

BMR-Third LLC
c/o BioMed Realty, L.P.
101 Main Street, 16th Floor
Cambridge, MA 02142

October 28, 2020

Community Development Department
344 Broadway
Cambridge, MA 02139
Attn: Liza Paden
Email: lpaden@cambridgema.gov

Via Electronic Mail and Overnight Delivery

Re: PUD-CDK Zoning Amendment Petition (the “Zoning Petition”)

Dear Planning Board Members:

During the September 15, 2020 Planning Board hearing on the Zoning Petition, the Board provided many insightful comments on the initial draft and the overall design concept. In preparation of the upcoming November 10, 2020 hearing, we have revised the Zoning Petition in a manner that we believe is responsive to those comments. As you know, we are uniquely positioned to facilitate the relocation of the existing Gas Transfer Station away from Third Street. We hope that the enclosed Zoning Petition will be the catalyst for a transformation of the existing gap along a major Kendall Square streetscape.

For your convenience, enclosed is a redline comparison of the revised Zoning Petition compared against the initial draft that was originally submitted to the Planning Board and the City Council. In addition, the following is a brief summary of the key revisions to the Zoning Petition:

- **Globally**: Eliminated the term “Community Arts Facility” and combined the concept into one definition as “Arts and Culture Center” to simplify your review.
- **Section 13.202.3 (Special Permit Requirements)**:
 - Conformed certain PUD-CDK special permit requirements to be consistent with the special permit requirements for stand-alone structures at the recommendation of staff.
 - Eliminated the reference to the Transportation Assessment in lieu of a Traffic Impact Study as you requested. Also, deleted the cross-reference to the Transportation Assessment in Section 13.205.2.
- **Section 13.202.4 (Special Permit Criteria)**:
 - Included certain additional concepts and planning principles from the Volpe Working Group design principles in response to preliminary comments from the Ordinance Committee.

- Incorporated by reference the Mayor's Arts Task Force Recommendations and inserted the references to the Kendall Square Planning Study and Design Guidelines, the draft Kendall Square Design Guidelines, and the Connect Kendall Square Open Space Plan that were previously referenced in Section 13.201 (Purpose), all in response to your suggestions.
- Section 13.203 (Allowed Uses within the PUD-CDK): Revised the allowable retail and consumer uses to reference the underlying zoning section to accommodate potential future amendments to such uses, per the CDD memorandum comments and feedback.
- Section 13.204.1(c) (Required Arts and Culture Center): Depicted, in a tabular format, the applicable size requirements for the Arts and Culture Center in relation to the Permitted New Gross Floor Area to be constructed to simplify your review.
- Section 13.204.1(c) (Permitted New Gross Floor Area): Reduced the maximum as-of-right Gross Floor Area to 420,000 square feet, as well as, reduced the maximum Gross Floor Area as may be permitted by the Planning Board to 525,000 square feet, reflecting the project team's further analysis of the site.
- Section 13.204.3 (Maximum Building Height):
 - Eliminated the interstitial mechanical room height exception in response to your comments.
 - Simplified the maximum allowed height to be 250' and incorporated the 85' street wall height concept as referenced in the Letter of Commitment at the suggestion of staff.
- Section 13.204.5 (Open Space): Increased the minimum amount of open space to 20% in response to your comments.
- Section 13.205.2.2 (Maximum Parking): Added a new section for maximum parking ratios per the CDD memorandum comments and feedback.
- Section 13.206.1 (Relationship to PUD-3): Clarified this provision per the CDD memorandum comments and feedback.

We look forward to working with you at the November 10, 2020 Planning Board meeting. Please let us know if you have any questions.

Very truly yours,

BMR-Third LLC -


Salvatore Zinno

Vice President, Development

Enclosure

The owner of land to be affected by this petition hereby petitions the City Council of the City of Cambridge to amend the Cambridge Zoning Ordinance and the Cambridge Zoning Map, both as most recently amended, as follows:

Add a new Section 13.200 to Article 13.000 of the Zoning Ordinance of the City of Cambridge as set forth in the attached document.

Amend the Zoning Map of the City of Cambridge to add a new PUD-CDK District overlaying that certain area (which includes parcels and portions of private ways) labeled as “PUD-CDK” on the attached map entitled “PUD-CDK Plan”.

13.200 Planned Unit Development at Canal District Kendall

13.201 Purpose. The PUD-CDK District is intended to provide for a mixed-use district that is comprised of high quality general and technical office and ~~labs~~laboratory uses with diverse active commercial retail and community uses ~~(including retail and restaurant uses, and arts and cultural uses), all of which;~~ to promote, ~~create corridors among,~~ and enhance the existing open space network within and surrounding the district, ~~and provide benefits to the surrounding community through community arts and publicly accessible interior gathering space. In particular, the district facilitates strengthening~~ through the public open space connections among Termeer Square, the plaza abutting the Broad Canal, the Broad Canal, public recreation pathways leading towards the Charles River, and future open space west of Third Street; ~~and to provide unique community benefits through community arts and public gathering spaces.~~ The PUD-CDK District creates incentives to (A) incorporate a high-caliber arts and culture facility within the district that will further diversify the mix of uses within the neighborhood, and (B) remove the existing above-grade utility and industrial facilities located at the existing gas transfer station on Third Street to enhance the streetscape experience along Third Street and provide an attractive connector corridor between the district and the East Cambridge neighborhood. The parcel on which the existing gas regulator/transfer station is located is referred to herein as the “Gas Transfer Station Parcel”.

13.202 PUD-CDK Special Permit

13.202.1 Eligible Development Parcel. To further the purpose of this Section 13.200, an applicant may submit a Development Proposal and obtain a special permit from the Planning Board approving a Final Development Plan for a Development Parcel located within the PUD-CDK District that, at the time of application for a PUD-CDK special permit, consists of at least 30,000 square feet in area. In addition to the foregoing, the Final Development Plan for a currently vacant or undeveloped Development Parcel under this PUD-CDK overlay zoning shall include ~~either~~ an Arts and Culture Center ~~or Community Arts Facility~~, as further provided in Section 13.204.1(b) below.

13.202.2 PUD-CDK Special Permit Approval. The Planning Board may grant a PUD-CDK special permit approving a Final Development Plan for a Development Parcel upon finding that the Final Development Plan is consistent with the criteria set forth below, and all other criteria applicable to approval of any other special permits being sought.

13.202.3 PUD-CDK Special Permit Requirements. ~~Within the Development Parcel the locations of the open spaces, the quantities of proposed land uses, the building envelope, and heights shall be indicated in sufficient detail that the Planning Board can reasonably assess the impact of the PUD-CDK special permit and its general consistency with the PUD-CDK Special Permit Criteria set forth in Section 13.202.4 below. At a minimum, a Development Proposal and subsequent~~ The Final Development Plan ~~must~~ for a Development Parcel shall contain the following components:

(a) *Site Development Plan*: ~~describing how the Development Parcel is a current development program illustrating the size, location and uses of the existing buildings at the time of submission together with a site plan for (1) the new building(s) proposal in context with existing and proposed new development within the district, and (2) how the new building(s) is (are) divided into use areas and their development characteristics, including the potential size and location of uses and Gross Floor Area within the building(s).~~

(b) *Site Building and Massing Plan*: ~~Plans: a plan illustrating the height and massing of building volumes for each proposed building site scale, height, and massing, including representative ground-level views from selected vantage points, and studies of a model and study demonstrating the anticipated shadow and wind impacts resulting from building mass of any proposed buildings taller than 100 feet, and a general description of proposed mitigation measures that will be employed.~~

(c) *Parking and Loading Plan*: identifying the locations of all parking facilities supporting the district, long- and short-term bicycle parking facilities, and facilities for loading or other vehicular service functions serving the proposed building site, the number of new parking spaces proposed, if any, and identifying appropriate strategies for the management of parking within such parking facilities.

