

The Preliminary Determination findings for the hearing on Development Proposal are summarized below:

Requested Action	Summarized Findings (see appendix for zoning text excerpts)
Preliminary Approval of a PUD Development Proposal (Section 12.35.3)	The PUD Development Proposal: <ul style="list-style-type: none"> • Conforms with general PUD development controls and district development controls • Conforms with adopted policy plans or development guidelines for that portion of the city • Provides benefits to the city which outweigh its adverse effects, considering: <ul style="list-style-type: none"> ○ quality of site design ○ traffic flow and safety ○ adequacy of utilities and other public works ○ impact on existing public facilities ○ potential fiscal impact
PUD-CDK Special Permit Objectives (Section 13.202.4)	<p>(a) Incorporating an Arts and Culture Center that (i) takes into consideration the orientation of the uses, location of building entrances, pedestrian connectivity between such uses and adjacent open space areas, and the ability of such uses to promote diversity and serve all residents of the City of Cambridge, and (ii) creates a facility available for the neighborhood that supports or promotes small arts or theater organizations, independent artists, art co-working opportunities, or partnerships among the foregoing and the local community. Furthermore, the developer of such Arts and Culture Center shall have demonstrated a commitment to establishing an arts and culture operational plan for space within the new building that will be made available for teaching, learning, rehearsing, or idea exchange.</p> <p>(b) Contributing to the diversity of East Cambridge and Kendall Square through encouraging innovative uses, activities, programs, or opportunities that will be publicly accessible such as art galleries or community gathering spaces, and considers or incorporates applicable recommendations from the Mayor’s Arts Task Force Recommendations (2019) (the “Arts Task Force Recommendations”).</p> <p>(c) Enhancing the Third Street corridor by improving the streetscape through visible activity and publicly accessible</p>

	<p>elements within and adjacent to the ground floor in place of the existing gas regulator/transfer station equipment currently occupying that frontage on the Gas Transfer Station Parcel.</p> <p>(d) Providing active ground floors that animate streets and open spaces, and add to the vitality of Kendall Square.</p> <p>(e) Integrating development with new and existing open spaces physically and functionally.</p> <p>(f) Enhancing the pedestrian connections among Termeer Square, the plaza abutting the Broad Canal, the Broad Canal, and Third Street, and creates publicly accessible interior ground floor pathways to such areas.</p> <p>(g) Fostering a spirit of inclusiveness and diversity, particularly in the planning and programming of the publicly accessible ground floor elements, community gathering and other open spaces, to draw users and visitors from across the city.</p> <p>(h) Demonstrating a commitment to seeking high quality, locally-based retail and restaurant owners or operators where such uses are part of the Final Development Plan, and promotes collaboration between any retail component and the Arts and Culture Uses that are part of the Final Development Plan, taking into consideration applicable components of the Arts Task Force Recommendations with respect to the Arts and Culture Uses.</p> <p>(i) Sensitively interfacing with adjacent land uses with respect to use scale, density, setback, bulk, height, landscaping, and screening, while providing integrated pedestrian circulations systems with particularly strong linkages between Broad Canal, Third Street, and Termeer Square. (j) Sensitively managing the massing of the buildings to minimize the impact of shadows, excessive wind, and obstruction of light and views.</p> <p>(k) General consistency with the policy objectives set forth in the (i) Kendall Square Planning Study and Design Guidelines (2013) (the “K2 Study”), (ii) the draft Kendall Square Design Guidelines (the “K2 Design Guidelines”), (iii) the Connect Kendall Square Open Space Plan (the “Kendall Square Open Space Plan”), and (iv) the Volpe Working Group Planning & Design Principles dated July 20, 2017 (the “Volpe Guidelines”), while also taking into account the size, shape, and location of the applicable Development Parcel. The planning studies identified above are collectively herein referred to as the “PUD-CDK Guidelines and Principles”.</p>
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The complete set of findings for issuance of a special permit to be made at the public hearing on Final Development Plan are summarized below:

