



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number:	231
Address:	159 First Street; 65 Bent Street; 29 Charles Street
Zoning:	PUD-4B: Industry A-1 and Business A
Applicant:	Bent Street Land Company, LLC c/o Robert Dickey, Jones Lang LaSalle One Post Office Square, Boston, MA 02109
Owner:	Bent Realty Trust 18 Lois Lane, Lexington, MA 02420
PUD/Project Review Special Permit Application Date:	October 18, 2007
Date of 1 st Planning Board Public Hearing:	November 27, 2007
Date of Preliminary Determination:	December 18, 2007
Date of 2 nd Planning Board Public Hearing:	March 18, 2008
Date of Final Development Plan Decision:	April 1, 2008
Date of Filing Planning Board Decision:	May 7, 2008
Application:	Approval of a Planned Unit Development Final Development Plan under Section 12.36; Reduction of Required Parking under Section 6.35.1; Project Review Special Permit under Section 19.20.
Decision:	GRANTED , with conditions

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

Authorized Representative of the Planning Board: Elizabeth M. Paden

For further information concerning this decision, please contact Liza Paden at 617 349 4647, or lpaden@cambridgema.gov.

DOCUMENTS SUBMITTED

1. Special Permit Application submitted by the Applicant on October 18, 2007, including: Cover Letter from Robert Dickey, Jones Lang LaSalle; Table of Contents; Special Permit Application – Cover Sheet; Special Permit Application – Summary of Application; Fee Schedule; Narrative; Dimensional Forms “IV.a”–“IV.e”; Ownership Certificate and Owner’s Authorization of Special Permit Application; Site Plan Marking On-Site Locations of Notification Signs for Special Permit Application; Special Permit Transportation Impact Study prepared by Vanasse & Associates, Inc. with copy of certification letter from Susan Clippinger, Director of Traffic, Parking and Transportation, dated 10/01/07; LEED-NC Project Checklist; Site Survey Plan prepared by Hancock Associates; Page of Photographs entitled “The Neighborhood” by Elkus Manfredi Architects dated 09/27/07; Neighborhood Land Use Map; Area Map – Use Diagram by Elkus Manfredi Architects dated 09/27/07; Zoning Summary – PUD-4B / Zoning Map; East Cambridge Neighborhood Road, Public Transit, and Public Amenities Map; Legal Description of Land Parcels; Market Studies; Feasibility of the Proposed R&D Building; Preliminary Stormwater Drainage, Water and Sewer Impact Statement including Schematic Utility Site Plan, Drainage Area Maps, Rational Method Calculations; Tree Protection and Removal Plan; Tree Mitigation Plan; Letter from Douglas H. Sturz, Acentech Inc., regarding analysis of Exterior Noise Emissions; Gross Floor Area Calculations by Elkus Manfredi Architects dated 09/27/07; Drawings by Elkus Manfredi Architects dated 09/27/07 entitled Area Map, Existing Conditions Site Plan, Proposed Site Plans, Massing Model, Open Space, R&D Building Schematic Floor Plans (4 pages), R&D Building Schematic Section, R&D Building – Perspective (3 pages), R&D Building Schematic Elevations (2 pages), Residential Building Schematic Floor Plans (3 pages), Residential Building Schematic Section, Residential Building – Perspective, Residential Building Schematic Elevations (3 pages).
2. Certification of Receipt of Plans submitted by the Cambridge Department of Public Works dated October 22, 2007.
3. Certification of Receipt of Plans submitted by the Cambridge Traffic, Parking and Transportation Department dated October 23, 2007.
4. Certification of Receipt of Plans submitted by the Cambridge Water Department dated October 22, 2007.
5. Certification of Receipt of Plans submitted by the City Arborist dated September 6, 2007.
6. Letter to Scott W. Thornton, P.E., Vanasse & Associates, Inc., from Susan Clippinger, Director of Traffic, Parking and Transportation, dated September 21, 2007.
7. Memorandum to the Planning Board from David Lefcourt, City Arborist, regarding tree removal and mitigation plan, undated.
8. Memorandum to the Planning Board from Susan Clippinger, Director of Traffic, Parking and Transportation, dated November 20, 2007.

9. Copy of slide presentation to the Planning Board on November 27, 2007 by Jones Lang LaSalle.
10. Letter to the Planning Board from Jay Wasserman dated December 2, 2007.
11. Letter to the Planning Board from Donna M. Keefe dated December 3, 2007.
12. Letter to the Planning Board from Ilan Levy submitted on December 3, 2007.
13. Letter to the Planning Board from Earl McAlan Greene, Jr., dated December 3, 2007.
14. Letter to the Planning Board from Nancy Stiening dated December 3, 2007.
15. Letter to the Planning Board from Roberta and Tatsuya Goto dated December 4, 2007.
16. Letter to the Planning Board from Carol Bellew dated December 4, 2007.
17. Letter to the Planning Board from Barbara Broussard, President, East Cambridge Planning Team, dated December 4, 2007.
18. Letter to the Planning Board from Maria Elena Saccoccio, Esq., dated December 4, 2007.
19. Letter to the Planning Board from Joe Avin, East Cambridge Planning Team Board Member, dated December 5, 2007.
20. Document entitled “Bent/First Streets PUD #231 PUD/Base Zoning Comparison” by the Community Development Department dated December 11, 2007.
21. Letter to the Planning Board from Valerie C. Stelling, Trustee, Epic Realty Trust, dated December 11, 2007.
22. Letter to the Planning Board from Mary-Ann Donofrio dated December 13, 2007.
23. Preliminary Determination by the Planning Board on the Planned Unit Development Proposal at 159 First Street, 65 Bent Street, 29 Charles Street, dated December 18, 2007.
24. Letter to the Planning Board from the Applicant dated February 12, 2008 requesting an extension of the time allowed for deliberation and decision on the Application to April 18, 2008. (Request granted by the Planning Board on February 19, 2008.)
25. Amended Special Permit Application submitted by the Applicant on February 27, 2008, requesting the additional relief of a Reduction in Required Parking under CZO Section 6.35.1, including: Revised Cover Sheet, Revised Summary of Application, drawing entitled “Bent Street Development – Bike Parking Plans.”