(d) *Connectivity Plan*: illustrating pedestrian, bicycle and vehicular circulation route connections in the district to the surrounding public transportation infrastructure outside of the Development Parcel, and approximate locations of access and egress points for each building and parking facility within the Development Parcel.

~~(e) *Street and Public Improvements*: a plan describing street and public improvements to be undertaken in connection with the development, if any, including all proposed water, stormwater, and sewage facilities, which shall also be submitted to the Department of Public Works for review.~~

~~(f) *Open Space Plan*: illustrating and quantifying the areas of all open space areas utilized by the development in satisfaction of Section 13.204.5, including, without limitation, existing open space constructed under a PUD-3 special permit and pedestrian ways providing connectivity to the Broad Canal.~~

~~(g) *Ground Floor and Activation Plan*: illustrating the conceptual arrangement of functions such as retail establishments and other ground floor uses, and residential and office lobbies at the ground floor of the building(s) in the Development Parcel, as well as the locations and anticipated sizes of any Community Arts Facility or the Arts and Culture Center that may be required by Section 13.204.1(b) and strategies for programming and activating such spaces.~~

~~(h) *Sustainability and Resiliency Plan*: describing: (1) how the sustainability requirements set forth in Section 13.206.2 below will be met; (2) how the proposed development will promote best practices for environmental sustainability and resiliency; and (3) how the proposed development serves nearby East Cambridge community-wide needs for emergency refuge or shelter during heat or storm emergencies in coordination with the Cambridge Climate Vulnerability Assessment dated February 2017.~~

~~(i) (h)~~ *Transportation Plan*: incorporating: (1) a Traffic Impact Study as required by Section 19.20 of this Zoning Ordinance ~~or a Transportation Assessment pursuant to Section 13.205.2~~; (2) a shared parking study to demonstrate that the district's parking supply can accommodate future anticipated demands at full build out; (3) a study of the impacts of increased demand on public transportation services in the East Cambridge area; (4) a description of the development's relationship to future regional rail, bus, pedestrian/bicycle and other transportation system connections in the area; and (5) a Transportation Demand Management and Mitigation program describing measures which may be incorporated by the Planning Board into a condition of a PUD-CDK special permit to offset or mitigate the development's impacts on transportation systems, including measures set forth in this Zoning Ordinance and the City's planning efforts to be linked to milestones, thresholds or performance standards.

~~(j) (i)~~ *Arts and Culture Operations Plan*: To the extent ~~a Community Arts Facility or~~ an Arts and Culture Center is required by Section 13.204.1(b) of this PUD-CDK overlay zoning or the proposed development project will include Arts and Culture Uses, identifies opportunities and strategies for promoting inclusive engagement of local residents and the general public, promoting intergenerational interactions through arts and culture programming, and stimulating community gatherings and interactions for extended hours throughout the day and seasons.

~~(k) (j)~~ *Local Retail Plan*: identifies opportunities and strategies for promoting retail collaboration with local independent artists for the display and/or sale of their work, crafts, or wares.

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) If Section 13.204.1(b) of this PUD-CDK overlay zoning requires ~~a Community Arts Facility or~~ an Arts and Culture Center, ~~(A) such Community Arts Facility or~~ Arts and Culture Center (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; and (B) the size of such Arts and Culture Center is in proportion to the relative Permitted New Gross Floor Area of the proposed building, as further described in Section 13.204.1(b)~~. Furthermore, the developer of such ~~Community Arts Facility or~~ 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) Contributes 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 recommendations from the Mayor’s Arts Task Force Recommendations (2019) (the “Arts Task Force Recommendations”) to the extent feasible.

(c) Enhances the Third Street corridor by improving the streetscape through visible activity and publicly accessible elements within and adjacent to the ground floor if the Development Parcel includes the Gas Transfer Station Parcel; or otherwise enhances interior ground floor connectivity to the adjacent streetscape by use of publicly accessible interior ground floor areas or spaces if the Development Parcel does not include 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) (d)~~—Integrates development with new and existing open spaces physically and functionally.

~~(f) (e)~~—Enhances 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 to the extent feasible if the Development Parcel includes the Gas Transfer Station Parcel; or otherwise enhances ground floor connectivity to open space areas proximately located to the Development Parcel (e.g., Termeer Square, the plaza abutting the Broad Canal, or the Broad Canal) by use of publicly accessible interior ground floor areas or spaces if the Development Parcel does not include the Gas Transfer Station Parcel.

~~(f) The developer shall have demonstrated a commitment to seeking solutions to relocate applicable above-grade utility infrastructure on the Gas Transfer Station Parcel to other appropriate locations and away from key streetscape corridors if Section 13.204.1(b) of this PUD-CDK overlay zoning requires an Arts and Culture Center.~~

(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) (g)~~—Demonstrates 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 to the extent feasible 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) The proposed development is generally consistent with the policy objectives set forth in the then current (i) Kendall Square Planning Study and Design Guidelines (2013) (the “K2 Study”), (ii) the draft Kendall Square Design Guidelines (the “K2 Design Guidelines”), and (iii) the Connect Kendall Square Open Space Plan (the “Kendall Square Open Space Plan”) to the extent reasonably practicable and taking into account the size, shape, and location of the applicable Development Parcel. The K2 Study, K2 Design Guidelines, and the Kendall Square Open Space Plan are collectively herein referred to as the “PUD-CDK Guidelines and Principles”.

13.202.5 Condominium Property Regime. A developer may submit a building subject to PUD-CDK to a condominium property regime. A violation of one or more conditions of a PUD-CDK special permit by one condominium unit owner (or its occupant) shall not be deemed to be a violation by another condominium unit owner (or its occupant).

13.202.6 Applicability of Requirements to Development Parcel. A violation, with respect to an individual PUD-CDK lot or ownership unit within the Development Parcel, of any provision of this Section 13.200 shall not constitute a violation with respect to any other individual PUD-CDK lot or ownership unit within the Development Parcel. A PUD-CDK special permit may specify that certain modifications to the Final Development Plan do not alter the concept of the PUD and such modifications shall be considered minor amendments under Section 12.37 of this Zoning Ordinance subject only to written approval of the Planning Board if the developer demonstrates that such modification(s): (i) constitute a reallocation or reconfiguration of Gross Floor Area among uses in the Final Development Plan or otherwise allowed in the PUD-CDK District, (ii) do not require a new type of zoning relief (other than the categories of relief previously granted for the proposed development project, whether by existing PUD special permits or otherwise), and (iii) maintain the same percentage of Minimum Open Space as approved by the PUD-CDK special permit.

