

## **Final Development Plan Decision**

Case No: PB#141

Address: 364 Third Street

Owner: Cambridge Research Park, LLC  
101 Main Street, 18<sup>th</sup> Floor, Cambridge  
Massachusetts 02142

Applicant: Cambridge Research Park, LLC  
101 Main Street, 18<sup>th</sup> Floor, Cambridge  
Massachusetts 02142

Date of Application of the Development Proposal (modified by the Final Development Plan): September 22, 1998

**Development Proposal:** A mixed use development of life sciences research and office space, retail, and housing uses totaling 1,275,957 square feet of development with up to 3200 parking spaces. Two buildings are proposed to exceed 120 feet in height.

Date of Development Proposal Public Hearing: October 27, 1998, continued to November 25, 1998

Date of Planning Board Development Proposal Determination: December 15, 1998

Date of submittal of the Final Development Plan: January 21, 1999

Date of Final Development Plan Public Hearing: February 16, continued to March 2, 1999

Date of Decision: March 16, 1999

Filing of Decision: April 7, 1999

Final Development Plan Application (modified by this Decision):

**Final Development Plan:** A mixed use development of life sciences research and office space, retail, and housing uses totaling 1,275,957 square feet of

development (plus an additional 100,000 square feet for residential use employing the FAR bonus permitted in Section 11.200 of the Zoning Ordinance) with up to 2,722 parking spaces. Two buildings are proposed to exceed 120 feet in height (hotel at 230 feet, building “D” at 150 feet).

### **Application Documents Submitted**

Cambridge Research Park Planned Unit Development Application (Development Proposal), submitted 9/2/98, certified complete on September 22, 1998. Application narrative, Site and Building Plans: Context Illustration, 5/22/98; Topographic Plan of land, 1/30/98; Land Use, Bulk and Residential Density Plan, 6/01/98; Plan of Land, 7/20/98; Proposed Site Plan, 6/01/98; Building Envelope and Guidelines, 6/01/98; Elevations on two sheets, 6/01/98; Open Space Plan, 6/01/98; Parking Plan Levels 1, 2, 3, 6/98; Parking Sections, 6/98; Building Sections, 1/21/99; Transportation Context Plan, 6/98; Pedestrian Circulation System, 6/01/98; Utility Plan, 6/01/98; Landscape Plan, 6/01/98; Traffic Impact Assessment.

Cambridge Research Park Planned Unit Development Application (Final Development Plan), submitted 1/21/99. Application narrative, Site and Building Plans: Topographic Plan of land, 1/30/98; Land Use, Bulk and Residential Density Plan, 6/1/98; Plan of Land, 7/20/98; Proposed Site Plan, 1/21/99; Building Envelope and Guidelines, 1/21/99; Elevations on two sheets, 1/21/99; Retail Plan, 1/21/99; Open Space Plan, 1/21/99; Parking Plan Level 1; 1/21/99; Parking Plan Levels 2,3 (Typical floor), 1/21/99; Building Sections, 1/21/99; Transportation Context Plan, 1/21/99; Pedestrian Circulation System, 1/21/99; Utility Plan, 1/20/99; Landscape Plan, 1/21/99; Revised Traffic Impact Assessment.

### **Documents Extending Statutory Time Limits for Consideration**

1. Waiver of procedural requirements of Chapter 40A granted by David Clem, dated 2/17/99
2. Waiver of time from noon of March 17, 1999 to April 8, 1999 for purposes of filing the decision, by David Clem, 2:05 AM of March 17, 1999.
3. Approval of attached conditions, by David Clem, March 17, 1999.

### **Other Documents Submitted**

1. Letter to CDD, from David E. Clem, representing the applicant, Cambridge Research Park LLC, dated 3/3/98, re: preliminary review of the PUD application.
2. Environmental Notification Form, Cambridge Research Park, dated 6/1/98.

3. Letter to David Clem, from Susanne Rasmussen, Community Development Department, Director, Transportation and Environment Division, dated 7/16/98, re: the required traffic study.
4. Letter to David Clem, from Beth Rubenstein, Acting Assistant City Manager for Community Development, dated 9/4/98, re: the Planned Unit Development Application submittal of 9/2/98.
5. Letter to Beth Rubenstein from David Clem, re: response to 9/4/98 letter, dated 9/9/98.
6. Letter to the Planning Board from Karen Nygren, dated 9/9/98.
7. Letter to David Clem from Beth Rubenstein, re: response to 9/9/98 letter, dated 9/11/98.
8. Letter to Beth Rubenstein from David Clem, re: response to 9/11/98 letter, dated 9/15/98.
9. Cambridge Research Park, An Overview of the Development Proposal, dated October 1998.
10. Copy of letter to Robert W. Healy, City Manager, from Charles M. Sullivan, Executive Director of the Historical Commission, dated 10/16/98
11. Letter to the Planning Board from Mike Nicoloro, Director, Cambridge Water Department, dated 10/19/98
12. Letter to the Planning Board from Julia Bowdoin, Director, Conservation Commission, dated 10/20/98
13. Letter to the Planning Board from Jeanne Strain, CDD, Director, Economic Development Division, re: Economic Development Analysis of PUD Application for Cambridge Research Park, dated 10/20/98.
14. Memo to Beth Rubenstein, from Barry M. Pell, P.E., CCD consultant on traffic and transportation matters re: Review of Traffic Impact Assessment for Cambridge Research Park, dated 10/20/98.
15. Cambridge Research Park Transportation Demand Management Plan, dated 10/20/98
16. Letter to Beth Rubenstein, from Michael P. Sullivan, re: the Third Street gas transfer station, dated 10/26/98
17. Letter to Beth Rubenstein, from Michael P. Sullivan, re: private access road issues, dated 10/26/98