26. Revised Dimensional Forms submitted by the Applicant on March 8, 2008.
27. Revised Application Materials submitted by the Applicant on March 12, 2008 including: Cover Letter from Robert Dickey, Jones Lang LaSalle; Table of Contents; Revised Special Permit Application – Cover Sheet; Revised Special Permit Application – Summary of Application; Revised Fee Schedule; Narrative; Dimensional Forms “TV.a”-“TV.g”; Revised Special Permit Transportation Impact Study prepared by Vanasse & Associates, Inc. with copy of certification letter from Susan Clippinger, Director of Traffic, Parking and Transportation, dated 03/08/08; Drawings by Elkus Manfredi Architects dated March 12, 2008 entitled Area Map, Existing Conditions, Untitled (Dimensional Form), Schematic Floor Plans (4 pages), R&D Building – Perspective (3 pages), Residential Building – Perspective (2 pages), Schematic Elevations (7 pages), Open Space, Open Space at Proposed R&D Building, Open Space at Proposed Residential Building, Open Space at Proposed Town Homes on Charles and Hurley Streets, Open Space Connectivity Diagram, R&D Building Schematic Section, Residential Building Schematic Section; East Cambridge Design Guidelines – Checklist; Parking Program & Rationale (2 pages).
28. Letter to the Planning Board from Barbara Broussard, East Cambridge Planning Team, dated March 16, 2008.
29. Memorandum to the Planning Board from the Cambridge Bicycle Committee dated March 17, 2008.
30. Letter to the Planning Board from City Councillor Timothy J. Toomey dated March 18, 2008.
31. Letter to the Planning Board from Nancy Stiening dated March 18, 2008.
32. Memorandum to the Planning Board from Susan Clippinger, Director of Traffic, Parking and Transportation, dated March 18, 2008.
33. Copy of slide presentation to the Planning Board on March 18, 2008 by Jones Lang LaSalle, Bent Street Land Company LLC, and Elkus | Manfredi Architects.
34. Letter to the Planning Board from the Applicant dated April 11, 2008 requesting an extension of the time allowed for deliberation and decision on the Application to May 7, 2008. (Request granted by the Planning Board on April 15, 2008.)

FINDINGS

Based on a review of the Application documents and comments made at the public hearing, the Planning Board makes its findings pertaining to the Final Development Plan as instructed in the following sections of the Zoning Ordinance and other referenced City documents:

1. Section 12.36 – Approval of a Final Development Plan
2. Section 12.50 – General Development Controls
3. Section 13.50 – PUD 4B Requirements
4. Section 6.35.1 – Reduction of Required Parking
5. Section 19.25.1 – Traffic Impact Findings
6. Section 19.25.2 – Urban Design Findings
7. Eastern Cambridge Design Guidelines
8. Section 10.43 – General Special Permit Criteria

1. Section 12.36 – Approval of a Final Development Plan

The Board finds that the Final Development Plan meets the evaluation criteria set forth in Section 12.35.3 of the Zoning Ordinance, as detailed below:

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

The Board finds that the Final Development Plan meets the General Development Controls described in Section 12.50 of the Zoning Ordinance, as well as the use and dimensional requirements of the PUD-4B District as described in Section 13.50 of the Zoning Ordinance, as detailed further below in these Findings.

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

The most recent policy plan applying to the area of the Development Proposal is the Eastern Cambridge Planning Study, adopted in 2001. This study resulted in a revised set of zoning regulations for the area as well as a set of Eastern Cambridge Design Guidelines to provide guidance for City review of project proposals.

The Board finds that the Final Development Plan satisfies the zoning requirements and the applicable Eastern Cambridge Design Guidelines, as described further below in these Findings.

(3) The Development Proposal provides benefits to the city that outweigh its adverse effects. In making this determination the Planning Board shall consider the following:

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

The Final Development Plan will result in a variety of uses that will contribute positively to the current mixed-use environment. Additional housing units and commercial space will be developed in an area that is well served by public transportation, which is consistent with the City's Growth Policy. The addition of new housing and retail space on First Street, along with new housing on Charles Street, will benefit the area by generating resident activity at all times of day and by providing additional services to neighborhood residents within a walkable area. A more attractive public pedestrian environment will be achieved through the reconstruction of sidewalks, landscaping improvements, and the provision of a new publicly accessible open space of over 9,000 square feet. The replacement of surface parking areas and warehouse spaces with new residential and commercial spaces, landscaping, and green open space will contribute positively to the attractiveness and vibrancy of the area.

- (b) Traffic flow and safety*

The Traffic Impact Study submitted for the Final Development Plan indicates that there will be no significant adverse impact on current traffic patterns in the neighborhood.

- (c) Adequacy of utilities and other public works*

The Board finds that existing utilities can adequately serve the proposed development. The City's Department of Public Works will review the project in detail as its design advances, and will make determinations regarding what utilities might be affected and what measures the developer might take to ensure the adequate operation of public utilities and infrastructure.

- (d) Impact on existing public facilities within the city*

The Board finds that the Final Development Plan will not result in a significant adverse impact on public facilities. Moreover, the Final Development plan is likely to increase the usage of public transportation, and possibly increase usage of the municipal parking garage on First Street. Increased usage of these public facilities is consistent with public policy objectives. The Planning Board and City departments will continue to assess the possible impact of the Development Proposal on public facilities as design work for the individual buildings advances.

(e) Potential fiscal impacts

The Final Development Plan will expand the City's tax base through the provision of additional residential units as well as additional commercial development to support the research and technology industry in Cambridge.

Furthermore, the Board finds that the Final Development Plan responds affirmatively to the Recommendations for Modification proposed by the Planning Board in the Preliminary Determination with regard to parking, urban design, and open space, as further described below.

