set forth above. Each of the below items shall be subject to CDD review and approval of the final design details prior to issuance of a Building Permit except where otherwise indicated:
 - i. Further information about the anode well cabinet.
 - ii. Review of a perspective view of the project taken from East Cambridge to

- determine if the rooftop mechanicals are highly visible from the neighborhood, and if any additional mitigation strategies are possible.
- iii. The street section on Third Street, including the separated bicycle track, street trees, plant beds, curb locations, crosswalk locations, benches and other details, including continuity of sidewalk pavement treatment, which may be reviewed and approved after issuance of a Building Permit as set forth in Condition 4-a. below.
 - iv. Landscape design details of the publicly accessible open space and setback areas, including species and planting standards for trees and other vegetation, locations of trees, bicycle racks, and details of hardscape, benches, play features and interactive art, &c.
 - v. Review of expected pedestrian wind conditions and mitigation measures associated with the landscape design, including tree species selection.
 - vi. Participation in the City’s ongoing program to provide signage to convey that the public open space around and within the building is open to the public (“POPS” signage initiative), which shall be certified prior to issuance of a Certificate of Occupancy.
 - vii. Review of exterior lighting and additional design strategies to mitigate potential light spillage and pollution beyond the boundaries of the Project site.
 - viii. Review of all exterior materials, colors, and details, including a small-scale mock-up of metal panel colors and profiles prior to a full-scale materials wall mock-up. Mock-ups should be installed on the site, and be reviewed by staff and the Planning Board, prior to any exterior materials being ordered.
- b. *Exterior Mock-Up.* Prior to the final selection of colors and textures for façade materials, the Permittee shall erect a mock-up(s) of an exterior wall section, including rooftop screening elements, on or near the building site to be reviewed by CDD for comment. Members of the Planning Board shall be notified when the mock-up is erected and given an opportunity to view the materials and transmit any comments to CDD. The mock-up’s location shall be coordinated with CDD staff prior to construction.
 - c. *Other City Standards.* Design elements requiring technical review for compliance with City requirements or standards, such as bicycle parking facilities, loading facilities, bicycle and vehicular access and egress, public bicycle sharing stations, stormwater management systems and Green Building materials (per Section 22.20), shall be reviewed by applicable City departments, which may include CDD, the Traffic, Parking and Transportation Department (“TP+T”), Department of Public Works (“DPW”), Electrical Department, Water Department, or others. Such applicable departments shall certify compliance with applicable standards and requirements prior to issuance of a Building Permit.

4. *Public Infrastructure and Utilities.* The Permittee shall be responsible for the design and installation of all necessary infrastructure and utility improvements both on and off the site needed to support the development authorized by this Special Permit. Any and all necessary infrastructure improvements shall be designed to meet all requirements and standards of the City of Cambridge and its relevant departments (including the City Engineer, Department of Public Works, the Water Department and the Electrical Department), and all other legal requirements with regard to the design and installation details of the improvements, as if such facilities were to be installed in City streets.

- a. Any infrastructure and utility public improvements associated with development on a Building Site or Open Space, including but not limited to construction of street segments or infrastructure within the Development Plan, shall be reviewed and approved by applicable City departments including CDD, TP+T, DPW, Electrical Department, Water Department, or others. The Permittee shall first prepare and submit 75% design drawings of any public improvements for review and comment by applicable City departments prior to completing final construction drawings for approval. Prior to issuance of a Building Permit, all applicable City departments shall certify to the Superintendent of Buildings either that the design of any public improvements have been approved, or that such approval shall be required at a specified time after issuance of a Building Permit.
- b. Where any utility is to be conveyed to the City of Cambridge, it shall be done in a manner acceptable to the City. The Permittee shall prepare all documents necessary to transfer these facilities to the City.
- c. All plantings proposed in the public right-of-way shall be in accordance with the Tree Planting Standards and the Urban Forestry Master Plan, subject to approval by DPW.