18. Letter to the Planning Board from Joseph G. Grassi, Member, School Committee, dated 10/28/98, cover to the School Department report on open space and athletic participation.
19. Memo to Beth Rubenstein, from Hugh Adams Russell, member, Planning Board, re: Thoughts on the Cambridge Research Park PUD request, dated 11/5/98
20. Message to Lester Barber, CDD, from Sam Lipson, Director of Environmental Health, Cambridge Health Department, re: Cambridge Research Park PUD-MCP issues, dated 11/9/98
21. Memo to Cambridge Planning Board from John Pitkin, 18 Fayette Street, re: ComEnergy Proposal, and the IPOP, dated 11/10/98
22. Letter to Paul Dietrich, Chair, Planning Board, from Daniel A. Taylor, Hill & Barlow, attorney for the applicant, re: Cambridge Research Associates, dated 11/10/98
23. Copy of letter to the City Council, from Francis J. Budryk, dated 12/14/98
24. Copy of letter to Jay Wickersham, MEPA Director, from Stephen H. Kaiser, re: Draft EIR, dated 11/16/98
25. Memo to the Planning Board from David Clem, re: CRP Traffic Impacts, dated 11/17/98
26. Memo to the Planning Board from David Clem, re: CRP PUD application, dated 11/17/98
27. Memo to the Planning Board from David Clem, re: CRP response to Charles Sullivan, Director, Cambridge Historical Commission, dated 11/17/98
28. Letter to the Planning Board from Frederick J. Cabral, dated 11/21/98
29. PUD considerations/issues, from Dennis Carlone, CDD consultant on urban design matters, dated 11/23/98
30. Cambridge Research Park Design Review, by Dennis Carlone, dated 11/23/98
31. Memo to the Planning Board from John Pitkin, dated 11/24/98 RE: New Information on ComEnergy PUD Application
32. Letter to the Planning Board from Vice Mayor Anthony D. Galluccio, dated 11/24/98
33. Letter to the Planning Board from Stephen H. Kaiser, dated 11/24/98

34. Letter to the Planning Board from Cynthia Wall, dated 11/24/98
35. Letter to the Planning Board from Clark Frazier, dated 11/24/98
36. Copy of letter to Trudy Coxe, Secretary of EOE, from Stash Horowitz, dated 11/24/98
37. Letter to the Planning Board from Councilor Timothy J. Toomey, Jr., dated 12/9/98
38. Cover memo to the Planning Board from Beth Rubenstein, dated 12/10/98, transmitting comments to EOE re: the Draft Environmental Impact Report.
39. Copy of cover letter to Trudy Coxe, from Robert W. Healy, dated 11/24/98; re: comments on the draft EIR.
40. Copy of letter to Trudy Coxe, from John Felix, Deputy Regional Director, MEPA Review Coordinator, dated 11/24/98.
41. Copy of memo to Trudy Coxe, from Gregory A. Carrafiello, Acting Program Chief, Waterways Regulation Program, dated 11/25/98, RE: CRP.
42. Copy of memo to Secretary Coxe, from William Gage, MEPA unit, dated 11/24/98.
43. Copy of letter to Jay Wickersham, from Stephen Kaiser, dated 11/16/98, re: Draft EIR.
44. Copy of letter to Jay Wickersham, from Stephen Kaiser, dated 11/19/98, re: Memorandum of Understanding on MEPA Thresholds for Hazardous Wastes.
45. Copy of letter to Secretary of Environmental Affairs, from Mary Ann Donofrio, dated 11/16/98
46. Copy of letter to Trudy Coxe, from Stash Horowitz, dated 11/24/98.
47. Copy of letter to Secretary of Environmental Affairs, from Clark Frazer, dated 11/24/98.
48. Copy of letter to Secretary of Environmental Affairs, from Timothy Toomey, House of Representatives, dated 11/24/98.
49. Draft Preliminary Determination, Planning Board Determination, 12/15/98
50. Final Preliminary Determination, Planning Board Determination, 12/15/98
51. Copy of memo to Jay Wickersham, from Gregory A. Carrafiello, dated 12/18/98

52. Copy of letter to Lyme Properties, from Gregory A. Carrafiello, dated 12/18/98, copy of Determination of Applicability.
53. Memorandum to Beth Rubenstein, et al, from John Bolduc, CDD, Division of Transportation and Environment, dated 12/21/98, re: MEPA Certificate.
54. Letter to David Clem, from Beth Rubenstein, dated 12/23/98, re: hearing schedule.
55. "Cambridge Research Park, Revised Traffic Impact Assessment (Abend Associates, January 1999)"
56. Cambridge Research Park Design Review, by Dennis Carlone, dated 1/11/99.
57. Letter to David Clem, from Beth Rubenstein, dated 1/13/99, re: the Planning Board work schedule to review the PUD permit application.
58. Letter to Beth Rubenstein from David Clem, re: response to letter of 1/14/99 regarding scheduling dated 1/14/99.
59. Letter to the Planning Board from David Clem, dated 1/19/99, re: site planning changes requested by the Planning Board, with the work plan.
60. Letter to Susanne Rasmussen, from Robert L. Green, applicant representative, dated 1/20/99, re: CRP Transportation Demand Management Plan dated 10/2/98, and PTDM Plan.
61. Letter to Susanne Rasmussen, from Robert L. Green, dated 1/20/99
62. Letter to the Planning Board from David E. Clem, dated 1/21/99
63. Letter to David Clem, from Paul Dietrich, dated 1/22/99, proposed schedule for reviewing the PUD application.
64. Memo to Don Drisdell and Nancy Glowa, Cambridge Office of the City Solicitor, from Lester Barber, dated 2/5/99, re: nature of the second public hearing required of PUD applications.
65. Letter to the Planning Board from Stephen H. Kaiser, dated 2/9/99, re: Traffic Queue Analysis for the ComEnergy Development Site.
66. Letter to Paul Dietrich, from Daniel Taylor, Hill and Barlow, dated 2/12/99
67. Letter to Paul Dietrich, from David Clem, dated 2/12/99, re: PUD application various issues.