With regard to parking, the Final Development Plan proposes converting the 29 Charles Street site to townhouse dwellings rather than continue the use of that site as surface parking, as proposed in the Preliminary Development Proposal. The Board finds that this change makes the Final Development Plan more consistent with the intent of the PUD-4B District. The Final Development Plan also reduces the total amount of parking provided within the Development Parcel and identifies possibilities for the provision of parking through a lease arrangement with owners of existing parking facilities within the District, consistent with the recommendation of the Planning Board.

With regard to urban design, the Final Development Plan proposes residential buildings containing units with ground-floor entrances and five-foot landscaped setbacks to provide a more attractive residential streetscape. Moreover, the Final Development Plan avoids creating "blank walls" by containing all parking below-grade, locating only active uses at the street level, and providing fenestration along all building facades.

With regard to open space, the Final Development Plan illustrates the pedestrian linkages among the development sites, the residential neighborhood, the Charles River, and other open space amenities in the area and demonstrates the sidewalk and open space improvements that will enhance those connections. For residential buildings, open space has been located at-grade as interior courtyards or shared backyard spaces that are intended to be private to residents but are visually accessible from public sidewalks, as recommended by the Planning Board.

2. Section 12.50 – General Development Controls

(12.51) Applicability and Conformance with Existing Policy Plans

The Board finds that the Final Development Plan satisfies the zoning requirements of the PUD-4B District as described in Section 13.50 of the Zoning Ordinance, and is consistent with the Eastern Cambridge Design Guidelines, as detailed further below in these Findings.

(12.52) PUD Development Parcel Size

The Board finds that the Final Development Plan exceeds the required minimum Development Parcel size of twenty-five thousand (25,000) square feet in the PUD-4B District.

(12.53) Standards for Construction of Roadways

The Final Development Plan will not result in the construction of new roadways, although it will result in the reconstruction of several sidewalks and the installation of sidewalk curb extensions at certain intersections. All sidewalk construction will be performed in accordance with the Traffic, Parking and Transportation Department.

(12.54) Standards for Construction of Utilities and Public Works

The proposed Development will conform to the specifications of the Department of Public Works with regard to the construction of all public utilities.

(12.55) Landscaping

The Board finds that the Final Development Plan includes appropriate landscaping for all open areas that are not expressly used for driveways, walkways, or surface parking. The Final Development Plan will also include street trees planted along sidewalk frontages where they do not currently exist. Benches and other seating will be included at appropriate locations in the designated publicly accessible open space at the corner of Second Street and Bent Street.

(12.56) Environmental Performance Standards

All development will undergo the required permitting and licensing processes of any applicable federal, state and local agencies. Special attention in the Final Development Plan Application has been given to the potential impacts of mechanical noise on neighboring properties.

3. Section 13.50 – PUD 4B Requirements

(13.51) Purpose

The Board finds that the Final Development Plan is consistent with the purpose of the PUD-4B District. The Final Development Plan includes a mix of active uses, with a substantial component of housing, research and development space, and retail at the ground level. The proposed Development is consistent with the City's adopted policy objectives for the area, including the Eastern Cambridge Design Guidelines, as described further below in these Findings. The provision of retail along First Street, residential units with landscaped setbacks and front door entrances along Rogers Street, Bent Street, Charles Street, and Hurley Street, and a commercial building with an attractive, publicly accessible open space at its entry will all help contribute to an active and vibrant streetscape at all times of day.

(13.52) Uses Allowed in PUD-4 Districts

The Board finds that the uses specified in the Final Development Plan, including residential townhouse and multifamily dwellings, office and laboratory, and retail businesses are all allowed uses in the PUD-4B District.

(13.53) District Dimensional Regulations

The Board finds that the Final Development Plan satisfies the dimensional regulations of the PUD-4B District, based on the findings below.

(13.53.1) Maximum Floor Area Ratio (FAR)

The maximum FAR allowed under the provisions of the PUD-4B District is 2.50 applied to the portion of the Development Parcel within the Industry A-1 base district and 2.00 applied to the portion of the Development Parcel within the Business A base district, though allowed Gross Floor Area may be located anywhere within the Development Parcel. Since the Development Parcel includes 50,014 square feet in the Industry A-1 District and 59,958 square feet in the Business A district, the maximum Gross Floor Area allowed is 125,035 square feet (IA-1) plus 119,916 square feet (BA) or 244,951 square feet, resulting in an overall maximum allowed FAR of 2.23 for the Development Parcel. However, the Gross Floor Area devoted to non-residential uses cannot exceed an FAR of 1.25 applied to the portion of the Development Parcel within the Industry A-1 District and 1.00 applied to the portion of the Development Parcel within the Business A District. Thus, the maximum allowed Gross Floor Area devoted to non-residential uses is 62,518 square feet (IA-1) plus 59,958 square feet (BA) or 122,476 square feet, resulting in an overall maximum allowed FAR of 1.11 for non-residential uses within the Development Parcel.

Under the Inclusionary Zoning provision in Section 11.200 of the Zoning Ordinance, additional Gross Floor Area is allowed in an amount up to 30% of the Gross Floor Area allowed under the provisions of the PUD-4B District. This additional Gross Floor Area may only be used for residential uses. Also, an amount of Gross Floor Area greater than or equal to 15% of the residential Gross Floor Area developed under the provisions of the PUD-4B District must be dedicated to providing housing units that are affordable to low- and moderate-income households. This results in an additional 73,485 square feet of Gross Floor Area allowed for residential uses, a portion of which must be used to satisfy the requirement for affordable housing.