5. *Transportation Impact Mitigation.*

- a. The Permittee shall be required to implement the Transportation Mitigation Program recommended in the memorandum from TP+T dated January 20, 2022, attached and made part of this Special Permit Decision as Appendix B, at such times as are identified in said Appendix B, subject to certification by TP+T.
- b. The Permittee shall comply with the Parking and Transportation Demand Management (PTDM) Plan approved on January 19, 2022, as it may be amended, subject to certification by the City of Cambridge PTDM Officer.

6. *Public Commitments.*

- a. Prior to the issuance of any building permit or certificate of occupancy for development authorized by this Special Permit, CDD and all other relevant City departments shall verify to the Superintendent of Buildings that all portions of the Letter of Commitment dated December 21, 2020, by BMR-Third LLC, attached as

Appendix D to this Decision, are continuing to be met.

- b. The following commitments with regard to the Ground Floor Public Commons, as set forth and illustrated in the Final Development Plan, shall be conditions of this Special Permit:
 - i. The Ground Floor Public Commons shall include free public Wi-Fi, publicly accessible restrooms, and free charging stations.
 - ii. The Ground Floor Public Commons shall generally be made accessible Monday through Friday from 8 a.m. to 8 p.m., and extended during periods of event programming, subject to some limitations and stipulations as set forth in the Permittee's Responses to Requests for Modification and Additional Information dated December 13, 2021.
 - iii. Prior to the issuance of a Certificate of Occupancy, the Permittee shall develop a wayfinding and signage program for the Ground Floor Public Commons, subject to review and approval by CDD. Such a wayfinding and signage program shall include multiple measures to provide additional information regarding programming and accessibility of the space.
 - iv. Prior to the issuance of a Certificate of Occupancy, the Permittee or its designee shall coordinate with Economic Development Division (EDD) staff to review a programming plan for the Ground Floor Public Commons and provide input. The objective will be to develop the most appropriate timing to provide meaningful input into the marketing of spaces and potential measures to support future retail operators and users of the space.

7. *Construction Management.* Before issuance of a building permit for the Project, the Permittee shall prepare a new or updated Construction Management Program consistent with the requirements of Section 18.20 of the Zoning Ordinance, which Program shall be reviewed and approved by the CDD, TP+T, DPW, Water Department, Inspectional Services Department, and other departments as deemed appropriate by the City. Such a program shall include, in addition to the specific items required by said Section 18.20:
 - a. A plan for site remediation in accordance with applicable local, state and federal requirements;
 - b. Identification of all work to take place in the public right of way including but not limited to potential impacts to existing public shade trees to be coordinated early in the design process with the City Arborist; and
 - c. A community outreach program including, at a minimum, the following elements:
 - i. An identified point of e-mail and telephone contact to respond to community questions and feedback throughout the construction process;
 - ii. A system for communicating ongoing project updates, which may include a web page, e-mail list, social media presence, direct outreach, and/or other measures; and
 - iii. One or more signs posted on-site, legible from the public way, providing the information above along with a brief description of the project, the amount of commercial space, an expected completion date, and a rendering of the street-facing elevations.