~~13.202.7 Pre-Application Conference. In the course of preparing a development proposal for a Development Parcel, 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. The purpose of the conference will be to discuss the conceptual alternatives for site arrangement, building massing, and public space arrangement, as well as general approaches to architectural and landscape design, and for the Planning Board to provide the developer informal feedback prior to preparing the Final Development Plan materials. As set forth in Section 12.33.2 of this Zoning Ordinance, 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 of this Zoning Ordinance, the developer shall present graphic and written materials as needed to illustrate and describe conceptual development alternatives.~~

13.203 **Allowed Uses within the PUD-CDK District.**

(a) Office and Laboratory Uses. All uses listed in Section 4.34 of this Zoning Ordinance.

(b) Residential Uses.

1. Multifamily dwellings.
2. Hotels or motels.

(c) Retail Business and Consumer Service Establishments. All uses listed in Section 4.35 of this Zoning Ordinance, including:

- ~~1. Store for retail sale of merchandise provided that no manufacturing, assembly, or packaging of such merchandise shall occur on the premises.~~
- ~~2. Barber shop, beauty shop, laundry and dry cleaning pickup agency, tailoring shop, shoe repair, self-service laundry, or other similar consumer service establishment.~~
- ~~3. Theater or hall for public gatherings listed under Subsection 4.35h of this Zoning Ordinance.~~
- ~~4. Restaurants or other eating and drinking establishments listed in Subsection 4.35e, f, g, o, and r of this Zoning Ordinance.~~
1. 5- Arts, crafts, photography, or media studio, including and print shop ~~and photographer's studio.~~
2. 6- Commercial recreation including or other recreation establishment (e.g., bowling alley, skating rink, ~~tennis center,~~ fitness or athletic studio, ~~or other commercial recreation establishment).~~

(d) Arts and Culture Uses.

1. Community Arts Uses: uses dedicated to arts creation, exhibition, and education, which may be programmed with or by community arts organizations.
2. Performing Arts Uses: a facility (e.g., forum, theater, hall, or other space), or multiple facilities operated under agreements with building ownership or management, which may be sited within a mixed-use building, providing space for music, performing arts, visual arts, and private or public gatherings or assembly.
3. All-Season Public Gathering Uses: indoor-outdoor public gathering spaces (including any gallery, hall, or other space for private and/or public gatherings or assembly, and any programmable outdoor landscaped areas), open to the general public, which may be programmed to provide educational or recreational services to the community and may or may not be accessory to Performing Arts Uses.
4. Indoor Public Gathering Uses: indoor public gathering spaces open to the general public (including any gallery, hall, or other space for private and/or public gatherings or assembly), which may be programmed to provide educational or recreational services to the community and may or may not be accessory to Community Arts Uses.
5. Together with such uses customarily accessory to any of the foregoing, such as, but not limited to, stage, backstage, rehearsal or practice, studio,

classroom, storage, mechanical, dressing room, green room, lobby shop and/or store for goods and/or food and beverage, ticketing, restaurant and/or lounge or other eating and drinking establishment, community meeting space, and accessory office uses.

(e) Open Air or Drive-in Retail & Services.

~~1. All uses listed in Section 4.36(a)-(e) of this Zoning Ordinance, including open Sales place for flowers, plants, arts and crafts, merchandise, or agricultural produce conducted partly or wholly outdoors.~~

~~2. Commercial greenhouse or warehouse.~~

~~3. Open air place of entertainment or public gatherings.~~

(f) Transportation, Communication, and Utility Uses. All uses listed in Section 4.32 of this Zoning Ordinance.

(g) Other Uses. anyAny uses not listed above shall be allowed upon written determination by 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.

13.204 **Dimensional Regulations.**

13.204.1 Permitted Gross Floor Area. The following shall be permitted within the PUD-CDK District:

(a) Existing Gross Floor Area. The Gross Floor Area that exists on a lot(s), which shall be calculated in accordance with the definition of Gross Floor Area, excluding permitted exemptions, under the Zoning Ordinance in effect at the time of adoption of this Section 13.200. The permitted, existing Gross Floor Area allocations for each lot under this PUD-CDK overlay zoning are shown in the following table:

Lot	Street Address	Permitted Gross Floor Area Allocation
Note: each as approximately shown on the PUD-CDK overlay zoning map of even date.		
Parcel A	675 West Kendall Street	245,125 sf
Parcel B	650 East Kendall Street	217,398 sf
Parcel C	585 Third Street	undeveloped
Parcel D	500 Kendall Street	280,021 sf
Parcel E – West	350 Third Street	357,000 sf
Parcel E – East	250 Kendall Street	135,530 sf
Parcel F	350 Kendall Street	144 sf
Parcel G	450 Kendall Street	53,000 sf
Termeer Square (f/k/a	300 Athenaeum	2,782 sf

Open Space 3)	Street	
Gas Transfer Station Parcel	330 Third Street	n/a

(b) Required Arts and Culture Center. The Final Development Plan for a currently vacant or undeveloped Development Parcel under this PUD-CDK overlay zoning shall include an Arts and Culture Center as follows:

<u>Permitted New Gross Floor Area (sf)</u> <u>Note: GFA per 13.204.1(c) and excluding any floor area for the Arts and Culture Center.</u>	<u>Arts and Culture Center Size (sf)</u>	<u>Arts and Culture Center Uses</u>
<u>Up to 420,000 (inclusive)</u>	<u>Min.: 15,000</u> <u>Max.: 30,000</u>	<u>Community Arts Uses</u>
<u>Over 420,000</u> <u>Up to 525,000</u>	<u>Min.: 30,000</u> <u>Max.: 40,000</u>	<u>Performing Arts Uses and</u> <u>Community Arts Uses</u>

~~(b) Required Community Arts Facility or Arts and Culture Center. The Final Development Plan for a currently vacant or undeveloped Development Parcel under this PUD-CDK overlay zoning shall include an Arts and Culture Center containing not less than 30,000-square feet of Gross Floor Area as otherwise measured under this Zoning Code comprised of Performing Arts Uses, Community Arts Uses, and All-Season Public Gathering Uses if the Planning Board allows the maximum 550,000 square feet of Gross Floor Area under Section 13.204.1(e) below. The term “Arts and Culture Center” shall mean a facility comprised of Performing Arts Uses, Community Arts Uses, and All-Season Public Gathering Uses. In all other events, the Final Development Plan shall otherwise include a Community Arts Facility containing not less than 15,000-square feet of Gross Floor Area as otherwise measured under this Zoning Code comprised of Community Arts Uses and Indoor Public Gathering Uses. The term “Community Arts Facility” shall mean a facility comprised of Community Arts Uses and Indoor Public Gathering Uses.~~

The actual square footage of the Arts and Culture Center shall be as approved by the Planning Board, with the intent being to have an Arts and Culture Center of a size within the applicable parameters set forth above and otherwise in approximate proportion to the Permitted New Gross Floor Area of the approved new structure.