Requested Special Permits	Required Planning Board Findings <i>(Summary - see appendix for zoning text excerpts)</i>
Approval of a PUD Final Development Plan (Section 12.36.4)	The PUD Final Development Plan: <ul style="list-style-type: none"> • Continues to conform to the criteria for approval of a Development Proposal. • Contains revisions to the Development Proposal in response to the Preliminary Determination.
Special Permit to Reduce Green Roof Area (Section 22.35.3)	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.
Project Review Special Permit (Section 19.20)	The project is consistent with the urban design objectives of the City as set forth in Section 19.30 (see appendix).
Minor Amendment to PB-141 (Section 12.37.2)	The proposed change does not alter the concept of the PUD in terms of density, floor area ratio, land usage, height, provision of open space, or the physical relationship of elements of the development.
General Special Permit Criteria (Section 10.43)	Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43: <ol style="list-style-type: none"> (a) It appears that requirements of this Ordinance cannot or will not be met, or (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or (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 (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 (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 (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

PUD-CDK Special Permit

13.202.4 PUD-CDK Special Permit Criteria. In approving a Final Development Plan, the Planning Board shall consider the following objectives with respect to any new Gross Floor Area or the construction of a new building:

- (a) Incorporating an Arts and Culture Center that (i) takes into consideration the orientation of the uses, location of building entrances, pedestrian connectivity between such uses and adjacent open space areas, and the ability of such uses to promote diversity and serve all residents of the City of Cambridge, and (ii) creates a facility available for the neighborhood that supports or promotes small arts or theater organizations, independent artists, art co-working opportunities, or partnerships among the foregoing and the local community. Furthermore, the developer of such Arts and Culture Center shall have demonstrated a commitment to establishing an arts and culture operational plan for space within the new building that will be made available for teaching, learning, rehearsing, or idea exchange.
- (b) Contributing to the diversity of East Cambridge and Kendall Square through encouraging innovative uses, activities, programs, or opportunities that will be publicly accessible such as art galleries or community gathering spaces, and considers or incorporates applicable recommendations from the Mayor’s Arts Task Force Recommendations (2019) (the “Arts Task Force Recommendations”).
- (c) Enhancing the Third Street corridor by improving the streetscape through visible activity and publicly accessible elements within and adjacent to the ground floor in place of the existing gas regulator/transfer station equipment currently occupying that frontage on the Gas Transfer Station Parcel.
- (d) Providing active ground floors that animate streets and open spaces, and add to the vitality of Kendall Square.
- (e) Integrating development with new and existing open spaces physically and functionally.
- (f) Enhancing the pedestrian connections among Termeer Square, the plaza abutting the Broad Canal, the Broad Canal, and Third Street, and creates publicly accessible interior ground floor pathways to such areas.
- (g) Fostering a spirit of inclusiveness and diversity, particularly in the planning and programming of the publicly accessible ground floor elements, community gathering and other open spaces, to draw users and visitors from across the city.
- (h) Demonstrating a commitment to seeking high quality, locally-based retail and restaurant owners or operators where such uses are part of the Final Development Plan, and promotes collaboration between any retail component and the Arts and Culture Uses that are part of the Final Development Plan, taking into consideration applicable components of the Arts Task Force Recommendations with respect to the Arts and Culture Uses.

- (i) Sensitively interfacing with adjacent land uses with respect to use scale, density, setback, bulk, height, landscaping, and screening, while providing integrated pedestrian circulations systems with particularly strong linkages between Broad Canal, Third Street, and Termeer Square.
- (j) Sensitively managing the massing of the buildings to minimize the impact of shadows, excessive wind, and obstruction of light and views.
- (k) General consistency with the policy objectives set forth in the (i) [Kendall Square Planning Study and Design Guidelines](#) (2013) (the “K2 Study”), (ii) the draft [Kendall Square Design Guidelines](#) (the “K2 Design Guidelines”), (iii) the [Connect Kendall Square Open Space Plan](#) (the “Kendall Square Open Space Plan”), and (iv) the [Volpe Working Group Planning & Design Principles](#) dated July 20, 2017 (the “Volpe Guidelines”), while also taking into account the size, shape, and location of the applicable Development Parcel. The planning studies identified above are collectively herein referred to as the “PUD-CDK Guidelines and Principles”.