8. *Green Building Requirements.* Throughout design development and construction, the approved development shall conform to the Green Building Requirements set forth in Section 22.20 of the Cambridge Zoning Ordinance and the additional Sustainability requirements set forth in Section 13.206.2 of the Zoning Ordinance. CDD shall certify that the applicable requirements are met prior to issuance of a Building Permit, and again prior to issuance of a Certificate of Occupancy, for development authorized by this Special Permit.
 - a. *Green Roofs.* The Planning Board hereby approves a reduction in the required Green Roof Area pursuant to Section 22.35 of the Zoning Ordinance. The amount of required Green Roof Area and provided Green Roof Area shall be certified by CDD prior to issuance of a Building Permit, and any difference shall be offset by a contribution to the Cambridge Affordable Housing Trust at a rate determined by CDD as set forth in Section 22.35.3.
9. *Housing Contribution.* Approved development shall be subject to the applicable Incentive Zoning requirements set forth in Section 11.202 of the Cambridge Zoning Ordinance. The applicable Housing Contribution shall be calculated at the time of issuance of a Building Permit and the Housing Contribution shall be made prior to issuance of a Certificate of Occupancy, subject to certification by CDD.
10. *Tree Protection.* Prior to the issuance of a building permit for any development authorized by this Special Permit, the Applicant shall submit an updated Tree Mitigation & Protection Study and obtain certification from the Department of Public Works.
11. *Other Ordinances.* All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).
12. *Commencement of Construction.* Pursuant to Section 12.41 of the Zoning Ordinance, the Permittee shall begin construction of the PUD within twelve (12) months of the date of the granting of this Special Permit. The Planning Board may grant in writing an extension of this time period of up to twelve (12) months upon determination of good cause by the developer.
13. *Amendments.* The following procedures shall be established for granting Minor and Major Amendments to this Decision:
 - a. *Determination.* Except where a change is explicitly authorized as a Minor Amendment in this Decision, the Planning Board shall determine whether a proposed change is considered a Major Amendment or Minor Amendment pursuant to Section 12.37 of the CZO.
 - b. *Minor Amendments.* A Minor Amendment to this Decision shall be approved by an affirmative vote of at least five (5) members of the Planning Board after consideration of the proposed change, enumerated on the Agenda, at an appropriately noticed meeting of the Planning Board. In approving a Minor Amendment, the Board shall issue a written determination that:
 - i. The change is consistent with the standards for a Minor Amendment set forth

- in Section 12.37 of the CZO; and
 - ii. The change does not violate applicable Sections of the Zoning Ordinance, or if the change requires relief pursuant to a special permit or variance, such relief has been granted; and
 - iii. The change will not substantially alter the Findings upon which this Decision is based.
- c. Major Amendments. Notwithstanding the provisions of Article 12.000, any Major Amendment shall only be granted after an affirmative vote of at least five (5) members of the Planning Board and only after the proposed change has been advertised as a new Special Permit subject to the procedural requirements of Section 10.40. The Planning Board shall consider the substance of the change as presented in the amendment application documents and shall not be reviewing this Decision in its entirety. Upon granting a Major Amendment, the Board shall issue written Findings that the amended portions of the Final Development Plan remain in conformance with all special permit criteria applicable to the PUD. However, if the Board finds that a requested Major Amendment to this Decision constitutes a substantial alteration to the intent, purpose and substance of this Decision, such Major Amendment shall be considered under the procedures established in Article 12.000 as if it were a new Planned Unit Development Special Permit after the submission of all required application materials.
- d. Conditions. Upon issuing any Amendment, the Planning Board may impose additional conditions intended to ensure conformance with the intent, purpose and substance of this Decision as well as any applicable requirements, standards or criteria set forth in applicable Sections of the Zoning Ordinance.

Voting in the affirmative to grant the requested Special Permits were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Mary Flynn Hugh Russell, and Associate Member Alan Price, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board.

For the Planning Board,

A handwritten signature in cursive script that reads "Catherine Preston Connolly".

Catherine Preston Connolly, Chair

A copy of this decision PB-383 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, BMR – Third LLC agrees to the conditions attached to this Decision approving the granting of a PUD Special Permit for Case PB-383.

By 

Name: Salvatore Zinno

Title: Senior Vice President, Development

Authorized Representative of BMR – Third LLC

A copy of this decision PB-383 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision has been filed on March 22, 2022 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:
_____ no appeal has been filed; or

_____ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: _____, City Clerk

Appeal has been dismissed or denied.