The Final Development Plan specifies a total Gross Floor Area of 249,000 square feet. The amount of non-residential Gross Floor Area proposed is 112,400 square feet, which is less than the maximum allowed non-residential Gross Floor Area of 122,476 square feet. The remaining allowed Gross Floor Area for residential uses is therefore 132,551 square feet under the PUD-4B provisions plus up to 73,485 square feet under the Inclusionary Zoning provision. The total amount of residential Gross Floor Area proposed is 136,600 square feet, of which 118,782 square feet is allowed under the PUD-4B zoning requirements and 17,818

square feet is provided for affordable housing units under the Inclusionary Zoning provision. Therefore the Final Development Plan satisfies the applicable maximum floor area requirements.

(13.53.2) Minimum Development Parcel

The minimum parcel size required under the provisions of the PUD-4B District is 25,000 square feet. The Final Development Plan proposed a Development Parcel size of 109,972 square feet, which satisfies the minimum parcel size requirement.

(13.53.3) Dwelling Unit Density

The maximum allowed dwelling unit density, expressed as the minimum required ratio of lot area per dwelling unit developed, is 450 square feet per dwelling unit under the provisions of the PUD-4B district. Additional dwelling unit density would be allowed under the Inclusionary Zoning provision of Section 11.200 of the Zoning Ordinance, however the Final Development Plan specifies a density of 894 square feet per dwelling unit, which already exceeds the minimum required lot area per dwelling unit ratio.

(13.53.4) Other

Under the provisions of the PUD-4B District, there is no minimum required lot width and no minimum required front, rear, or side yard setback distances.

(13.54) Height

The maximum height allowed under the provisions of the PUD-4B District is 65 feet in this portion of the District. The Final Development Proposal specifies a tallest proposed building height of 65 feet, which does not exceed the maximum height requirement.

(13.55) Open Space

Under the provisions of the PUD-4B District, an amount of open space equal to at least 20% of the parcel area must be provided on the Development Parcel. The open space may be any combination of Useable, Permeable, Green Area or Publicly Beneficial Open Space as defined in Article 2.000 and further regulated in Section 5.22 of the Ordinance. The Final Development Plan specifies that an amount of open space equal to 25% of the parcel area will be provided, satisfying the minimum requirement.

(13.56) Perimeter and Transition

The Board finds that the treatment of scale, density, setbacks, height, landscaping, and screening specified in the Final Development Plan appropriately fits in with adjacent land uses and buildings. The Final Development Plan specifies a height and massing of buildings that is at an intermediate scale between the larger-scale developments along the riverfront to the east of the site and the smaller-scale development closer to the residential neighborhood

to the west of the site. The use and design of the proposed ground floor retail along First Street appropriately complements the existing retail on the adjacent site. The use, massing, and design of the proposed commercial building at 65 Bent Street appropriately complements the adjacent office building at 155 Second Street. The use and massing of the proposed residential units along Charles Street and Hurley Street appropriately complement the existing residential use at 110 Second Street. There are no yard setbacks provided for proposed commercial uses, which is consistent with the character of existing adjacent uses. The addition of landscaped setbacks and street trees for the residential uses along Rogers, Bent, Charles, and Hurley Streets will help to characterize the area as a transitional environment leading ultimately into the existing residential neighborhood to the west.

(13.57) Parking and Loading Requirements

The proposed retail use at 159 First Street contains less than 10,000 square feet of Gross Floor Area, therefore it is not required to provide off-street accessory parking spaces. The proposed research and development use is required to provide off-street accessory parking at a ratio of one space per 1,125 square feet of ground floor Gross Floor Area plus one space per 1,800 square feet of additional Gross Floor Area. With 36,200 square feet on the ground floor and 72,400 square feet on other floors, the proposed research and development building is required to provide a minimum of 72 off-street parking spaces. These spaces are provided in the Final Development Plan within an underground parking level. The proposed residential townhouses at 29 Charles Street are required to provide off-street parking at a ratio of one space per dwelling unit. Eight parking spaces are provided on that site to serve the eight proposed townhouse units. The proposed residential building at 159 First Street would be required to provide off-street accessory parking at a ratio of one space per dwelling unit under normal zoning regulations, however the Applicant has applied to the Planning Board for a reduction in the required amount of parking. The Planning Board makes its findings with regard to this application further below in these Findings.

Since the proposed research and development use at 65 Bent Street contains greater than 100,000 square feet of Gross Floor Area, two loading bays are required under the provisions of Section 6.80 of the Zoning Ordinance. Those loading bays are provided in the Final Development Plan.

(13.58) Relationship to MBTA Urban Ring Transportation Planning Project

The Final Development Plan will not conflict with any stated plans for the Urban Ring project. At present, the announced design alternatives all involve the use of the existing First Street public right-of-way, which will not be impacted by the proposed development.

4. Section 6.35.1 – Reduction of Required Parking

A special permit shall be granted only if the Board determines and cites evidence in its decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units.

The Applicant has sought a reduction in the required minimum amount of parking for the residential building at 159 First Street from the normal requirement of 115 parking spaces, resulting in a ratio of one space per dwelling unit, to a requirement of 86 parking spaces, resulting in a ratio of 0.75 spaces per dwelling unit, or three spaces for every four dwelling units. The Board finds that granting this request, subject to the conditions specified at the end of this Decision, would not result in excessive congestion or adverse impacts on safety or parking availability. The Board finds that the request is reasonable given the location of the site, convenient access to public transportation, the anticipated type and mix of housing units, and the availability of excess off-street parking in the area that might be used to serve any excess demand, and is guided by the specific considerations below:

- a. *The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station.*

The Development site is within walking distance of both the MBTA Lechmere Green Line station and the MBTA Kendall Red Line station, and is directly served by a stop for the public EZRide Shuttle, which connects to Kendall Square and Cambridgeport to the south as well as Lechmere Station and North Station to the north. As a Condition of this Special Permit, the Applicant will provide a single one-month Charlie Card (or another one-month MBTA transit pass of an equivalent value) to each adult member of a new household upon that household first establishing residency at 159 First Street.