PUD Special Permit Criteria

12.35.2 Within twenty-one (21) days after the public hearing, the Planning Board shall make a determination concerning the Development Proposal. If the Planning Board approves the Development Proposal or conditionally approves the Development Proposal with recommendations for modifications, then the developer must submit a Final Development Plan as specified in Section 12.36. If the Planning Board disapproves the Development Proposal then the application for a Special Permit to construct a PUD shall be denied. If the Planning Board makes no decision within the specified time limit, then the Development Proposal shall be considered approved and the developer shall prepare a Final Development Plan

12.35.3 Approval of the Development Proposal shall be granted only upon determination by the Planning Board that the Development Proposal:

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

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

(3) provides benefits to the city which outweigh its adverse effects; in making this determination the Planning Board shall consider the following:

(a) quality of 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;

(b) traffic flow and safety;

(c) adequacy of utilities and other public works;

(d) impact on existing public facilities within the city; and

(e) potential fiscal impact.

12.36.4 The Planning Board shall make the decision to approve or disapprove the application for a Special Permit to construct a Planned Unit Development no later than ninety (90) days after the public hearing concerning the Development Proposal. Approval of the Final Development Plan shall be granted only upon determination by the Planning Board that the Final Development Plan meets the evaluation criteria set forth in Section 12.35.3 and contains any revisions to the Development Proposal required by the Planning Board. If the Planning Board grants the Special Permit with conditions, the conditions must be agreed to in writing by the developer before the Special Permit is granted. The Planning Board shall make its final decision in writing and shall specify its reason for not granting a Special Permit to construct a PUD. If the Planning Board makes no decision within the specified time limit, then the Final Development Plan shall be considered approved and the Special Permit to construct a PUD shall be deemed granted.

- 12.35.3** Approval of the Development Proposal shall be granted only upon determination by the Planning Board that the Development Proposal:
- (1) conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth for the specific PUD district in which the project is located;
 - (2) conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located;
 - (3) provides benefits to the city which outweigh its adverse effects; in making this determination the Planning Board shall consider the following:
 - (a) quality of 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;
 - (b) traffic flow and safety;
 - (c) adequacy of utilities and other public works;
 - (d) impact on existing public facilities within the city; and
 - (e) potential fiscal impact.

12.37 *Amendments to Final Development Plan.* After approval of the Final Development Plan by the Planning Board, the developer may seek amendments to the Final Development Plan, only if he encounters difficulties in constructing the PUD which could not have reasonably been foreseen, such as with terrain or soil conditions or other complications.

12.37.1 Amendments to the Final Development Plan shall be considered major or minor. Minor amendments, as specified in Section 12.37.2 shall be authorized by written approval of the Planning Board. Major amendments, as specified in Section 12.37.3, shall be considered as an original application for a Special Permit to construct a PUD and shall be subject to procedures specified in Section 12.34 through 12.36. The Planning Board shall decide whether proposed changes are major or minor.

12.37.2 Minor amendments are changes which do not alter the concept of the PUD in terms of density, floor area ratio, land usage, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to, small changes in the location of buildings, open space, or parking; or realignment of minor streets.

12.37.3 Major amendments represent substantial deviations from the PUD concept approved by the Planning Board. Major amendments shall include, but not be limited to, large changes in floor space, mix of uses, density, lot coverage, height, setbacks, lot sizes, open space; changes in the location of buildings, open space, or parking; or changes in the circulation system.