Date: _____, City Clerk

Appendix I: Approved Dimensional Chart

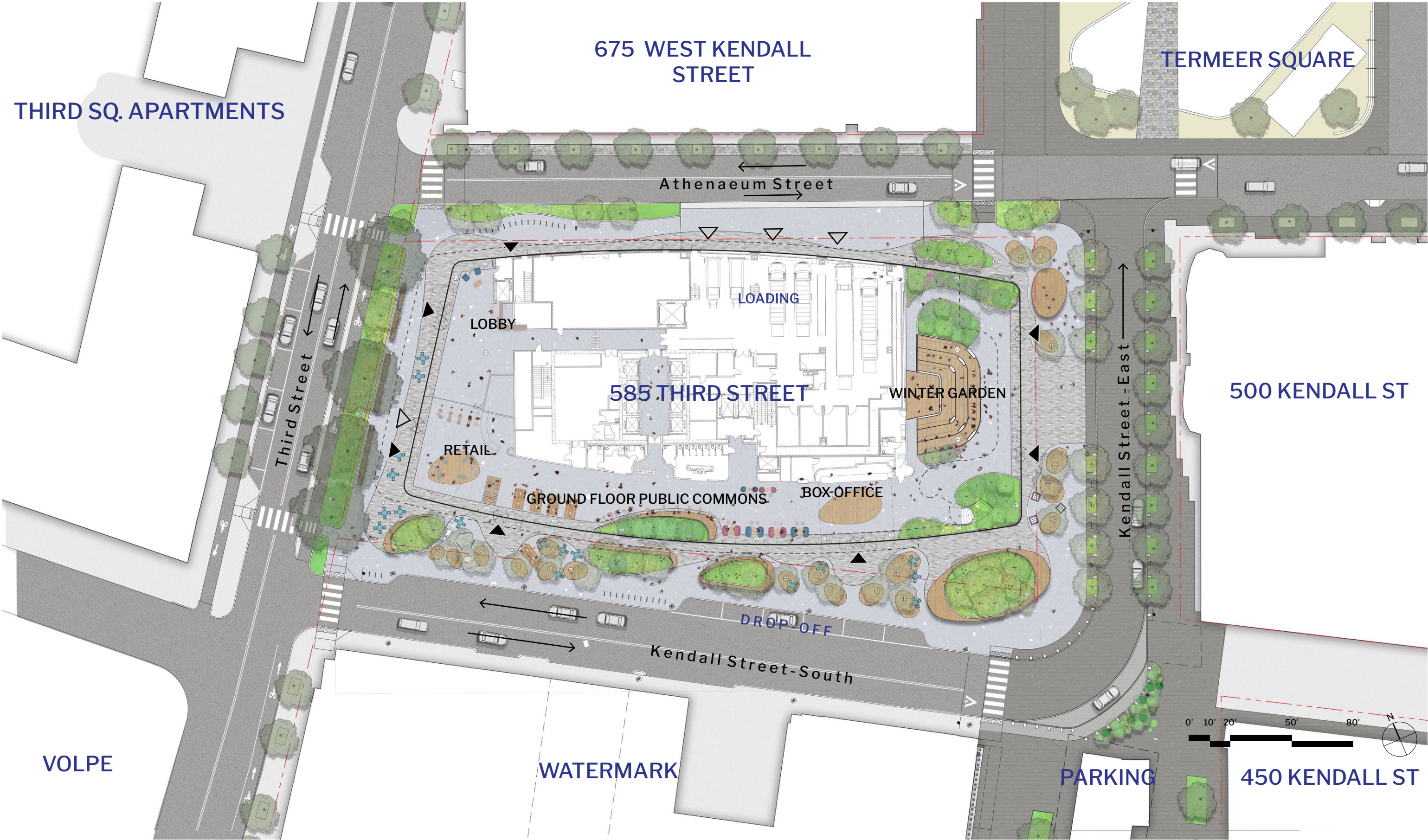
	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	51,079 sf	N/A	51,079 sf	No Change
Lot Width (ft)	(E-W) 324' (N-S) 149'-179'	N/A	(E-W) 324' (N-S) 149'-179'	No Change
Total GFA (sq ft)	0	525,000	500,000 ¹	
Residential Base	0	N/A	0	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	0	N/A	500,000	
Inclusionary Bonus	0	N/A	N/A	
Total FAR	0	N/A	9.8	Consistent with Application Documents and applicable zoning requirements
Residential Base	0	N/A	0	
Non-Residential Base	0	N/A	0	
Inclusionary Bonus	0	N/A	N/A	
Total Dwelling Units	0	N/A	0	
Base Units	0	N/A	0	Consistent with Application Documents and applicable zoning requirements
Inclusionary Bonus Units	0	N/A	0	
Base Lot Area / Unit (sq ft)	N/A	N/A	0	
Total Lot Area / Unit (sq ft)	N/A	N/A	0	
Height (ft)	0	250'	250'	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)	N/A	The Project will not exceed 85' in height within 10 feet of the property line nearest Third Street.	The Project will not exceed 85' in height within 10 feet of the property line nearest Third Street.	
Side Setback (ft)	N/A	N/A	0' at minimum	
Side Setback (ft)	N/A	N/A	0' at minimum	
Rear Setback (ft)	N/A	N/A	3' at minimum	