Additionally, according to the Traffic, Parking and Transportation Department, there is significant excess off-street parking capacity within facilities elsewhere in the PUD-4, PUD-4A, and PUD-4B Districts, including the municipal parking garage on First Street and commercial garages at the Cambridgeside Galleria and an existing office building at 144 First Street. This excess parking could be utilized to serve excess parking demand that may be generated by the proposed residential use.

- b. *The availability of public or commercial parking facilities in the vicinity of the use being served provided the requirements of Section 6.23 are satisfied.*

As described above, there are available off-street parking facilities in the area with excess parking capacity that could be utilized to serve excess parking demand for the proposed residential use.

- c. *Shared use of off street parking spaces serving other uses having peak user demands at different times, provided that no more than seventy-five (75) percent of the lesser minimum parking requirements for each use shall be satisfied with such shared spaces and that the requirements of Subsection 6.23 are satisfied.*

The Applicant has not proposed a formal shared use arrangement for residential parking on the site.

- d. *Age or other occupancy restrictions which are likely to result in a lower level of auto usage.*

There are no occupancy restrictions proposed for residential units within the Development. However, the majority of units will be in a studio or one-bedroom configuration, which might encourage occupancy by single householders, couple households without young children, or senior households that would be more likely to prefer public transportation over auto ownership.

- e. *Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, significant negative impact on the historic resources on the lot, impairment of the urban design objectives of the city as set forth in Section 19.30 of the Zoning Ordinance, or loss of pedestrian amenities along public ways.*

Providing the minimum required parking for the proposed Development would require the construction of additional levels of underground parking or, more likely, the provision of additional above-ground parking spaces, which would result in adverse environmental and aesthetic impacts on the Development site and the surrounding area.

- f. *The provision of required parking for developments containing affordable housing units, and especially for developments employing the increased FAR and Dwelling unit density provisions of Section 11.200, will increase the cost of the development, will require variance relief from other zoning requirements applicable to the development because of limitations of space on the lot, or will significantly diminish the environmental quality for all residents of the development.*

The Final Development Plan includes the provision of affordable housing units under the requirements of Section 11.200 within the proposed building at 159 First Street. The provision of off-street parking spaces for all units would require the addition of above-grade parking, which would require removing open space and would possibly require variances from other zoning regulations, or the addition of additional levels of below-grade parking, which would significantly impact the financial feasibility of the project.

5. Section 19.25.1 – Traffic Impact Findings

Based on a review of the Traffic Impact Study prepared by Vanasse and Associates, Inc, submitted by the Applicant, certified by the Traffic, Parking and Transportation Department, and referenced above, the Board finds that the Final Development Plan meets the criteria to satisfy the following traffic impact indicators as specified in Section 19.25.11: Project vehicle trip generation weekdays and weekends for a twenty-four hour period and A.M. and P.M. peak vehicle trips generated; change in level of service at identified signalized intersections; increased volume of trips on residential streets; increase of length of vehicle queues at identified signalized intersections; lack of sufficient pedestrian and bicycle facilities.

Taking into consideration the Traffic Impact Study and traffic impact indicators referenced above, as well as transportation mitigation measures agreed to by the Applicant and included as Conditions of this Special Permit, the Board finds that the Final Development Plan will not result in a substantial adverse impact on traffic within the study area.

6. Section 19.25.2 – Urban Design Findings

The Board finds that the Final Development Plan is consistent with the Citywide Urban Design Guidelines described in Section 19.30 of the Zoning Ordinance, as described below.

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

The Final Development Plan is consistent with the intent and purpose of the PUD-4B District zoning regulations, as described further above in these Findings, and conforms to the Eastern Cambridge Design Guidelines, as described further below in these Findings, which specify the anticipated patterns of development within the area.

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

The Final Development Plan will incorporate sidewalk improvements to support a safer and more comfortable pedestrian environment. Residential and retail entrances will be oriented to face the sidewalk with appropriate landscaped setbacks, encouraging pedestrian activity. A publicly accessible open space near the entrance to a research/development building will also result in a more attractive pedestrian experience. At-grade and below-grade bicycle parking are included in the Final Development Plan.

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

The Final Development Plan has been organized to minimize potential noise and other environmental impacts to neighboring residents. Most parking will be located below-grade,

and loading operations will be located on the side farthest away from nearby residences. Mechanical equipment required for building operations will be located within building interiors wherever possible, and any exterior mechanical equipment will be selected, located, organized, and screened to minimize noise impacts on neighboring residents.

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

The proposed Development will conform to the specifications of the Department of Public Works and the Traffic, Parking and Transportation Department as they relate to City infrastructure services, and will undergo review by those departments to ensure that the proposed Development will not result in any unexpected adverse impact on City infrastructure services.

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

The Final Development Plan incorporates a mix of uses and building types, including ground-floor retail, upper-floor apartments, townhouse-style dwelling units with entrances to the sidewalk, and commercial research/development space, along with open space and landscaping to serve all of these uses and the public. The new uses replace vacant lots, surface parking areas, and marginal industrial buildings that do not enhance the urban quality of the area. The proposed development is consistent with historical development patterns in Cambridge as well as intended future development patterns as outlined in the Cambridge Growth Policy and the Eastern Cambridge Planning Study.

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

The Final Development Plan will result in 123 new housing units in studio, one-bedroom, and two-bedroom layouts. As per the requirements of the Inclusionary Zoning provision in Article 11.200 of the Zoning Ordinance, units will be made affordable to low- and moderate-income households.

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

The Final Development Plan will result in a publicly accessible open space of more than 9,000 square feet at the corner of Second Street and Bent Street, near the entrance to the proposed research/development building at 65 Bent Street. This area will include green space, plantings, seating, and bicycle parking and will encourage passive use by employees working at the building as well as the general public. The proposed residential building at 159 First Street will have an interior courtyard space at ground-level that will be visually accessible to passers-by. The proposed townhouse units at 29 Charles Street will have a backyard open space. The residential frontages on Rogers, Bent, Charles and Hurley Streets will include landscaped setbacks and street trees to improve the pedestrian environment.

