



City of Cambridge

APP-3
APP # 3
FIRST IN COUNCIL
September 14, 2020
December 21, 2020

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 45,000 square feet in area and has at least 75 feet of linear frontage on Third Street. 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 delineated by use, if any, and identifying appropriate strategies for the management of parking within such parking facilities. Such a plan shall also describe the anticipated parking and loading needs of the proposed Arts and Culture Center.

(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 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*: describing 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*: identifying 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) 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”.

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 future 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.

13.203 Allowed Uses within the PUD-CDK District.

(a) Office and Laboratory Uses. All uses allowed in the base zoning district shall be permitted in the PUD-CDK district, as well as the following uses, with the permitted range of uses in a Final Development Plan to be approved by the Planning Board:

(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, including but not limited to Art/Craft studios.
 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, including but not limited to Theaters and Performing Arts Studios.
 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	Street Address	Permitted Gross Floor Area
--	----------------	----------------------------

PUD-CDK overlay zoning map of even date.		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.

The square footage of the Arts and Culture Center shall be as approved by the Planning Board, but shall not be less than 30,000 square feet.

(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 525,000 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.

- 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. Any portion of a 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; however, all dimensional characteristics of a Final Development Plan shall be subject to review and approval by the Planning Board.
- 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, including the Arts and Culture Center, 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 special permit(s) previously issued pursuant to the provisions of the Planned Unit Development 3 (PUD-3) District shall remain valid and in full force and effect for, and govern with respect to, all remaining land of the PUD-CDK District outside of a Development Parcel that is subject to a special permit issued pursuant to the provisions of the PUD-CDK district.
Upon approving a Final Development Plan pursuant to the provisions of the PUD-CDK District, the Planning Board may concurrently approve modifications to previously issued special permits as Minor Amendments if the Board finds that such modifications are for the purpose of clarifying the applicability of previously issued and newly issued special permits and do not constitute major amendments, as that term is defined by Section 12.37.3, to the previously issued special permit(s).
- 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 received by the City Council during its meeting on December 21, 2020 by BMR-Third LLC is incorporated herein by reference and made a part of the Cambridge Zoning Ordinance and shall be binding upon BMR-Third LLC, 585 Third Street, Cambridge, MA, also Known as Parcel C and the Adjacent Eversource Gas Regulator, 330 Third Street (the “GTS site”) 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.

In City Council December 21, 2020.
Ordained by
Attest:- Anthony I. Wilson, City Clerk

A true copy;

ATTEST:-

A handwritten signature in black ink, reading "Anthony I. Wilson", enclosed in a thin black rectangular border.

Anthony I. Wilson, City Clerk

History:

09/14/20	City Council	REFERRED TO COMMITTEE	
11/12/20	Ordinance Committee	REFERRED	
11/30/20	City Council	PASSED TO A SECOND READING	
12/07/20	City Council	NO ACTION TAKEN	Next: 12/14/20
12/14/20	City Council	NO ACTION TAKEN	Next: 12/21/20