¹ 500,000 GFA proposed consists of approximately 15,000 GFA of ground floor public space and approximately 485,000 GFA of office/laboratory space. Per PUD-CDK zoning any SF associated with the Arts and Culture Center is excluded from the GFA permitted/proposed.

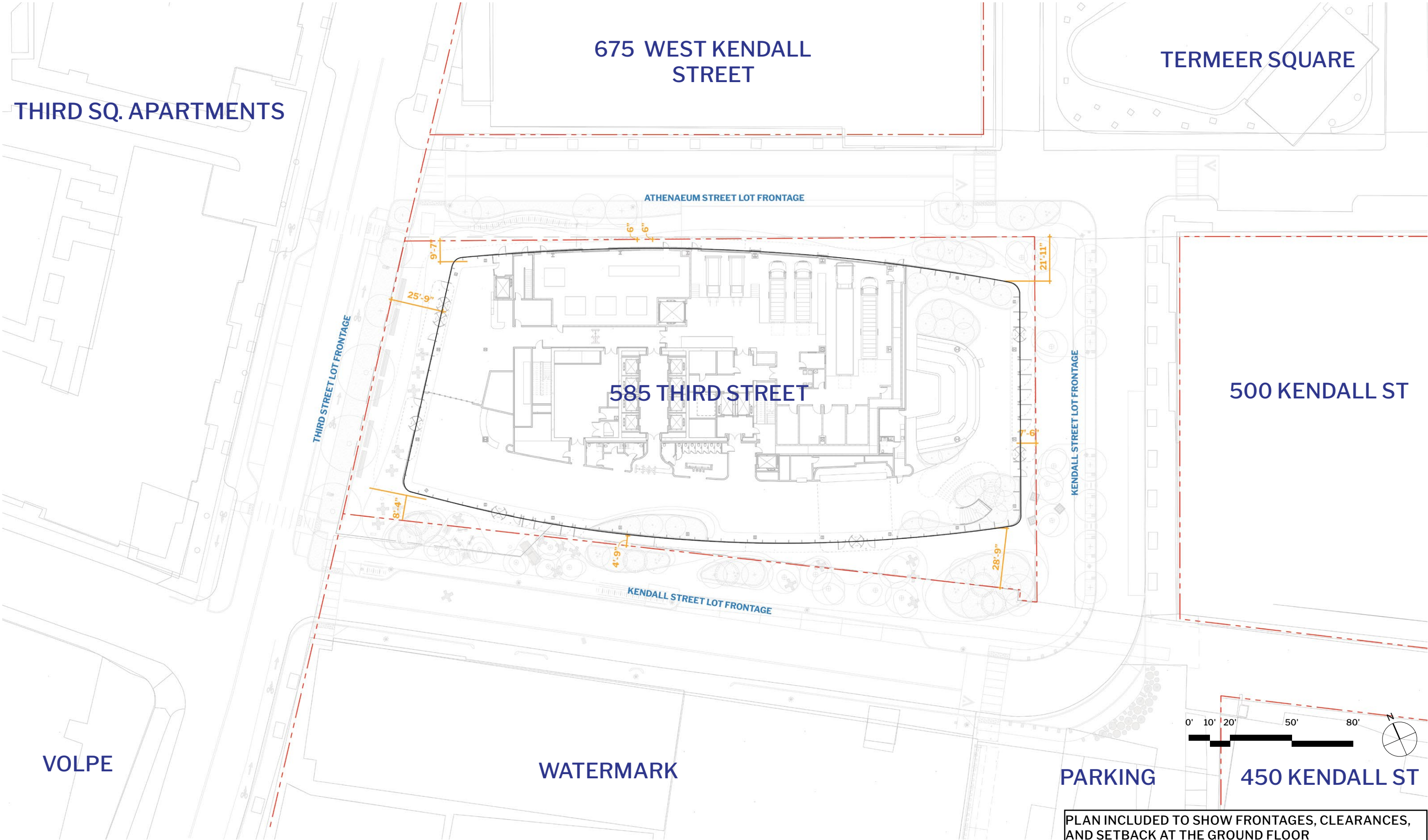
City of Cambridge, MA • Planning Board Decision
 PB-383 – 330 Third Street and 585 Third Street