7. Eastern Cambridge Design Guidelines

In making its findings with regard to urban design, the Board takes into consideration the Eastern Cambridge Planning Guidelines adopted by the City Council in 2001. The Board finds that the Final Development Plan is consistent with the Eastern Cambridge Design Guidelines, as described below.

Goals (Transition Areas)

- *Encourage new residential development and conversions of existing buildings to residential use but allow existing commercial uses to remain.*
- *Use finely graduated heights to create transitions in scale from Kendall Square to residential neighborhoods.*
- *Create better pedestrian and bicycle connections between residential neighborhoods, Kendall Square, Central Square, and the Charles River.*

The Final Development Plan will result in substantial new residential development that complements existing residential development in this transition area, as well as commercial uses, including retail and research/development, that are compatible with existing uses in the area. Building heights provide a transition from the higher scale of the Riverfront development to the lower scale of the residential neighborhood. The project will result in sidewalk improvements, open space, and a more attractive streetscape that will improve pedestrian connections throughout the area.

Street-Level Uses and Design for Mixed-Use Blocks (blocks that include housing and/or commercial uses, with a mix of active uses strongly encouraged on the ground floor)

- *Street-level facades should include active uses such as: Residential entrances; Shops, restaurants, and cafes; Services for the public or for commercial offices such as fitness centers, cafeterias, daycare centers, etc.; Community spaces, such as exhibition or meeting space; Art exhibition space/display windows; Commercial lobbies and front doors*
- *Office/ R&D uses are discouraged from occupying extensive ground- floor frontage. Where these uses do occur, they should occupy no more than 200 to 250 feet of continuous frontage along public streets.*
- *Major entrances should be located on public streets, and at or near corners wherever possible. Entrances should relate well to crosswalks and pathways that lead to bus stops and transit stations.*
- *Transparent materials and interior lighting should be used to maximize visibility of street level uses. Ground floor facades should be at least 30 to 50 percent transparent surface to permit a clear view from the sidewalk to the interior space of the building.*
- *Blank walls should be avoided along all streets and pedestrian walkways.*

The Final Development Plan provides active uses at the ground level of all proposed buildings. Ground-floor retail space will be provided on First Street and ground-floor

residential unit entrances will be located on Rogers, Bent, Charles and Hurley Streets. Research and development space will occupy ground-floor frontage on Bent Street, Charles Street, and Second Street, however there will be publicly-accessible open space at the corner of Bent and Second Streets and ample provision of windows at the ground floor. Entrances are all located along public streets or open spaces, and conveniently accessible to pedestrian travel routes and crosswalks.

Building Height and Orientation on Major Public Streets [First Street]

- *Set back any portion of the building above 65 feet by at least 10 feet from the principal facade.*
- *For retail and office uses, build to the lot line or provide small setbacks (5 to 15 feet) from the right-of-way for café seating, benches, or small open spaces. Setbacks used exclusively for ornamental landscaping are not permitted but may be allowed to accommodate street furniture, street trees, or generous sidewalks. Awnings and canopies are encouraged to provide shelter and enliven the ground floor facade.*
- *For residential uses, provide small setbacks (5 to 10 feet) for stoops, porches, and front gardens.*
- *Driveway turnaround and vehicle drop-off facilities are strongly discouraged along public streets.*
- *Locate loading docks on side streets or service alleys, and away from residential areas.*
- *In use, design, and entry, orient buildings towards corners.*

Building height along First Street is 65 feet. Ground-floor retail is provided at the lot line, with a pedestrian entrance at the corner of First and Rogers Street. Driveway access and loading facilities are all located on side streets.

Building Height and Orientation on Other Streets [Second, Rogers, Bent, Charles, Hurley]

- *If the prevailing height of surrounding buildings is 65 feet or less, establish a cornice line that matches the prevailing height of surrounding buildings. For additional height above the cornice line, provide a setback of at least 10 feet from the principal facade.*
- *For retail and office uses, build to the lot line or provide small setbacks (5 to 15 feet) from the right-of-way for café seating, benches, or small open spaces. Setbacks used exclusively for ornamental landscaping are not permitted.*
- *For residential uses, provide small setbacks (5 to 10 feet) for stoops, porches, and front gardens.*
- *Locate loading docks on side streets or service alleys, and away from residential areas.*

The height of the proposed building at 65 Bent Street is 45 feet, providing an appropriate transition from the taller height of existing commercial buildings along First Street to the lower height of the adjacent office building at 155 Second Street. Commercial uses are built to the lot line with a significant open space provided at the corner of Bent and Second Streets with seating and plantings. The 35-foot height and massing of the proposed residential townhouses along Charles and Hurley Streets are consistent with the adjacent housing at 110 Second Street, and small setbacks are provided for front stoops and landscaping.

Scale and Massing

- *For new development sites, the block size should be similar to the existing East Cambridge blocks. An attempt should be made to reduce the distance that pedestrians have to walk to a crosswalk in order to safely cross the street.*
- *Buildings should avoid continuous massing longer than 100 feet facing residential streets and 200 feet facing mixed-use and retail streets. If massing extends beyond this length, it should be made permeable and visibly articulated as several smaller masses using different materials or colors, vertical breaks, bays, or other architectural elements.*
- *In addition to the above limits, buildings should reflect a rhythm and variation appropriate to the urban context. For example, this can be achieved by expressing bay widths of 16 to 25 feet along residential streets and 25 to 50 feet along mixed-use and retail streets.*
- *Buildings should have a clearly expressed base, middle, and top. This may be achieved through changes in material, fenestration, architectural detailing, or other elements.*
- *Use variations in height and architectural elements such as parapets, cornices and other details to create interesting and varied rooflines and to clearly express the tops of buildings.*
- *Emphasize corners using taller elements such as towers, turrets, and bays*
- *Taller buildings should be articulated to avoid a monolithic appearance: Taller buildings should be point towers instead of slabs, and should have smaller floor plates instead of larger floor plates.*

The Final Development Plan covers existing blocks that follow the predominant block pattern of the East Cambridge neighborhood. The linear frontage of proposed buildings is 230 feet at most and more typically around 100 feet or less. The architectural features of the buildings provide sufficient articulation to appropriately reflect the variations in the existing urban context, as described below.