Special Permit to Reduce Required Green Roof Area

22.35.3 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.

Project Review Special Permit – Traffic Impact Findings

19.25.1 Traffic Impact Findings. Where a Traffic Study is required as set forth in Section 19.24 (3) above 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.

In areas where the Planning Board determines that area-specific traffic guidelines have been established in the Ordinance, the Board recognizes written agreements between project proponents and the City dealing with transportation mitigation strategies.

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.

Project Review Special Permit – Urban Design Findings

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.

19.30 Citywide Urban Design Objectives

The following urban design objectives are intended to provide guidance to property owners and the general public as to the city's policies with regard to the form and character desirable for new development in the city. It is understood that application of these principles can vary with the context of specific building proposals in ways that, nevertheless, fully respect the policies' intent. It is intended that proponents of projects, and city staff, the Planning Board and the general public, where public review or approval is required, should be open to creative variations from the detailed provisions presented in this Section as long as the core values expressed are being served. A project need not meet all the objectives of this Section 19.30 where this Section serves as the basis for issuance of a special permit. Rather the permit granting authority shall find that on balance the objectives of the city are being served. Nor shall a project subject to special permit review be required to conform to the Required Building and Site Plan Requirements set forth in Section 19.50.

Further indicators of conformance with these policy objectives shall be found in planning documents and plans developed for specific areas of the city or the city as a whole, to the extent that they are not inconsistent with the objectives set forth in this Section 19.30. These documents include the *Harvard Square Development Guidelines*, the *Central Square Action Plan*, the *Central Square Development Guidelines*, the *North Massachusetts Avenue Urban Design Guidelines Handbook*, the *University Park at MIT Urban Design Guidelines*, the *North Point Policy Plan and Design Guidelines*, the *Cambridge Institutional Growth Management Plan*, the *East Cambridge Riverfront Plan*, the *Eastern Cambridge Plan*, the *Eastern Cambridge Design Guidelines*, the *Alewife Revitalization*, *Alewife Urban Design Study Phase II* and its Draft update of 1991, and *Toward a Sustainable Future: Cambridge Growth Policy Document*.

19.30 Citywide Urban Design Objectives [SUMMARIZED]

Objective	Indicators
New projects should be responsive to the existing or anticipated pattern of development.	<ul style="list-style-type: none"> • Transition to lower-scale neighborhoods • Consistency with established streetscape • Compatibility with adjacent uses • Consideration of nearby historic buildings
Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.	<ul style="list-style-type: none"> • Inhabited ground floor spaces • Discouraged ground-floor parking • Windows on ground floor • Orienting entries to pedestrian pathways • Safe and convenient bicycle and pedestrian access
The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.	<ul style="list-style-type: none"> • Location/impact of mechanical equipment • Location/impact of loading and trash handling • Stormwater management • Shadow impacts • Retaining walls, if provided • Building scale and wall treatment • Outdoor lighting • Tree protection (requires plan approved by City Arborist)
Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.	<ul style="list-style-type: none"> • Water-conserving plumbing, stormwater management • Capacity/condition of water and wastewater service • Efficient design (LEED standards)
New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.	<ul style="list-style-type: none"> • Institutional use focused on existing campuses • Mixed-use development (including retail) encouraged where allowed • Preservation of historic structures and environment • Provision of space for start-up companies, manufacturing activities
Expansion of the inventory of housing in the city is encouraged.	<ul style="list-style-type: none"> • Housing as a component of large, multi-building development • Affordable units exceeding zoning requirements, targeting units for middle-income families
Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.	<ul style="list-style-type: none"> • Publicly beneficial open space provided in large-parcel commercial development • Enhance/expand existing open space, complement existing pedestrian/bicycle networks • Provide wider range of activities

General Criteria for Issuance of a Special Permit

- 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
 - (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
 - (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
 - (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
 - (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
 - (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.