68. Memo from Michael Abend, traffic consultant to the applicant, re: February submission to the City of Cambridge, dated 2/26/99.
69. "Traffic Study, Step 1 Report", Stephen H. Kaiser, dated 3/1/99
70. Letter to the Planning Board from Mary Ann Donofrio, dated 3/2/99.
71. Memo to the Planning Board from the Community Development Department, re: summary of discussions of the Board since the Preliminary Determination, dated 3/2/98.
72. Letter to Paul Dietrich, from Cynthia Hadzi, dated 3/3/99
73. Letter to Carolyn Mieth, Planning Board member, from David Clem, re: comments at March 2, 1999 meeting dated 3/3/99.
74. Pedestrian and Bicycle Counts provided by Abend Associates, consultant to the applicant dated 3/9/99.
75. Letter to the Planning Board from Robert L. Green, dated 3/9/99.
76. Memorandum to Roger Boothe, and Dennis Carlone, from Ken Greenberg, consultant to the applicant, and Bob Green dated 3/10/99. (marked draft)
77. Memorandum to Roger Boothe, and Dennis Carlone, from Ken Greenberg and Bob Green dated 3/10/99 revised 3/12/99, re: the design review; cover memo to Planning Board transmitting the document, FAX date of 3/15/99.
78. Letter to the Planning Board from Brett Donham, dated 3/11/99
79. Letter to the Planning Board from Lisa and Howard VanVleck, dated 3/13/99
80. Letter to Paul Dietrich from Fred Cabral, re: Cambridge Research Park, dated 3/15/99
81. Letter to the Planning Board from David Clem, re: responses to issues raised at March 9, 1999 meeting, dated 3/15/99.
82. Unsigned letter to the Planning Board, from 75 Fayerweather Street, dated 3/15/99
83. Letter to David Clem from Beth Rubenstein, re: waiver of time limit for consideration of application, dated 3/12/99.
84. Letter to the Planning Board from the ComEnergy Subcommittee of the East Cambridge Planning Team, dated 3/15/99
85. Letter to the Planning Board from Frederick J. Cabral, dated 3/15/99

86. Memo to the Planning Board from John Pitkin, dated 3/16/99
87. Letter to the Planning Board from Kendall Luce, dated 3/16/99.
88. Memo to the Planning Board from the Community Development Department transmitting a draft conditions document and a draft denial decision, dated 3/16/99.
89. Cambridge Research Park Design Review Comments, by Dennis Carlone, original 11/2/398, updated 3/16/99.
90. Memo to the Planning Board from Councilor Kathleen L. Born, dated 3/16/99
91. "Commercial Real Estate Development in Cambridge: History and Prospects: 1960-2004", Elie Yarden, Undated.

### **Summary of Public Hearings**

A public hearing on the Development Proposal was held on October 27, 1998, which hearing was continued for the receipt of written comments only until November 25, 1998. A public hearing on the Final Development Plan was held on February 16, for the purpose of continuing the hearing to March 2, 1999. No testimony was taken on February 16, 1999. The continued public hearing on the Final Development Plan was held on March 2, 1999, and was held open for written comments only until March 16, 1999. Extensive oral and written testimony was received by the Planning Board at those public hearings.

At the hearing on the Development Proposal, the applicant made an extensive presentation of the proposal, describing its major features, urban design intent and its conformance to the applicable zoning requirements. At the public hearing on the Final Development Plan the applicant summarized the changes made to the Development Proposal in response to the Planning Board's comments to the Development Proposal as set forth in the Preliminary Determination. There was testimony at each hearing both in support of and in opposition to the application. It was argued by those in support of the application that a vacant site would be transformed from a generally negative feature in the urban fabric of the city to one that would integrate the site into the city through a well conceived urban design plan, would contribute significantly to the city's tax base and make a sizable contribution to the Affordable Housing Trust Fund, and would allow for expansion of the biotech and other technology industries that are the foundation of the city's current economy.

A substantially greater number of persons testified in opposition to the proposal. Opposition focused on several general themes: (a) the impact of the proposal on city streets and the East Cambridge neighborhood because of the traffic generated by the completed project and the traffic impact of the project during its construction; (b) the

potential impact on the abutting properties, the East Cambridge neighborhood and the city as a whole as a result of disturbance of a site that is highly contaminated; and (c) the inappropriateness of the scale of the development that has no public benefits at a location that would best be used for public purposes, particularly as the site of recreational facilities serving the East Cambridge neighborhood that is sorely in need of such facilities.

With regard to traffic, opponents pointed out that major intersections in East Cambridge are already well beyond capacity, that for significant parts of the day there are long lines of waiting traffic at those intersections, that the proposed development will generate significant new amounts of total traffic and traffic at peak commuter hours. Opponents asserted that new traffic, trying to avoid congested intersections, will attempt to reach the project through residential streets, among them Third Street, which is the most direct route to the site from the north and northwest of the city.