Open Space (% of Lot Area)	21.7%	20%	23%	Consistent with Application Documents and applicable zoning requirements
Private Open Space	0	N/A	0	
Permeable Open Space	0	N/A	1,248 SF	
Off-Street Parking Spaces	0	N/A	0	
Long-Term Bicycle Parking	0	113	124	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	0	65	66	
Loading Bays	0	4	6	

2.3 Site Plan



2.4 Dimensioned Site Plan



DIMENSIONAL FORM

Project Address: 330 Third St. and 585 Third St.

Application Date: 9/3/2021

	Existing	Allowed or Required (max/min)	Proposed	Permitted
Lot Area (sq ft)	N/A	N/A	N/A	
Lot Width (ft)	N/A	N/A	N/A	
Total Gross Floor Area (sq ft)	0	525,000	500,000	
Residential Base	N/A	N/A	N/A	
Non-Residential Base	N/A	N/A	N/A	
Inclusionary Housing Bonus	N/A	N/A	N/A	
Total Floor Area Ratio	N/A	N/A	N/A	
Residential Base	N/A	N/A	N/A	
Non-Residential Base	N/A	N/A	N/A	
Inclusionary Housing Bonus	N/A	N/A	N/A	
Total Dwelling Units	N/A	N/A	N/A	
Base Units	N/A	N/A	N/A	
Inclusionary Bonus Units	N/A	NA	N/A	
Base Lot Area / Unit (sq ft)	N/A	N/A	N/A	
Total Lot Area / Unit (sq ft)	N/A	N/A	N/A	
Building Height(s) (ft)	0'	250'	250'	
Front Yard Setback (ft)	N/A	N/A	N/A	
Side Yard Setback (ft)	N/A	N/A	N/A	
Side Yard Setback (ft)	N/A	N/A	N/A	
Rear Yard Setback (ft)	N/A	N/A	N/A	
Open Space (% of Lot Area)	21.7%	20%	23%	
Private Open Space	N/A	N/A	N/A	
Permeable Open Space	N/A	N/A	N/A	
Other Open Space (Specify)	N/A	N/A	N/A	
Off-Street Parking Spaces	N/A	N/A	N/A	
Long-Term Bicycle Parking	0	113	136	
Short-Term Bicycle Parking	0	65	66	
Loading Bays	0	4	6	

Use space below and/or attached pages for additional notes:

(1) Calculations for minimum bike parking spaces are as follows:
 Long Term: $0.22/1000SF$ for category N2 = $0.22*500,000/1000 = 110$ spaces
 $0.08/1000SF$ for category N5 = $0.08*35,000/1000 = 3$ spaces
 Short Term: $0.06/1000SF$ for category N5 = $0.06*500,000/1000 = 30$ spaces
 $1.0/1000SF$ for category N1 = $1.0*35,000/1000 = 35$ spaces

(2) Calculations for minimum loading requirement is as follows:
 Category F: 2 bays required at 100,000 SF and 1 for every additional 200,000SF
 $535,000SF = 4$ bays

(3) 500,000 GFA proposed consists of 15,000 GFA of ground floor public space and 485,000 GFA of office/laboratory space. Per PUD-CDK zoning any SF associated with the Arts and Culture Center is excluded from the GFA permitted/proposed




CITY OF CAMBRIDGE

TRAFFIC, PARKING, + TRANSPORTATION

MEMORANDUM

To: Cambridge Planning Board

From: Joseph E. Barr, Director 

Date: January 20, 2022

Subject: 585 Third Street Project (PB#383)