(c) Permitted New Gross Floor Area. Any planned Development Parcel within the PUD-CDK District that is currently vacant or undeveloped shall be permitted to have a maximum of ~~450,000~~420,000 square feet of Gross Floor Area in the aggregate, excluding any Gross Floor Area for the ~~Community Arts Facility~~and Culture Center as described in Section 13.204.1(b) above. However, the Planning Board, in its review of a special permit application under this Section 13.204.1(c), may allow a planned development within the PUD-CDK District to have a maximum of

~~550,000~~525,000 square feet of new Gross Floor Area, excluding any Gross Floor Area for the Arts and Culture Center as described in Section 13.204.1(b) above, if the proposed development project will abut and/or have frontage along at least 75 linear feet of Third Street ~~or otherwise, at the developer's option, provide an appropriate pedestrian corridor between the existing or planned open space in the PUD-CDK District and open space to the west of Third Street.~~

- 13.204.2 Residential Density: There shall be no required minimum lot area for Dwelling Units in the PUD-CDK District.
- 13.204.3 Maximum Building Height: The maximum height of any building within the PUD-CDK District shall be ~~230 feet measured as the vertical distance from the grade of the ground adjoining the building to the top of the highest point of the roof beams of a flat roof, or the mean level of the highest gable or of the slope of a hip roof, excluding belfries, cupolas, domes, monuments, church spires, water, observation, radio and transmission towers, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, flagpoles, aerials, elevator and mechanical penthouses, water tanks, monitors, signs, air conditioning equipment, ventilators, or other roof structures or penthouses and screening therefor normally built above the roof and not used or designed to be used for human occupancy, except, however, such maximum building height may be increased to 250 feet if the proposed development project will abut and/or have frontage along at least 75 linear feet of Third Street or otherwise, at the developer's option, provide an appropriate pedestrian corridor between the existing or planned open space in the PUD-CDK District and open space to the west of Third Street. In addition to the foregoing, the Planning Board, in its review of a special permit application under this Section 13.204.3, may except from the calculation of the height of buildings and structures in the PUD-CDK District chimneys, water towers, air conditioning equipment, ventilators, and other necessary features appurtenant to buildings which are otherwise typically carried above roofs and are not used for human occupancy, including mechanical floors within a building where for functional or aesthetic reasons such equipment, structures, or features are on above-grade levels of the building other than the roof level or above.~~250 feet. Notwithstanding the foregoing, if (A) the Planning Board allows more than 420,000 square feet of Gross Floor Area under Section 13.204.1(c) above and (B) the Development Parcel will have frontage on Third Street, the portion of the building that is within 10 feet of the property line directly abutting Third Street shall have a height not to exceed 85 feet.
- 13.204.4 Other Dimensional Requirements: There shall be no minimum lot area, no minimum lot width, no minimum frontage, and no minimum front, side or rear yard requirements for the Development Parcel or any lot within the PUD-CDK District. There shall be no minimum building setbacks or other minimum or maximum building dimensional requirements other than as provided by this Section 13.204.
- 13.204.5 Open Space: Any Final Development Plan within the PUD-CDK District shall demonstrate that, following completion of such development, there shall be not less than ~~fifteen~~twenty percent (~~15~~20%) open space as defined in Article 2.000 and Section 5.22 in the PUD-CDK District except as modified below.

13.204.5.1 ~~The Planning Board, in its review of any special permit application for a development containing a Community Arts Facility or an Arts and Culture Center, may consider indoor or covered pedestrian ways, decks, arcades, loggias, and gallerias appurtenant to the Community Arts Facility or Arts and Culture Center, even if located on a different Development Parcel in the PUD-CDK District, to be open space provided that the same is publicly accessible during normal business hours.~~ The Planning Board, through its approval of a Final Development Plan, shall make a finding that there is no net-loss of open space already existing within the PUD-CDK District (other than within any previously undeveloped or vacant Development Parcel).

13.204.5.2 Open space, whether already existing within the PUD-CDK District or to be constructed by the developer or its affiliate, shall include, without limitation, the following: parks; plazas; lawns; landscaped areas substantially open to the sky; playgrounds; balconies; roofs developed for recreational or leisure usage; pedestrian ways such as bridges, decks, arcades, loggias, and gallerias as specified by the Planning Board; and such other areas or spaces determined, or approved, by the Planning Board to be open space.

13.204.6 Perimeter and Transition: Any part of the perimeter of a PUD which fronts on an existing street or Public Open Space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Development in the PUD-CDK District should provide integrated pedestrian circulation systems, particularly strong linkages between the Broad Canal and Kendall Square.

13.205 Parking and Loading Requirements.

13.205.1 Generally: Development in the PUD-CDK District shall conform to the off-street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.205.

13.205.2 Parking:

13.205.2.1 Minimum Parking. There shall be no minimum parking requirements within the PUD-CDK District; provided, however, the Planning Board in approving a Final Development Plan may specify a minimum parking requirement based on review and analysis of Transportation ~~Assessments~~Impact Studies and other relevant information on parking demand provided in application documents, and with the guidance of City agencies.

13.205.2.2 Maximum Parking. Maximum allowed parking for a Development Parcel within the PUD-CDK District shall be limited by applying the rates set forth below to each use within a Development Parcel subject to PUD-CDK 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, to the extent provided, shall apply. Exceeding the maximum allowed parking shall require a waiver of maximum parking required under the general provisions of Article 6.000.

i. [Maximum of 0.8 spaces per 1,000 square feet of Gross Floor Area for office and laboratory uses.](#)

ii. [Maximum of 0.5 spaces per 1,000 square feet of Gross Floor Area for retail space.](#)

[13.205.2.3](#) ~~13.205.2.2~~ The Planning Board, through its approval of a Final Development Plan, shall make a finding that that the Final Development Plan provides adequate parking for the proposed uses and that the Final Development Plan does not substantially increase net-new off-street parking spaces within the PUD-CDK District.

[13.205.2.4](#) ~~13.205.2.3~~ The parking requirements of this Section 13.205.2 may be satisfied (a) anywhere in the PUD-CDK District, or if located outside of the PUD-CDK 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 an easement, 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 shared parking facilities within said area.

[13.205.2.5](#) ~~13.205.2.4~~ Notwithstanding anything to the contrary in Article 6.000, this Zoning 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.

~~13.205.2.5 Notwithstanding anything to the contrary in Section 19.20, the Planning Board may permit the Developer to substitute a Transportation Assessment in form and substance acceptable to the Traffic, Parking and Transportation Department if the Planning Board otherwise determines that the materials submitted with the Final Development Plan adequately describe the impacts of traffic and parking on the area surrounding the Development Parcel.~~

13.205.3 **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 the PUD-CDK District, and may permit loading facilities to be shared across various uses within the PUD-CDK District or the adjacent PUD-3 District.

13.205.4 **Bicycle Parking:** Bicycle parking shall be provided in accordance with Section 6.100 of this Zoning Ordinance, provided that, in accordance with Section 6.108, any of the requirements in Section 6.100 may be modified by the Planning Board through its approval of a Final Development Plan.