With regard to the contamination on the site, opponents of the project suggested that it was premature to approve any development scheme for the site, as environmental agencies reviewing the proposal have not yet concluded their review. The conclusion of such a review may result in substantial redesign of the proposal in a manner inconsistent with any earlier Planning Board action. Furthermore, actual construction on the site may cause a dispersal of the contaminants during construction or over time as buildings force the migration of contaminants off-site.

Thirdly, opponents expressed a belief that the East Cambridge residential community had accepted more than its fair share of new commercial construction over the past twenty years and that additional construction here would be an unreasonable burden to the community. It was argued that new development is not needed for its tax revenue, and the site would be best used for much needed recreational facilities.

In public testimony and additional submitted written material, the applicant responded to such criticisms. The applicant's response as well as the Planning Board members' conclusions about that response and the comments of opponents are set forth in the Findings below.

In comments and questions from the Planning Board a number of issues were raised: the nature of the mix of uses proposed and the flexibility present to increase the number of housing units, possible reduction in retail and R&D space, the options for increasing the amount of at grade open space with a particular interest in creating open space and recreational facilities of particular benefit to residents of East Cambridge, treatment of Third Street and the gas transfer station. The function and need for the retention of the existing principal use parking spaces on the site was discussed. Planning Board concerns expressed at the public hearing and subsequent deliberation meetings with regard to the Development Proposal were incorporated into the Preliminary Determination document. That document enumerated a large number of items requiring further consideration by the applicant and a number of unresolved issues for which additional information and

analysis was requested by the Board; the Preliminary determination permitted the project to proceed to the Final Development Plan stage without full endorsement of the proposal.

### **Findings**

After review of the application documents, testimony heard at the public hearings, other documents submitted to the Board for consideration, and consideration of comments and recommendations made by the staff of the Community Development Department, the Board makes the following findings.

1. All procedural requirements of Article 12.000 and Article 10.000 of the Zoning Ordinance of the City of Cambridge (“the Ordinance”) have been met with the holding of the public hearing on the Development Proposal on October 27, 1998, continued to November 25, 1998, and the holding of the public hearing on the Final Development Plan on February 16 for the purpose of continuing the hearing to March 2, 1999 at which time all testimony was taken. Extensions of the times required for consideration of the application, as set forth in Chapter 40A of the General Laws of the Commonwealth and the Ordinance, were mutually agreed to by the applicant and the Planning Board. All hearings were duly noticed and advertised as required in Chapter 40A.
2. The proposal is located within the PUD-3 zoning district. The proposal conforms to development controls set forth in Section 13.40 of the Ordinance:
  - a. The uses proposed are allowed in Section 13.42 of the Ordinance
  - b. The project does not exceed the 3.0 permitted in Section 13.43.1 except that additional Gross Floor Area, as permitted in Section 11.200, where housing subject to inclusionary housing requirements may increase the permitted FAR allowed in the district as-of-right above that otherwise permitted in the district, is proposed that brings the total FAR to 3.24.
  - c. At 425,319 square feet, the development parcel is greater than the two acre minimum required in Section 13.43.2.
  - d. At approximately 1700 square feet of lot area for each dwelling unit proposed, the development exceeds the minimum requirement of 300 square feet of lot required in Section 13.43.3.
  - e. The yards are approved as contained in the Final Development Plan, as is permitted in Section 13.43.4.
  - f. Two buildings will exceed 120 feet in height with the tallest building at 230 feet, the greatest height allowed in the district. Eight point two percent (8.2%) of the area of the development parcel is covered with buildings exceeding the 120 foot height limit. Therefore, Section 13.44 of the Ordinance is met.

- g. Useable Open Space, at 22.2% of the development parcel (not inclusive of interior streets), exceeds the minimum requirement of 15%, in conformance with Section 13.45.
  - h. With the 2238 parking spaces provided on the site (a reduction mandated by the Planning Board in this Decision), as well as the loading facilities illustrated on the Final Development Plan, the requirements of Section 13.47 are met.
3. In addition to the finding of conformance to the required height limit as found by the Board in Finding 2f above, Section 13.44.3 requires that the Planning Board take into consideration other evidence when reviewing the appropriateness of a building exceeding 120 feet in height. The Board makes the following findings:
- a. The increased height of the two buildings in the development exceeding 120 feet in height will not unreasonably limit light and air reaching other buildings in the vicinity because shadows will principally be cast on buildings located within the development; the hotel will principally affect the gas transfer station, and to a lesser extent the housing “C” block.
  - b. The increased height allows more open space (at a rate greater than required in the PUD-3 district), and more open space surrounding and serving the housing; it results in a more interesting skyline due to the placement of the variety of buildings within the project.
  - c. The tallest structure (the hotel) is located in the vicinity of a building of similar scale and height (One Broadway) and relates this project to the taller cluster of buildings at the heart of Kendall Square from where many of the pedestrians visiting the site will originate. The visual impact of this height is reduced because from many vantage points it aligns with existing buildings of similar scale.
  - d. The greatest height is assigned to the hotel, which is one of the uses with the least traffic impact at critical times of the day; increased height is a particularly important marketing advantage for a hotel.
  - e. Building “D”, at 150 feet, is only marginally greater in height than the basic 120 height limit; given its location adjacent to heavily industrial utility facilities and other tall buildings, the increased height has no detrimental effect on the health and safety of adjacent areas.