The Cambridge Traffic, Parking, and Transportation Department (TP+T) submitted our initial comments to the Planning Board members on the 585 Third Street Project on October 15, 2021. The major outstanding issue was finalizing a transportation mitigation program to address the new trips that will be generated by the 535,000 square foot project. As the Planning Board members recall, BMR-Third LLC (the Applicant) completed and TP+T certified their Transportation Impact Study (TIS) on August 4, 2021. Since then, we have continued working with BMR-Third LLC on their Project and below is our proposed transportation mitigation program based on the new project generated trips including, 1,200 daily vehicle trips, 988 transit trips, 811 pedestrian trips, 82 bicycle trips, and 48 Planning Board Special Permit transportation exceedances reported in the TIS.

Mitigation	Phasing
<p>Automobile Parking. TP+T supports the proposed Parking plan to utilize up to 406 parking spaces located in at the existing Canal District Kendal parking garages, which has a total of 2,181 parking spaces; 1,409 spaces located at the 350 Kendall garage and 738 spaces located at the 650 E Kendall garage. There are also 34 surface parking spaces on private roads within Canal District Kendall.</p> <p>The parking will meet the zoning parking requirements which include a 0 minimum and a maximum 0.8/space per 1,000 sf</p>	<p>Maximum of 0.8 parking spaces per 1,000 square feet of lab and office space within the 585 Third Street building.</p> <p>BMR-Third LLC shall monitor parking utilization of the garages, monitor long-term trends and provide annual parking and monitoring data to the City as required in their PTDM Plan.</p>
<p>Electric Vehicle Supply Equipment. To align with recent requests from the City Council for electrical vehicle charging in development projects, the Project will install EVSE in a number equal to 25% of spaces allocated to the 585 Third Street Project via 51 dual-head Level 2 chargers (serving up to 102 vehicles). In recognition of the fact that all of the parking exists already, and no parking is being built,</p>	<p>25% of spaces allocated to 585 Third Street building (serving up to 102 vehicles) will have EVSE installed upon occupancy of the 585 Third Street building. The remaining 75% of the spaces (up to 304</p>

Mitigation	Phasing
chargers for the remaining 75% of spaces (up to 304 spaces) will be installed as demand warrants.	spaces) will be installed as demand warrants.
Complete 100% design and construction plans for Third Street between the intersection with the north side of Potter Street and center of the intersection with Munroe Street/Linskey Way, based on the conceptual design being developed by the Cambridge Redevelopment Authority and City. Design and construction plans to be coordinated with similar plans required for the MIT Volpe Exchange Parcel project, to ensure continuity of design.	100% design needs to be completed in a timely fashion to not delay the completion of the reconstruction work.
<p>Reconstruct Third Street (Segment 2) between Potter Street to Munroe Street/Linskey Way. (Segments 1 and 3 of Third Street will be reconstructed by the MIT Volpe Exchange Parcel project). The scope of work shall be as follows:</p> <ul style="list-style-type: none"> a) Reconstruct sidewalks and curbs to accommodate new sidewalks and bicycle facilities. b) Full depth reconstruction of the roadway. c) No major utility relocations or reconstruction, except for adjusting castings and other reasonable utility work as necessary to support the street design and reconstruction. d) Signage and pavement markings. e) Note: A potential future traffic signal at Third Street/Potter Street is required in the Special Permit for the Volpe project and is not part of this Segment 2 scope of work but should be coordinated with this work. <p>The Project’s contribution to the Reconstruction of Third Street will help mitigate the Project’s transportation impacts, including improving safety conditions for bicyclists and pedestrians traveling to and from the site on Third Street.</p>	<p>Reconstruction of Segment 2 shall be completed prior to the issuance of a Certificate of Occupancy of the 585 Third Street project subject to adjustments to the timeline as approved by the City as necessary to coordinate the work with other segments of the Third Street (Segments 1 and 3) (it being understood that the City will not delay the issuance of the Certificate of Occupancy for 585 Third Street because of work required to be completed by other developers on Segments 1 and 3 or work undertaken by the City) . Work may require interim roadway conditions. Furthermore, the City will work with BMR-Third LLC and other area developers to determine how to reconstruct the corridor most efficiently.</p>
<p>BMR-Third LLC shall be responsible for maintaining or ensuring the maintenance of their privately owned roadways, sidewalks, parks/pathways and bike facilities. For the public ROW, and locations where the publicly accessible sidewalks and bike facilities are located on BMR-Third LLC’s property, BMR-Third LLC is expected to maintain (plow and sweep) both the sidewalk and bike facilities within Segment 2 on the east side of Third Street, regardless of whether they are in City ROW or their property, along with other sidewalks and bike facilities mutually agreed upon by BMR-Third LLC and City departments. The exact details of the maintenance and repair responsibilities shall be determined with TP+T and DPW prior to the issuance of a Building Permit.</p>	Ongoing