13.206 **Special Requirements, Standards, and Provisions Applicable to Development Authorized by the Planning Board in the PUD-CDK District.**

13.206.1 **Relationship to PUD-3.** The previously issued PUD-3 special permit(s) shall remain valid and in full force and effect for, and govern with respect to, all ~~development projects constructed pursuant thereto and existing prior to the enactment date of this Section 13.200 for the PUD-CDK District~~[remaining land of the PUD-3 District outside of a Development Parcel](#), including without limitation with respect to [a](#)

rebuilding due to casualty; provided that the terms of such PUD-3 special permit(s) shall be applied to such remaining land without regard to any rights granted to a Development Parcel pursuant to a PUD-CDK special permit. For the avoidance of doubt and subject to this Section 13.206.1, the Planning Board shall administer the applicable PUD special permits in accordance with the applicable PUD overlay zoning provision that govern such special permits (e.g., PUD-3 or PUD-CDK, as the case may be).

Rights granted pursuant to a PUD-CDK special permit to a Development Parcel shall be in addition to any rights previously granted under a PUD-3 special permit to that Development Parcel, and the PUD-CDK zoning shall govern with respect to such additional rights; ~~except however any rights granted pursuant to a A PUD-CDK special permit shall automatically supersede any undeveloped rights for the applicable development parcel as provided for under the PUD-3 zoning. Such undeveloped rights, and any associated outstanding obligations with respect to such rights, under a previously issued PUD-3 special permit shall be deemed automatically extinguished as of the date that the subsequent PUD-CDK special permit becomes valid and effective, and such automatic extinguishment shall be deemed to be~~ application may request that the Planning Board simultaneously issue a minor amendment of such previously issued to any special permit under PUD-3 under Section 12.37.2 of this Zoning Ordinance covering such Development Parcel, including to establish that the Development Parcel is no longer subject to such special permit, so long as such minor amendment does not alter the remainder of the development that is subject to such special permit under PUD-3.

To the extent a Development Parcel is subject to the provisions of one or more special permit(s), site plan approval(s) and/or variance(s) issued prior to the issuance date of a PUD-CDK special permit granted hereunder and the provisions of such existing approval(s) conflict or are inconsistent with the PUD-CDK special permit, the provisions of the PUD-CDK special permit shall govern.

- 13.206.2 Sustainability. New buildings constructed within the PUD-CDK District shall comply with the Green Building Requirements set forth in Section 22.20 of this Zoning Ordinance. The Development Proposal shall contain documentation showing how the development at an aggregate level will comply with the requirements of Section 22.20. The conditions of a PUD special permit shall set forth procedures to meet the requirements of Section 22.20.

The Sustainability and Resiliency Plan component of a Development Proposal shall describe how new buildings in the PUD-CDK District will incorporate a comprehensive design approach and incorporate the best practices for meeting sustainability as outlined in the City's Net Zero Action Plan, Climate Change Preparedness and Resilience Plan, and other sustainability plans and guidelines promulgated by the City at the time the Development Proposal is submitted. The conditions of a PUD special permit shall set forth sustainability guidelines to be reviewed as part of any continuing design review procedure for individual buildings within an approved Final Development Plan. At a minimum, buildings shall incorporate best practices in the following areas:

(a) *Energy and Emissions; Steam.* A new building must conserve building energy and, to the extent practicable, reduce carbon/GHG emissions. The developer of a new building within the PUD-CDK District will evaluate the potential for implementation of net zero ready measures and on-site energy generation (which may include rooftop solar pv) within the PUD-CDK District in the context of ownership, economic viability and phasing constraints. The Developer will conduct a greenhouse gas emissions analysis for such new building and will implement energy efficiency mitigation for such building to achieve the maximum energy reductions possible identified in such analysis. The Development Proposal for a new commercial building shall include a study, prepared by the developer, considering the feasibility of connecting the proposed building to the existing district steam system, if available.

(b) *Urban Site and Landscaping; Water Management.* The developer of a new building must explore opportunities for potable water use reductions and the ability to enhance indigenous plantings in and around the development site.

(c) *Cool Roofs.* All new buildings approved in the PUD-CDK 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.

(d) *Monitoring.* All new buildings in the PUD-CDK 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) *Healthy Living and Working.* All new buildings in the PUD-CDK District shall provide people with access to daylight and enhance the visual and thermal comfort of people living within the PUD-CDK District.

(f) *Transportation.* A Final Development Plan within the PUD-CDK District shall encourage multimodal transportation, provide facilities for cyclists and provide an infrastructure to support alternative energy vehicles.

(g) *Flood Resiliency.* All new buildings must incorporate the City of Cambridge’s most up-to-date standards to address projected future flooding impacts.

(h) *Site Cooling Strategies.* A Final Development Plan within the PUD-CDK District shall incorporate measures to reduce urban heat island effects and identify interior and exterior spaces in designated locations to act as cooling areas.

13.206.3 Letter of Commitment. The Letter of Commitment dated _____ by _____ is incorporated herein by reference and made a part of the Cambridge Zoning Ordinance and shall be binding upon _____ and its successors and assigns. To the extent the provisions of the Letter of Commitment are inconsistent with the provisions of this Section 13.200, the more stringent provisions shall govern.

Summary report: Litera® Change-Pro for Word 10.8.2.11 Document comparison done on 10/28/2020 5:32:06 PM	
Style name: DLAPiper	
Intelligent Table Comparison: Active	
Original DMS: iw://USDMS.PIPER.ROOT.LOCAL/EAST/172829690/1	
Modified DMS: iw://USDMS.PIPER.ROOT.LOCAL/EAST/172829690/2	
Changes:	
<u>Add</u>	89
Delete	87
Move From	3
<u>Move To</u>	3
<u>Table Insert</u>	1
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	183

The owner of land to be affected by this petition hereby petitions the City Council of the City of Cambridge to amend the Cambridge Zoning Ordinance and the Cambridge Zoning Map, both as most recently amended, as follows:

Add a new Section 13.200 to Article 13.000 of the Zoning Ordinance of the City of Cambridge as set forth in the attached document.

Amend the Zoning Map of the City of Cambridge to add a new PUD-CDK District overlaying that certain area (which includes parcels and portions of private ways) labeled as “PUD-CDK” on the attached map entitled “PUD-CDK Plan”.

13.200 Planned Unit Development at Canal District Kendall

13.201 Purpose. The PUD-CDK District is intended to provide for 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; to promote and enhance the existing open space network within and surrounding the district through the public open space connections among Termeer Square, the plaza abutting the Broad Canal, the Broad Canal, public recreation pathways leading towards the Charles River, and future open space west of Third Street; and to provide unique community benefits through community arts and public gathering spaces. The PUD-CDK District creates incentives to (A) incorporate a high-caliber arts and culture facility within the district that will further diversify the mix of uses within the neighborhood, and (B) remove the existing above-grade utility and industrial facilities located at the existing gas transfer station on Third Street to enhance the streetscape experience along Third Street and provide an attractive connector corridor between the district and the East Cambridge neighborhood. The parcel on which the existing gas regulator/transfer station is located is referred to herein as the “Gas Transfer Station Parcel”.