4. Section 13.46 requires that a PUD fronting on existing streets or open space be designed to complement and harmonize with adjacent land uses and provide an integrated pedestrian circulation system that provides effective linkages between Kendall Square and the East Cambridge waterfront. On the two sides abutting public streets, the development establishes an urban streetwall pattern with buildings fronting closely to the streets, major entries onto those streets, and heights modulated at upper levels to create a comfortable relationship to the street. More generally, the project reestablishes a logical

city street grid system within a large superblock that permits a natural passage of pedestrians through an enhanced series of sidewalks and plazas in all directions across the site as is the case in well-established parts of the city.

5. The redevelopment of the site to mixed-use development integrates a now vacant site into the urban fabric of Cambridge and effectively links the development to the evolving centers of activity in Kendall Square and the East Cambridge waterfront. In addition, a properly developed site significantly increases the tax revenue to the city, provides expansion facilities for the R&D companies that are the growth component of the city's economy, and provides for additional jobs that can be conveniently accessed via public transit. A significant component of housing is also to be created where it is important to provide residential facilities that may serve some of the new employees who will be drawn to the site and generally help reduce the pressure on housing demand in the adjacent neighborhoods. The Planning Board encouraged the applicant to pursue opportunities for increasing the inventory of housing in the vicinity of this development, beyond the current scope of the application, as opportunities may arise.

6. The scale of development on the site and the precise quantity and nature of its constituent components are of critical concern. The Board finds that the urban design plan effectively integrates the development into its physical context and accommodates the amount of development proposed in ways that will enhance the future environment of the city.

While the base Office 3 district permits as much gross floor area on the lot as is allowed in the PUD-3 district, the Board finds that the elements that are only permitted through PUD approval are vital in making that amount of development acceptable, through better design, reduced traffic impact, more accessibility to residents of the city not employed at the site:

(a) The increased height allows more of the ground area to be occupied by open space, organized in a more effective and useful way with the inclusion of amenities such as the outdoor ice skating rink.

(b) The increased height makes the hotel more financially viable; the hotel in turn provides services that might be used by all residents of the city, creates a pool of "residents" in the development that will animate the area after office workers leave in the evening, and reduces the traffic impact at critical peak hours in comparison to that which would prevail if the gross floor area occupied by the hotel were instead to be occupied by office or R&D uses;

(c) The addition of retail uses provides the opportunity to reduce further the number of vehicle trips that might be generated by the development by providing vital commercial services to employees and residents within the development; the general retail services, and particularly the cinema component of those services, will be accessible to all residents of the city and will ensure that the area is occupied and active through large parts of the day and night.

(d) The reduced yard requirements permit the development to be more effectively integrated into the larger city fabric by permitting typical streetwall buildings along existing streets, by allowing enough space within the development to create real urban, streetwall private streets on the interior of the development parcel, and by allowing many buildings to be kept to, or less than, the 120 foot limit while also allowing more space to develop an effective, organized and useful system of open space.

(e) Through the PUD process, the community and the Planning Board have been able to influence the mix of uses on the site, including a more prominent role for housing and a reduction in the amount of traffic-inducing retail development, and impose a wide range of conditions including a reduction in the proposed amount of on-site parking, roadway improvements and a strong transportation demand management program. Incentive zoning payments are also secured through the PUD special permit process.

7. In making its decision, the Board is to be guided by the standards set forth in Section 12.35.3 of the Zoning Ordinance. Those standards are as follows:

***(a) The Development Proposal conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth in the PUD-3 District.***

The proposal so conforms as indicated in Findings 2, 3, and 4 above.

***(b) The Development Proposal conforms with adopted policy plans or development guidelines for East Cambridge .***

The relevant guidelines, prepared by the city with the assistance of its urban design consultant, Carlone and Associates, are contained in the document entitled ***East Cambridge Development Review Process and Guidelines***, a later document entitled ***Guidelines for Kendall Square and Environs***, and an updated set of ***Cambridge Research Park Guidelines***. The Final Development Plan and use program reflect the principles of those documents and is consistent with them. The basic structure of the development recreates a city street grid circulation system for both vehicles and pedestrians. Attached to that grid is a system of pedestrian and open space ways and plazas related to and activated by housing, hotel and retail uses. Parking facilities are designed to encourage all who park in the underground facilities to make use of that surface circulation system. The site plan and its distribution of uses allows the project to act as a natural bridge between Kendall Square and the Lechmere Canal and Front Park waterfronts in East Cambridge.

***(c) The Final Development Proposal provides benefits to the city which outweigh its adverse effects; in making this determination the Planning Board shall consider the following:***

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

See 7b above. The combination of housing, retail, hotel and office/R&D uses creates an hospitable environment that is likely to be active for extended hours. Broad Canal, the only significant natural feature of the site, will be enhanced and access provided to it. Other recreational features, including a large public recreation area on Linskey way featuring a community skating rink, will attract and benefit a wide range of residents in the city. The distribution of building bulk and building uses is not only compatible with adjacent uses, but provides to them an enhanced environment that increases their integration into the larger East Cambridge waterfront/Kendall Square neighborhoods. Housing is a significant component of the use mix, which may help to redress the imbalance that otherwise exists when new jobs are created without new housing. As required by Section 11.200 of the Ordinance, a portion of those units will be affordable.