Mitigation	Phasing
<p>Contribute \$1.7 million toward transit improvements in the Kendall Square area. Funding could be used toward transit improvements such as additional EZRide service capacity, free EZRide service, electric buses, a new CT4 bus service or Silver Line Extension bus service, transit priority signals, and/or other capital or operational improvements or studies for the Kendall Square area transit network.</p> <p>This will help mitigate the new transit trips created by the project and mitigate the automobile trips by supporting transit which is a more sustainable form of transportation.</p>	<p>Funding shall be provided to the City or an entity designated by the City prior to issuance of the building permit</p>
<p>Loading Dock and Traffic Management Plan. The Permittee shall provide a loading dock and traffic management plan for City approval. The Property Owner shall monitor operations and if the operations cause issues on public users and infrastructure (e.g., vehicles blocking other users or parking illegally) then the Property Owner will work with the City to resolve those conditions.</p>	<p>Prior to the issuance of a Certificate of Occupancy of the 585 Third Street building. and ongoing. Plan may be later amended by TP&T in collaboration with BMR-Third LLC if necessary, to address traffic impact or safety issues.</p>

In addition to the recommendations above, BMR-Third LLC is also working with the City’s PTDM Planning Officer to amend the Parking and Transportation Demand Management Plan (PTDM Plan F-2) for the two existing parking facilities in Canal District Kendall, which will include requirements specific to the 585 Third Project including implementing a new Bluebikes station on the Project site and parking fees among other TDM measures.

Site Plan, Loading and Delivery Plan

TP+T believes that the site plan and dedicated loading area located on the Atheneum Street (which is a private street) is an appropriate design for this size building. There will be 6 bays (two trash bays, one bay for the theater use and three bays for the approximately 500,00 sf office/lab space). As stated in TP+T’s previous memo for this Project, we recommend that as feasible, deliveries should be made during off-peak hours and be consolidated to reduce the number of deliveries.

A drop-off/pick up area will be provided on the private Kendall Street, in front of the 500 Kendall Street building. BMR-Third LLC has also indicated that the address for the theatre will be on Kendall Street and not on Third Street which will help encourage vehicle drop-off/pick up activity to occur on Kendall Street and not on Third Street. The on-street private one-hour parking spaces for Kendall Square visitors is also planned to remain. Although that section of Kendall Street is two-way, cars tend to park facing eastbound even though they are on the westbound side of the street. Although it is a little counter-intuitive, it seems to be reasonable and works okay because of the specific location of the parking space on the street.

Bicycle Parking

As stated in TP+T's October 15, 2021 Planning Board memo, we believe the bicycle parking plan for the 585 Third Street project (36 long-term and 66 short-term bicycle spaces) appears acceptable. Although it is not required, TP+T had suggested that the Applicant consider bike shelters to cover and provide some weather protection for the short-term bicycle parking spaces. The Applicant's response to comments indicate they do not want to add structured bike shelters because it would create visual and physical barriers in contrast to their goals of creating an open, fluid, indoor/outdoor area that lure visitors from all direction. TP+T appreciates the Applicant's consideration of this idea and are satisfied with whatever the Planning Board decides and/or what is determined through the continuing design review process. TP+T is pleased that the Project will provide a bicycle repair station next to the short-term bike racks along the north side of the site.

Lastly, TP+T wants to thank the Applicant for working with us on this project and we look forward to continuing to work with them on it as the Project moves forward.