13.202 PUD-CDK Special Permit

13.202.1 Eligible Development Parcel. To further the purpose of this Section 13.200, an applicant may submit a Development Proposal and obtain a special permit from the Planning Board approving a Final Development Plan for a Development Parcel located within the PUD-CDK District that, at the time of application for a PUD-CDK special permit, consists of at least 30,000 square feet in area. In addition to the foregoing, the Final Development Plan for a currently vacant or undeveloped Development Parcel under this PUD-CDK overlay zoning shall include an Arts and Culture Center, as further provided in Section 13.204.1(b) below.

13.202.2 PUD-CDK Special Permit Approval. The Planning Board may grant a PUD-CDK special permit approving a Final Development Plan for a Development Parcel upon finding that the Final Development Plan is consistent with the criteria set forth below, and all other criteria applicable to approval of any other special permits being sought.

13.202.3 PUD-CDK Special Permit Requirements. The Final Development Plan for a Development Parcel shall contain the following components:

(a) *Site Development Plan:* a current development program illustrating the size, location and uses of the existing buildings at the time of submission together with a site plan for (1) the new building(s) proposal in context with existing and proposed new development within the district, and (2) how the new building(s) is (are) divided into use areas, including the potential size and location of uses within the building(s).

(b) *Building and Massing Plans:* a plan illustrating proposed building scale, height, and massing, including a model and study demonstrating the anticipated shadow and wind impacts of any proposed buildings taller than 100 feet, and a general description of proposed mitigation measures that will be employed.

(c) *Parking and Loading Plan:* identifying the locations of all parking facilities supporting the district, long- and short-term bicycle parking facilities, and facilities

for loading or other vehicular service functions serving the proposed building site, the number of new parking spaces proposed, if any, and identifying appropriate strategies for the management of parking within such parking facilities.

(d) *Connectivity Plan*: illustrating pedestrian, bicycle and vehicular circulation route connections in the district to the surrounding public transportation infrastructure outside of the Development Parcel, and approximate locations of access and egress points for each building and parking facility within the Development Parcel.

(e) *Street and Public Improvements*: a plan describing street and public improvements to be undertaken in connection with the development, if any, including all proposed water, stormwater, and sewage facilities, which shall also be submitted to the Department of Public Works for review.

(f) *Open Space Plan*: illustrating and quantifying the areas of all open space areas utilized by the development in satisfaction of Section 13.204.5, including, without limitation, existing open space constructed under a PUD-3 special permit and pedestrian ways providing connectivity to the Broad Canal.

(g) *Ground Floor and Activation Plan*: illustrating the conceptual arrangement of functions such as retail establishments and other ground floor uses, and residential and office lobbies at the ground floor of the building(s) in the Development Parcel, as well as the locations and anticipated sizes of the Arts and Culture Center that may be required by Section 13.204.1(b) and strategies for programming and activating such spaces.

(h) *Sustainability and Resiliency Plan*: describing: (1) how the sustainability requirements set forth in Section 13.206.2 below will be met; (2) how the proposed development will promote best practices for environmental sustainability and resiliency; and (3) how the proposed development serves nearby East Cambridge community-wide needs for emergency refuge or shelter during heat or storm emergencies in coordination with the Cambridge Climate Vulnerability Assessment dated February 2017.

(i) *Transportation Plan*: incorporating: (1) a Traffic Impact Study as required by Section 19.20 of this Zoning Ordinance; (2) a shared parking study to demonstrate that the district's parking supply can accommodate future anticipated demands at full build out; (3) a study of the impacts of increased demand on public transportation services in the East Cambridge area; (4) a description of the development's relationship to future regional rail, bus, pedestrian/bicycle and other transportation system connections in the area; and (5) a Transportation Demand Management and Mitigation program describing measures which may be incorporated by the Planning Board into a condition of a PUD-CDK special permit to offset or mitigate the development's impacts on transportation systems, including measures set forth in this Zoning Ordinance and the City's planning efforts to be linked to milestones, thresholds or performance standards.

(j) *Arts and Culture Operations Plan*: To the extent an Arts and Culture Center is required by Section 13.204.1(b) of this PUD-CDK overlay zoning or the proposed development project will include Arts and Culture Uses, identifies opportunities and

strategies for promoting inclusive engagement of local residents and the general public, promoting intergenerational interactions through arts and culture programming, and stimulating community gatherings and interactions for extended hours throughout the day and seasons.

(k) *Local Retail Plan*: identifies opportunities and strategies for promoting retail collaboration with local independent artists for the display and/or sale of their work, crafts, or wares.

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) If Section 13.204.1(b) of this PUD-CDK overlay zoning requires an Arts and Culture Center, (A) such Arts and Culture Center (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; and (B) the size of such Arts and Culture Center is in proportion to the relative Permitted New Gross Floor Area of the proposed building, as further described in Section 13.204.1(b). 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) Contributes 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 recommendations from the Mayor's Arts Task Force Recommendations (2019) (the "Arts Task Force Recommendations") to the extent feasible.

(c) Enhances the Third Street corridor by improving the streetscape through visible activity and publicly accessible elements within and adjacent to the ground floor if the Development Parcel includes the Gas Transfer Station Parcel; or otherwise enhances interior ground floor connectivity to the adjacent streetscape by use of publicly accessible interior ground floor areas or spaces if the Development Parcel does not include 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) Integrates development with new and existing open spaces physically and functionally.

(f) Enhances 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 to the extent feasible if the Development Parcel includes the Gas Transfer Station Parcel; or otherwise enhances

ground floor connectivity to open space areas proximately located to the Development Parcel (e.g., Termeer Square, the plaza abutting the Broad Canal, or the Broad Canal) by use of publicly accessible interior ground floor areas or spaces if the Development Parcel does not include the Gas Transfer Station Parcel.

(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) Demonstrates 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 to the extent feasible 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) The proposed development is generally consistent with the policy objectives set forth in the then current (i) Kendall Square Planning Study and Design Guidelines (2013) (the “K2 Study”), (ii) the draft Kendall Square Design Guidelines (the “K2 Design Guidelines”), and (iii) the Connect Kendall Square Open Space Plan (the “Kendall Square Open Space Plan”) to the extent reasonably practicable and taking into account the size, shape, and location of the applicable Development Parcel. The K2 Study, K2 Design Guidelines, and the Kendall Square Open Space Plan are collectively herein referred to as the “PUD-CDK Guidelines and Principles”.

13.202.5 Condominium Property Regime. A developer may submit a building subject to PUD-CDK to a condominium property regime. A violation of one or more conditions of a PUD-CDK special permit by one condominium unit owner (or its occupant) shall not be deemed to be a violation by another condominium unit owner (or its occupant).

13.202.6 Applicability of Requirements to Development Parcel. A violation, with respect to an individual PUD-CDK lot or ownership unit within the Development Parcel, of any provision of this Section 13.200 shall not constitute a violation with respect to any other individual PUD-CDK lot or ownership unit within the Development Parcel. A PUD-CDK special permit may specify that certain modifications to the Final Development Plan do not alter the concept of the PUD and such modifications shall be considered minor amendments under Section 12.37 of this Zoning Ordinance subject only to written approval of the Planning Board if the developer demonstrates that such modification(s): (i) constitute a reallocation or reconfiguration of Gross Floor Area among uses in the Final Development Plan or otherwise allowed in the PUD-CDK District, (ii) do not require a new type of zoning relief (other than the categories of relief previously granted for the proposed development project, whether

by existing PUD special permits or otherwise), and (iii) maintain the same percentage of Minimum Open Space as approved by the PUD-CDK special permit.