Architectural Character (Residential)

- *Create varied architecture and avoid flat facades by using bays, balconies, porches, stoops, and other projecting elements.*
- *Maximize the number of windows facing public streets to increase safety.*

The proposed residential building at 159 First Street is sufficiently articulated through the use of ground-floor units with individual entrances, variations in window style, projecting bay windows at upper levels, use of different materials for the topmost section of the façade, a ground-floor opening into an interior courtyard on Rogers Street, the increased use of glazing to distinguish the retail use at the ground floor of First Street, and use of different cladding material colors on the First Street frontage than the other frontages. Fenestration is provided where the proposed building abuts existing one-story retail uses at the corner of First and Bent Streets, in a way that avoids blank walls appearing above the existing buildings while accounting for the possibility that the land may be developed to a taller building height in the future. The proposed residential buildings along Charles Street and Hurley Street will be in a townhouse configuration, providing appropriate exterior articulation to distinguish the individual units.

Architectural Character (Commercial)

- *Create varied architecture and avoid flat facades by using recessed or projected entryways, bays, canopies, awnings, and other architectural elements.*
- *Vary the architecture of individual buildings to create architecturally diverse districts.*
- *Where buildings are set back at upper stories, lower roofs may be used as balconies, balustrades, and gardens.*

For the proposed building at 65 Bent Street, variations in materials are provided to distinguish the central architectural element of the building from the “wing” portions. The proposed open space at the corner of Second and Bent Streets helps to provide definition and variation to the building frontage.

Environmental Guidelines

- *Design buildings to use natural resources and energy resources efficiently in construction, maintenance, and long-term operation of the building. Buildings on a lot should be sited to allow construction on adjacent lots to do the same. Compliance with Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards is encouraged.*
- *Rooftop mechanical equipment should be sited and shielded to protect neighboring uses from noise impacts.*

In all buildings, mechanical equipment is located within the buildings where possible, and where rooftop equipment is necessary, it will be sited and screened to minimize potential noise impacts on neighbors. The proposed research/development building at 65 Bent Street will be designed to meet sustainability standards and will seek LEED certification.

Parking

- *While underground parking is preferable everywhere, if above ground parking is to be built it should be designed so as not to be visible from public streets or pathways. Above ground structured parking should be lined with active uses (shops, cafes, etc.) along major public streets, or with housing units along residential streets.*
- *Locate vehicular parking entrances on side streets and alleys and provide safe pedestrian access from public streets.*
- *All parking garages must provide direct pedestrian access to the street.*
- *The primary pedestrian exit/access to all garages serving nonresidential uses should be to the street or a public area.*
- *Design and locate lighting fixtures in surface parking lots and garages to enhance safety while minimizing light spillover onto adjacent properties.*

Most off-street parking is provided at the basement levels of existing buildings. Some surface parking will be provided by the proposed building at 65 Bent Street, arranged in a linear configuration from Bent Street through the interior of the block and shielded from public ways. Parking for the proposed residential buildings at 29 Charles Street will be provided in a surface parking area located in the interior of the block, screened from the public way by landscaped open space and by the buildings themselves.

Public Open Space

- *The provision of open space of diverse sizes and use is encouraged to enhance the public environment in the study area.*
- *The provision of interconnected series of open spaces is encouraged to provide connections to neighborhoods and to encourage pedestrian movement.*
- *In transition areas and neighborhoods, locate new open spaces to create linkages and connect to existing parks and open spaces, where possible.*

A publicly accessible passive-use open space of more than 9,000 square feet is provided in the Final Development Plan at the corner of Second and Bent Streets, near the primary entrance to the proposed research/development building at 65 First Street. This space will serve occupants of that building and other nearby commercial buildings during the daytime, and area residents at all times of day. It is located along some potential pedestrian routes from the residential neighborhood to parts of the Charles River waterfront.

Semi-Private Open Space

- *For residential development, create semi-private open spaces (e.g. front and rear yards, porches, stoops, and patios) that create a transition from public sidewalks and courts to private interior spaces.*
- *Design residential courtyards to be visually accessible from streets to enhance safety and activity along the street.*

The proposed residential building at 159 First Street includes a landscaped interior courtyard space at ground level that is visually accessible to Rogers Street through a private open-air entryway. The proposed residential buildings at 29 Charles Street include a shared rear yard space as well as individual rear outdoor unit terraces or decks, which will be partially visible from the sidewalks on Charles and Hurley Streets.

Streets and Sidewalks

- *Use streetscape elements such as trees, benches, signage, and lighting to support active pedestrian uses and to reinforce the character and identity of each district.*
- *Design streets to encourage pedestrian and cycle activity, and to control vehicle speed in residential areas.*
- *Where appropriate, establish, preserve and highlight views from public streets and spaces to important civic landmarks such as the Charles River cable-stayed bridge and the clock tower in Kendall Square.*
- *In the design of new streets, provide sufficient pavement width to accommodate on-street parking where appropriate in order to provide short-term parking and to serve local retail.*
- *In the design of new streets, pathways, and parks, provide pedestrian-scale lighting to enhance pedestrian safety.*
- *Refer to the Cambridge Pedestrian Plan and the Cambridge Bicycle Plan for additional guidance on creating a safe and pleasant environment for pedestrians and bicyclists and for guidance on sidewalk width and street trees.*
- *Provide safe pedestrian and bicycle connections to future regional pathways (Grand Junction railroad, North Point path).*

- *Provide strong pedestrian, bicycle and visual connections to the Charles River and public parks through view corridors, signage, and/or art installations.*
- *Provide safe pedestrian and bicycle connections to existing and new bus stops and to transit stations including Kendall Square, Lechmere, Community College and North Station MBTA stations. In particular, direct access from the residential neighborhood south of Msgr. O'Brien Highway and Cambridge Street to the new T station, if relocated, is desirable.*
- *Improve pedestrian, and bicycle connections to the Charles River, particularly across First Street.*

The Final Development Plan includes the reconstruction of some sidewalks and the planting of new street trees throughout the area. The publicly accessible open space at the corner of Second and Bent Streets will include seating and pedestrian-scale lighting. Curb extensions are proposed where appropriate to improve pedestrian roadway crossings. On-street parking will remain where it currently exists.