***(2) Traffic flow and safety;***

The principal adverse impact on the city from the development is the impact of the peak hour vehicular traffic to and from the development, during its construction and when it is fully occupied. It will add significant numbers of total automobile trips to the city streets and will add to the congestion at several already-at-capacity intersections. The considerable excavation of soil, much of which may be contaminated, that will be necessary to accomplish the below grade construction of all parking accessory to the project will also entail considerable truck traffic over a long period of time. Any development on the site will aggravate already difficult traffic, circulation and congestion problems on city streets; the Board, however, finds that the nature of the proposal and the conditions of the permit it has imposed will mitigate those impacts reasonably:

(i) The mix of uses proposed and granted will significantly reduce the amount of peak hour traffic to and from the site from that which would occur with a development of equal size but more limited in its range of uses (e.g. more office and R&D uses) or

even a development of lesser scale built as-of-right and exclusively committed to office uses;

(ii) The scale of the development allows a range of Transportation Demand Management (TDM) measures to be imposed that might not be feasible for a smaller project;

(iii) The number of parking spaces has been reduced by about 1,000 from that originally proposed in the application, which will encourage a reduction in the number of parking spaces serving uses off the site;

(iv) Physical improvements to features of the street network affected by the project are mandated;

(v) An extensive TDM program is mandated;

(vi) A significant financial contribution to neighborhood protection measures is required should those measures need to be implemented;

(vii) Ongoing monitoring by the Permittee of traffic conditions will produce data on project impacts that, when shared with the city and community, will serve as the basis for possible future ameliorating measures.

**(3) Adequacy of utilities and other public works;**

City or state agencies will require those improvements that are necessary to support the development.

**(4) Impact on existing public facilities within the city;**

The development is not expected to impact public facilities in disproportionate or unexpected ways.

**(5) Potential fiscal impacts.**

The project will generate substantial tax revenue through the levy of the general property tax and through taxes specifically levied on hotels. In addition, the development will be liable for a substantial incentive zoning payment into the Affordable Housing Trust Fund as required in Section 11.200 of the Ordinance. These taxes and payments are considered by the Planning Board to be reasonable and proportionate contributions to mitigate the fiscal impacts that the development will impose on the city.

In sum, the Planning Board finds that the benefits of the project outweigh its negative aspects.

8. In addition to the specific standards imposed on PUD special permits, this special permit application is subject to the general criteria for the issuance of special permits contained in Section 10.40 of the Zoning Ordinance:.

***A special permit will normally be granted unless the specifics of the proposal would cause the granting of the special permit to be a detriment to the public interest because of the particulars of the location or use, not generally true of the district or of the uses permitted in it.***

***a. The requirements of the Ordinance cannot be met.***

With the issuance of this special permit the requirements of the Ordinance are met.

***b. Traffic generated or patterns of access and egress will cause congestion, hazard, or substantial change in established neighborhood character.***

Measures of traffic congestion will be increased and worsened as a result of the construction of this project. However, it will not cause congestion to a greater extent than is generally true of the district or the uses permitted in it. Furthermore, the specific location of the development in close proximity to the Kendall Square MBTA Red Line station is likely to cause the development to generate traffic at a lesser rate than would be typical of development farther removed from that public transit. And the mix of uses, with a lesser component of office and R&D uses than is typical of development in the district or which could be constructed as-of-right on this site, will also result in lesser traffic impacts.

***c. The continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance will be adversely affected by the nature of the proposed use.***

The adjacent uses are not negatively impacted; more likely they are provided an enhanced environment that should positively benefit the operation of existing uses and encourage the development of new uses.

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

Development will result in the handling of contaminated soils. The Board finds that the regulation of those aspects of the site are most appropriately handled through state regulations, requirements, and agencies to ensure that a polluted site is made safe for active development and long-term occupancy. To ensure that the local community and the City of Cambridge can adequately monitor that process,

the Board has imposed a condition that all permits, findings and analyses be provided to the Community Development Department as they are produced. The Board has further conditioned the permit with a requirement that a Construction Management Plan be developed that will identify how contaminated soil hauled off the site will be handled in a safe manner and in accordance with applicable state laws. The Planning Board shall review and approve such a plan in accordance with the procedures for approval of a Minor Amendment.

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

The development is consistent with the intent of the regulations.

### **Decision**

After review of the application documents, comments made at the two public hearings, review of other documents submitted to the Board, and after extensive deliberations and consideration of recommendations made by the staff of the Community Development Department, and based on the above Findings, the Planning Board **GRANTS** the requested Planned Unit Development Special Permit, subject to the following conditions and limitations.

#### ***1. Dimensional and Programmatic Conditions***

a. Any building permit issued pursuant to the authority granted by this Decision shall be consistent with the Final Development Plan documents dated 1/21/99, as modified by the conditions hereinafter set forth in this Decision. Appendix I of this Decision, Table of Dimensional Limitations, summarizes the dimensional limits approved by the Planning Board.

b. Any variation from the approved Final Development Plan, as amended herein, shall constitute a Major Amendment subject to the provisions of Section 12.37 of the Cambridge Zoning Ordinance (the Ordinance”) -unless such change is determined to be a Minor Amendment by the Planning Board as set forth in Section 12.37.2 of the Ordinance or such change is specifically authorized by any one of the conditions or limitations set forth in this Decision.

c. A new special permit shall be required if the following schedule is not met:

Construction of Phase 1 of the project must begin within twelve (12) months of the date of issuance of this special permit and construction of Phase 2 may begin simultaneously with or after the construction of Phase 1 but must begin within five years of construction of Phase 1. Construction of the project must be complete within ten years of the date of issuance of this special permit subject to the terms in the Zoning Ordinance relating to delays.