13.203 **Allowed Uses within the PUD-CDK District.**

(a) Office and Laboratory Uses. All uses listed in Section 4.34 of this Zoning Ordinance.

(b) Residential Uses.

1. Multifamily dwellings.
2. Hotels or motels.

(c) Retail Business and Consumer Service Establishments. All uses listed in Section 4.35 of this Zoning Ordinance, including:

1. Arts, crafts, photography, or media studio, and print shop.
2. Commercial recreation or other recreation establishment (e.g., bowling alley, skating rink, fitness or athletic studio).

(d) Arts and Culture Uses.

1. Community Arts Uses: uses dedicated to arts creation, exhibition, and education, which may be programmed with or by community arts organizations.
2. Performing Arts Uses: a facility (e.g., forum, theater, hall, or other space), or multiple facilities operated under agreements with building ownership or management, which may be sited within a mixed-use building, providing space for music, performing arts, visual arts, and private or public gatherings or assembly.
3. All-Season Public Gathering Uses: indoor-outdoor public gathering spaces (including any gallery, hall, or other space for private and/or public gatherings or assembly, and any programmable outdoor landscaped areas), open to the general public, which may be programmed to provide educational or recreational services to the community and may or may not be accessory to Performing Arts Uses.
4. Indoor Public Gathering Uses: indoor public gathering spaces open to the general public (including any gallery, hall, or other space for private and/or public gatherings or assembly), which may be programmed to provide educational or recreational services to the community and may or may not be accessory to Community Arts Uses.
5. Together with such uses customarily accessory to any of the foregoing, such as, but not limited to, stage, backstage, rehearsal or practice, studio, classroom, storage, mechanical, dressing room, green room, lobby shop and/or store for goods and/or food and beverage, ticketing, restaurant and/or lounge or other eating and drinking establishment, community meeting space, and accessory office uses.

(e) Open Air or Drive-in Retail & Services. All uses listed in Section 4.36(a)-(e) of this Zoning Ordinance, including open air place of public gatherings.

(f) Transportation, Communication, and Utility Uses. All uses listed in Section 4.32 of this Zoning Ordinance.

(g) Other Uses. Any uses not listed above shall be allowed upon written determination by 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.

13.204 Dimensional Regulations.

13.204.1 Permitted Gross Floor Area. The following shall be permitted within the PUD-CDK District:

(a) Existing Gross Floor Area. The Gross Floor Area that exists on a lot(s), which shall be calculated in accordance with the definition of Gross Floor Area, excluding permitted exemptions, under the Zoning Ordinance in effect at the time of adoption of this Section 13.200. The permitted, existing Gross Floor Area allocations for each lot under this PUD-CDK overlay zoning are shown in the following table:

Lot Note: each as approximately shown on the PUD-CDK overlay zoning map of even date.	Street Address	Permitted Gross Floor Area Allocation
Parcel A	675 West Kendall Street	245,125 sf
Parcel B	650 East Kendall Street	217,398 sf
Parcel C	585 Third Street	undeveloped
Parcel D	500 Kendall Street	280,021 sf
Parcel E – West	350 Third Street	357,000 sf
Parcel E – East	250 Kendall Street	135,530 sf
Parcel F	350 Kendall Street	144 sf
Parcel G	450 Kendall Street	53,000 sf
Termeer Square (f/k/a Open Space 3)	300 Athenaeum Street	2,782 sf
Gas Transfer Station Parcel	330 Third Street	n/a

(b) Required Arts and Culture Center. The Final Development Plan for a currently vacant or undeveloped Development Parcel under this PUD-CDK overlay zoning shall include an Arts and Culture Center as follows:

Permitted New Gross Floor Area (sf) Note: GFA per 13.204.1(c) and excluding any floor area for the Arts and Culture Center.	Arts and Culture Center Size (sf)	Arts and Culture Center Uses
Up to 420,000 (inclusive)	<u>Min.</u> : 15,000 <u>Max.</u> : 30,000	Community Arts Uses
Over 420,000 Up to 525,000	<u>Min.</u> : 30,000 <u>Max.</u> : 40,000	Performing Arts Uses and Community Arts Uses

The actual square footage of the Arts and Culture Center shall be as approved by the Planning Board, with the intent being to have an Arts and Culture Center of a size within the applicable parameters set forth above and otherwise in approximate proportion to the Permitted New Gross Floor Area of the approved new structure.

(c) Permitted New Gross Floor Area. Any planned Development Parcel within the PUD-CDK District that is currently vacant or undeveloped shall be permitted to have a maximum of 420,000 square feet of Gross Floor Area in the aggregate, excluding any Gross Floor Area for the Arts and Culture Center as described in Section 13.204.1(b) above. However, the Planning Board, in its review of a special permit application under this Section 13.204.1(c), may allow a planned development within the PUD-CDK District to have a maximum of 525,000 square feet of new Gross Floor Area, excluding any Gross Floor Area for the Arts and Culture Center as described in Section 13.204.1(b) above, if the proposed development project will abut and/or have frontage along at least 75 linear feet of Third Street.

- 13.204.2 Residential Density: There shall be no required minimum lot area for Dwelling Units in the PUD-CDK District.
- 13.204.3 Maximum Building Height: The maximum height of any building within the PUD-CDK District shall be 250 feet. Notwithstanding the foregoing, if (A) the Planning Board allows more than 420,000 square feet of Gross Floor Area under Section 13.204.1(c) above and (B) the Development Parcel will have frontage on Third Street, the portion of the building that is within 10 feet of the property line directly abutting Third Street shall have a height not to exceed 85 feet.
- 13.204.4 Other Dimensional Requirements: There shall be no minimum lot area, no minimum lot width, no minimum frontage, and no minimum front, side or rear yard requirements for the Development Parcel or any lot within the PUD-CDK District. There shall be no minimum building setbacks or other minimum or maximum building dimensional requirements other than as provided by this Section 13.204.
- 13.204.5 Open Space: Any Final Development Plan within the PUD-CDK District shall demonstrate that, following completion of such development, there shall be not less than twenty percent (20%) open space as defined in Article 2.000 and Section 5.22 in the PUD-CDK District except as modified below.