The project will consist of:

- (i) Phase 1, made up of Buildings E, F, and G; parking below those buildings; and all landscape and open space improvements south of Street A; and
- (ii) Phase 2, made up of Buildings A, B, C, and D; parking below those buildings; and all landscaping and open space improvements north of Street A.

The construction of each phase will include environmental remediation for such phase required pursuant to the Massachusetts Contingency Plan.

d. Any above-ground accessory or principal use parking shall require approval as a Major Amendment, with the exception that, subject to review by the Board, parallel parking at curbside along the proposed private ways is encouraged so as to animate these streets and to have them appear and function as closely as possible as public ways. Such curbside parking shall be approved by the Planning Board in conformance with the procedures for approval as a Minor Amendment.

e. The uses are capped at the square footages listed at the top of page 24 of the Final Development Plan, as amended by this Decision, plus 100,000 gross square feet of bonus housing (item 9, not including the “Limited Development Flexibility sought by Lyme”); the Board specifically disallows the flexibility sought by the Permittee for all uses except housing; housing may be increased without limit with concomitant reductions in the gross floor area devoted to any of the other uses authorized by this Decision without a Major Amendment being required. The Board strongly encourages the Permittee to decrease the higher peak hour traffic-generating uses, in particular the life sciences research and office uses, and replace them with housing to the extent feasible.

f. The Board prohibits any shift of the cinema use, at 75,000 square feet, to any other retail use without specific authorization from the Board as a Major Amendment.

g. The project must comply with the inclusionary housing provisions of Section 11.200 of the Ordinance. Certification to that effect by the Housing Director of the Community Development Department shall be deemed to be satisfaction of this requirement.

h. The development is subject to the Incentive Zoning provisions of Section 11.200 of the Ordinance. The incentive zoning payment, required in Section 11.200, shall be made for each building individually prior to the issuance of an occupancy permit for that building. The payment shall be at the rate established by the Zoning Ordinance at the time of issuance of the building permit, and

applied to the area of eligible uses in the building, which area shall be certified by a registered architect. In a mixed-use building containing non-subject uses, common areas shall be allocated proportionately.

## ***2. Design Conditions***

a. The design review process for each building shall be held by the Planning Board as a Large Project Development Consultation Procedure, as outlined in Section 11.40 of the Ordinance, as modified in Article 15.000 with respect to the timeline for consideration. The Board shall review and approve the specific design of each building and all landscape design elements in accordance with the procedures for approval of a Minor Amendment prior to issuance of any building permit for that building.

b. The design guidelines that will guide the Board's review shall be based upon the "Cambridge Research Park Design Review Guidelines" by Carlone and Associates, dated January 11, 1999, and as appropriate incorporate comments in the "Design Review" memorandum from Carlone & Associates (original review of November 23, 1998, updated to March 16, 1999).

c. The diagrammatic open space plan (dated 1/21/99) is tentatively approved; a final landscape plan shall be subject to the design review process described in Conditions 2a and 2b above, and shall be demonstrated to meet the Permittee's stated intent to achieve a very high quality of landscape design and execution, generally equivalent in quality to the Post Office Square project prepared by the Permittee's landscape architect, the Halvorson Company. The open space plan shall have the large public recreation area featuring a community ice skating rink that is described in the Final Development Plan; otherwise, a Major Amendment shall be required to ensure that the revised open space meets public objectives.

d. The Permittee shall use best efforts to obtain an agreement with the Commonwealth Gas Company (ComGas) to screen and re-clad the ComGas pumping facility along Third Street. If unable to obtain such an agreement, the applicant shall submit evidence to the Planning Board of a bona fide attempt to reach such an agreement with ComGas, and a written explanation of why this condition cannot be met.

## ***3. Traffic Mitigation Conditions***

The Permittee shall fulfill all of the following conditions in regard to traffic mitigation:

### **a. Vehicle Trip Reduction:**

(1) The total number of spaces to accommodate accessory and principal use parking cannot exceed 2238 spaces; within that total the number of accessory parking spaces cannot exceed 1585 spaces.

(2) The Permittee or his designee shall implement the following Transportation Demand Management measures:

- Achieve a mode split of maximum 55% Single Occupancy Vehicles for the office and hotel and a maximum of 35% for retail and cinema
- Subsidize a minimum of 60% of the cost of transit passes, including commuter rail passes for all employees, and sell tokens on-site
- Provide or participate in shuttle service to Lechmere, North Station and Logan Airport
- Reserve 10% of accessory parking spaces for ridesharing vehicles in convenient locations at the site
- Join Charles River Transportation Management Association
- Establish a guaranteed ride home program for all employees
- Provide bus shelter and signage for shuttle bus(es)
- Provide directional signage for bicyclists and pedestrians
- Install short-term and long-term bicycle parking throughout the site
- Install lockers, showers and changing facilities in convenient locations throughout the site
- Designate an on-site, full-time employee as Employee Transportation Coordinator, and operate an on-site commuter services desk
- Provide access to regional and internal ridesharing databases
- Encourage tenants to implement telecommuting, flex time, and a compressed work week, and to move shift changes outside the peak hour
- Provide a marketing program, including a quarterly newsletter, employee and patron information packets, yearly transportation fairs, and commuter information centers.
- Provide one electric vehicle recharging station for each 500 parking spaces
- Work with the Cambridge Office of Workforce Development to encourage the hiring of Cambridge residents.
- Implement annual monitoring and reporting plan, mode split surveys and bi-yearly driveway and parking occupancy counts.

b. Roadway Mitigation:

(1) Analyze accidents and implement accident mitigation measures, with the approval of the Director of the Traffic, Parking, and Transportation Department, at the following three intersections on Third Street: Third/Binney Streets, Third/Cambridge Streets and Third Street/O'Brien Hwy.