- 13.204.5.1 The Planning Board, through its approval of a Final Development Plan, shall make a finding that there is no net-loss of open space already existing within the PUD-CDK District (other than within any previously undeveloped or vacant Development Parcel).
- 13.204.5.2 Open space, whether already existing within the PUD-CDK District or to be constructed by the developer or its affiliate, shall include, without limitation, the following: parks; plazas; lawns; landscaped areas substantially open to the sky; playgrounds; balconies; roofs developed for recreational or leisure usage; pedestrian ways such as bridges, decks, arcades, loggias, and gallerias as specified by the Planning Board; and such other areas or spaces determined, or approved, by the Planning Board to be open space.
- 13.204.6 Perimeter and Transition: Any part of the perimeter of a PUD which fronts on an existing street or Public Open Space should be so designed as to complement and harmonize with adjacent land uses with respect to scale, density, setback, bulk, height, landscaping, and screening. Development in the PUD-CDK District should provide integrated pedestrian circulation systems, particularly strong linkages between the Broad Canal and Kendall Square.
- 13.205 **Parking and Loading Requirements.**
- 13.205.1 Generally: Development in the PUD-CDK District shall conform to the off-street Parking and Loading Requirements set forth in Article 6.000, except as modified by this Section 13.205.
- 13.205.2 Parking:
- 13.205.2.1 Minimum Parking. There shall be no minimum parking requirements within the PUD-CDK District; provided, however, the Planning Board in approving a Final Development Plan may specify a minimum parking requirement based on review and analysis of Transportation Impact Studies and other relevant information on parking demand provided in application documents, and with the guidance of City agencies.
- 13.205.2.2 Maximum Parking. Maximum allowed parking for a Development Parcel within the PUD-CDK District shall be limited by applying the rates set forth below to each use within a Development Parcel subject to PUD-CDK 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, to the extent provided, shall apply. Exceeding the maximum allowed parking shall require a waiver of maximum parking required under the general provisions of Article 6.000.
- i. Maximum of 0.8 spaces per 1,000 square feet of Gross Floor Area for office and laboratory uses.
 - ii. Maximum of 0.5 spaces per 1,000 square feet of Gross Floor Area for retail space.
- 13.205.2.3 The Planning Board, through its approval of a Final Development Plan, shall make a finding that that the Final Development Plan provides adequate parking

for the proposed uses and that the Final Development Plan does not substantially increase net-new off-street parking spaces within the PUD-CDK District.

- 13.205.2.4 The parking requirements of this Section 13.205.2 may be satisfied (a) anywhere in the PUD-CDK District, or if located outside of the PUD-CDK 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 an easement, 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 shared parking facilities within said area.
- 13.205.2.5 Notwithstanding anything to the contrary in Article 6.000, this Zoning 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.
- 13.205.3 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 the PUD-CDK District, and may permit loading facilities to be shared across various uses within the PUD-CDK District or the adjacent PUD-3 District.
- 13.205.4 Bicycle Parking: Bicycle parking shall be provided in accordance with Section 6.100 of this Zoning Ordinance, provided that, in accordance with Section 6.108, any of the requirements in Section 6.100 may be modified by the Planning Board through its approval of a Final Development Plan.
- 13.206 **Special Requirements, Standards, and Provisions Applicable to Development Authorized by the Planning Board in the PUD-CDK District.**
- 13.206.1 Relationship to PUD-3. The previously issued PUD-3 special permit(s) shall remain valid and in full force and effect for, and govern with respect to, all remaining land of the PUD-3 District outside of a Development Parcel, including without limitation with respect to a rebuilding due to casualty, provided that the terms of such PUD-3 special permit(s) shall be applied to such remaining land without regard to any rights granted to a Development Parcel pursuant to a PUD-CDK special permit. For the avoidance of doubt and subject to this Section 13.206.1, the Planning Board shall administer the applicable PUD special permits in accordance with the applicable PUD overlay zoning provision that govern such special permits (e.g., PUD-3 or PUD-CDK, as the case may be).

Rights granted pursuant to a PUD-CDK special permit to a Development Parcel shall be in addition to any rights previously granted under a PUD-3 special permit to that Development Parcel, and the PUD-CDK zoning shall govern with respect to such additional rights. A PUD-CDK special permit application may request that the Planning Board simultaneously issue a minor amendment to any special permit under PUD-3 covering such Development Parcel, including to establish that the Development Parcel is no longer subject to such special permit, so long as such minor amendment does not alter the remainder of the development that is subject to such special permit under PUD-3.

To the extent a Development Parcel is subject to the provisions of one or more special permit(s), site plan approval(s) and/or variance(s) issued prior to the issuance date of a PUD-CDK special permit granted hereunder and the provisions of such existing approval(s) conflict or are inconsistent with the PUD-CDK special permit, the provisions of the PUD-CDK special permit shall govern.

- 13.206.2 Sustainability. New buildings constructed within the PUD-CDK District shall comply with the Green Building Requirements set forth in Section 22.20 of this Zoning Ordinance. The Development Proposal shall contain documentation showing how the development at an aggregate level will comply with the requirements of Section 22.20. The conditions of a PUD special permit shall set forth procedures to meet the requirements of Section 22.20.

The Sustainability and Resiliency Plan component of a Development Proposal shall describe how new buildings in the PUD-CDK District will incorporate a comprehensive design approach and incorporate the best practices for meeting sustainability as outlined in the City’s Net Zero Action Plan, Climate Change Preparedness and Resilience Plan, and other sustainability plans and guidelines promulgated by the City at the time the Development Proposal is submitted. The conditions of a PUD special permit shall set forth sustainability guidelines to be reviewed as part of any continuing design review procedure for individual buildings within an approved Final Development Plan. At a minimum, buildings shall incorporate best practices in the following areas:

(a) *Energy and Emissions; Steam*. A new building must conserve building energy and, to the extent practicable, reduce carbon/GHG emissions. The developer of a new building within the PUD-CDK District will evaluate the potential for implementation of net zero ready measures and on-site energy generation (which may include rooftop solar pv) within the PUD-CDK District in the context of ownership, economic viability and phasing constraints. The Developer will conduct a greenhouse gas emissions analysis for such new building and will implement energy efficiency mitigation for such building to achieve the maximum energy reductions possible identified in such analysis. The Development Proposal for a new commercial building shall include a study, prepared by the developer, considering the feasibility of connecting the proposed building to the existing district steam system, if available.

(b) *Urban Site and Landscaping; Water Management*. The developer of a new building must explore opportunities for potable water use reductions and the ability to enhance indigenous plantings in and around the development site.

(c) *Cool Roofs*. All new buildings approved in the PUD-CDK 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.

(d) *Monitoring*. All new buildings in the PUD-CDK 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) *Healthy Living and Working.* All new buildings in the PUD-CDK District shall provide people with access to daylight and enhance the visual and thermal comfort of people living within the PUD-CDK District.

(f) *Transportation.* A Final Development Plan within the PUD-CDK District shall encourage multimodal transportation, provide facilities for cyclists and provide an infrastructure to support alternative energy vehicles.

(g) *Flood Resiliency.* All new buildings must incorporate the City of Cambridge's most up-to-date standards to address projected future flooding impacts.

(h) *Site Cooling Strategies.* A Final Development Plan within the PUD-CDK District shall incorporate measures to reduce urban heat island effects and identify interior and exterior spaces in designated locations to act as cooling areas.

13.206.3 Letter of Commitment. The Letter of Commitment dated _____ by _____ is incorporated herein by reference and made a part of the Cambridge Zoning Ordinance and shall be binding upon _____ and its successors and assigns. To the extent the provisions of the Letter of Commitment are inconsistent with the provisions of this Section 13.200, the more stringent provisions shall govern.