(2). Design, prepare documentation for, and install a traffic signal at the intersection of Second and Binney Streets approved by the Cambridge Traffic, Parking and Transportation and Community Development Departments.

(3) Develop and implement proposals for signal phasing and timing changes and study other feasible mitigation measures to achieve the best possible vehicle and

pedestrian level of service and safety for the following eight intersections: Cambridge/Third; Cambridge/Second; Cambridge/First; Cambridge/O'Brien Highway/East; Binney/Third; Binney/First; Binney/Land Boulevard; Binney/Broadway. Concurrent pedestrian crossing phases must be incorporated only where deemed appropriate by the Cambridge Traffic, Parking and Transportation and Community Development Departments.

(4) Provide \$25,000 to the City for the purpose of changing Binney Street signals to a closed loop system.

(5) Implement a study and, based on study findings, provide two-way circulation on all or part of Linskey Way to reduce traffic impacts on Third Street and encourage site traffic to use First Street. Study recommendations must be approved by the Cambridge Traffic, Parking and Transportation and Community Development Departments prior to implementation.

(6) Design and implement a directional signage system to minimize traffic impacts on Third and other neighborhood streets. Signs and sign locations must be approved by the Cambridge Traffic, Parking and Transportation and Community Development Departments prior to installation.

c. Bicycle and Pedestrian Improvements:

(1) Redesign/rebuild Third Street between Binney Street and Broadway to include two travel lanes, a parking lane, bicycle lanes, sidewalks, street trees, street furniture and lighting in accordance with the city's design and materials standards.

(2) Use best efforts to secure an agreement with the MDC and, if such agreement is received, design and build a safe crossing for pedestrians and bicyclists across Land Boulevard at/near Athenaeum Street. The design shall be reviewed and approved by the Cambridge Community Development Department and Bicycle and Pedestrian Advisory Committees.

(3) Design and install bus shelters at 4 locations. Locations, design and materials must be approved by the Cambridge Traffic, Parking and Transportation and Community Development Departments. Maintain bus shelters including signage and schedules.

(4) Design and build pedestrian improvements at the following intersections: Binney/First, Binney/Second, Binney/Third and Broadway/Third. Improvements may include reduced turning radii, enhanced crosswalks, signal timing and phasing. The design shall be reviewed and approved by the Cambridge Traffic, Parking and Transportation and Community Development Departments.

The Permittee shall propose a plan for implementation of items in Conditions 3(b) and 3(c) to be reviewed and approved by the Planning Board in conformance with the procedures for approval of a Minor Amendment before the issuance of the first building permit for any building containing gross floor area.

d. Monitoring:

Design and implement a traffic monitoring program to measure the accuracy of estimated project traffic assignments. The traffic monitoring program must be approved by the Community Development Department and implemented annually until one year after full occupancy of the project. Provide up to a maximum of \$500,000 for implementation of neighborhood protection measures during that period, should trip assignments differ significantly from estimated assignments in any given monitoring period, as determined by the Assistant City Manager for Community Development or his or her designee.

e. The Permittee shall participate in a community process for review of roadway mitigation, bicycle and pedestrian improvements and monitoring efforts by the Permittee, with such process to be determined by the Community Development Department.

f. Construction Traffic:

Construction truck routes must be limited to O'Brien Highway, Land Boulevard, Binney Street east of Third Street, First Street, Second and Third Streets south of Binney Street, Linskey Way, Athenaeum Street and streets internal to the project site.

***4. Environmental Conditions***

a. Prior to obtaining a building permit for any construction on the site, the Permittee shall submit a construction management plan in accordance with Section 18.20 of the Zoning Ordinance, which shall also, at a minimum, address the following issues:

- Contaminated soil management to prevent dust and odors, transport of airborne contaminants, deposition of contaminated soil on public streets.
- Dewatering procedures that prevent polluted discharges and soil subsidence.
- Erosion and sedimentation controls.

The Plan shall be approved by the Planning Board in conformance with the procedures for approval of a Minor Amendment and made a condition of this Decision. Prior to preparing the plan, the Permittee shall develop a scope for the Plan for review and approval by the Community Development, Public Health, Public Works, Water, Traffic & Parking, Inspectional Services Departments, Conservation Commission and other departments as deemed appropriate by the

city. The draft Plan shall be submitted to said departments for review prior to submittal to the Planning Board.

b. The Permittee shall provide the Community Development Department with copies of all permits and approvals relating to the project, including but not limited to:

- Wetlands Protection Act Order of Conditions, Conservation Commission.
- Chapter 91 Waterways License, Mass. Department of Environmental Protection.
- Certificate on the Final Environmental Impact Report, Mass. Executive Office of Environmental Affairs.
- De-watering permit, Mass. Department of Environmental Protection.
- Sewer Extension and Connection Permit, Mass. Department of Environmental Protection.
- Sewer Use Discharge Permit, Mass. Water Resources Authority.

Voting to **GRANT** the PUD Special Permit were members Alfred Cohn, Hugh Russell, Paul Dietrich, and William Tibbs, and Florrie Darwin, associate member appointed by the Chairman to act on this application, constituting more than two thirds of the membership of the Board. Carolyn Mieth voted in opposition.

For the Planning Board,

Paul Dietrich, Chairman

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, Cambridge Research Park LLC agrees to the conditions attached to this Decision approving the granting of a PUD special permit for Case #141, Cambridge Research Park.

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David Clem  
Cambridge research Park LLC