Transportation

- *Preserve rights of way for future Urban Ring project.*
- *Integrate retail and other public activities with any new transit stations.*
- *Provide pedestrian crossings/phases at all major intersections.*
- *Provide bicycle lanes on major streets.*
- *Provide sheltered bicycle racks in all new commercial and multi-family residential buildings and in transit stations.*
- *Provide bicycle racks along the street in retail areas.*

The Final Development Plan preserves the anticipated right of way for the Urban Ring, which according to current plans will use a bus lane along the existing First Street public right of way. Pedestrian crossings will be improved with curb extensions at appropriate intersections. Bicycle parking is included in the Final Development Plan, and will be provided in such a way that it provides for safe storage of bicycles and convenient access to building entrances.

8. Section 10.43 – General Special Permit Criteria

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

The Board finds that the Final Development Plan meets the provisions of the Zoning Ordinance, and that the specifics of its location and use are consistent with the character of the district and the uses permitted within it, and that the proposed project will not be to the detriment of the public interest, based on the findings below:

(1) The requirements of the Zoning Ordinance can be met.

The proposed project meets the requirements of the Zoning Ordinance through the regulations governing Planned Unit Development proposals and the specific regulations governing the PUD-4B District as described above in these Findings.

(2) Traffic and patterns of access and egress will not cause hazard or congestion or change in neighborhood character.

The Final Development Plan is consistent with the anticipated character of the area as reflected in the Eastern Cambridge Planning Study and the Eastern Cambridge Design Guidelines. Upon review of the completed traffic study as required by Section 19.25.1 of the Zoning Ordinance, the Board finds that the Final Development Plan will not result in a substantial adverse impact on traffic within the area.

(3) The operation or development of adjacent uses will not be adversely affected.

The Final Development Plan specifies residential, retail, and research/development uses that will be consistent and compatible with adjacent uses, which include residential, retail, office, research/development, and light industrial uses.

(4) No nuisance or hazard will be created to the detriment of the health, safety and welfare of future residents or citizens of Cambridge.

The proposed Development will be required to comply with the applicable health, safety and building code requirements. The proposed Development will be required to comply with the Cambridge Municipal Noise Control Ordinance. No hazard or nuisance will be created.

(5) The use will not impair the integrity of the District or adjoining districts or otherwise derogate from the intent and purpose of this Ordinance.

The Final Development Plan is fully consistent with the intent and purpose of the PUD-4B District zoning regulations and the Eastern Cambridge Design Guidelines, as described further above in these Findings.

(6) The new use or building construction is consistent with the Urban Design Objectives set forth in Section 19.30.

The Final Development Plan is consistent with those objectives, as described further above in these Findings.

DECISION

Based on a review of the application documents, comments made at the public hearing, and based on the above findings, the Planning Board grants the requested Special Permits for a PUD-4B Final Development Plan (Section 13.50 and 12.36), for a Reduction in Required Parking (Section 6.35.1) and for a Project Review Special Permit (Section 19.20), subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in substantial conformance with the Final Development Plan documents entitled *Bent Street Development, A Proposed Planned Unit Development, Final Development Plan* dated March 12, 2008 and referenced above. The approved dimensional limitations are summarized in Appendix I.
2. The project shall be subject to continuing design review by the Planning Board and the Community Development Department (CDD). Before the issuance of the Building Permit for each building in the Development, the CDD shall certify to the Superintendent of Buildings the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Permit, including the design review provisions of Condition #7 below.
3. All retail uses permitted in Section 13.52.4 shall be allowed in the authorized retail space at 159 First Street. Any Technical Office use, Section 4.34 f, shall be permitted in the authorized space at 65 Bent Street. Any residential use listed in Section 4.31 a-g shall be permitted in all other authorized gross floor area. A parking lot as a principal use as set forth in Section 4.32 b, shall be permitted on an interim basis subject to the limitations and conditions set forth in Condition #4 below.
4. The authorized accessory parking for the entire PUD shall be as set forth in the Final Development Plan application documents and summarized in Appendix I.

The following further conditions, limitations and requirements shall apply:

- a. No accessory parking shall be required for the authorized retail space at 159 First Street.
- b. The minimum PUD accessory parking requirement for the research and development building (72 spaces), located at 65 Bent Street, shall serve only uses at 65 Bent Street. However, at evening or weekend times when demand for commercial laboratory parking is low, a portion of these 72 spaces may be used as accessory parking to serve other commercial uses permitted by this Special Permit within the Development Parcel.
- c. Remaining spaces authorized at 65 Bent Street (22 spaces) shall serve the residential units authorized at 159 First Street.
- d. Parking at the 159 First Street parcel shall serve the residential units on that site exclusively. As the parking authorized on the site (60 conforming accessory spaces, plus

5 extra tandem spaces), in combination with the parking allocation required in Paragraph c above, does not meet the minimum parking required for the authorized residential units (a total of 86 spaces, thus a deficit of 4 spaces), at the reduced parking ratio of 0.75 parking spaces per unit granted by the Board, the Permittee shall be obligated to do the following in order to meet the minimum requirements of this permit and to provide long term assurance that residential parking will be sufficient over the term of the Special Permit.

- (1) Prior to the issuance of a Building Permit for authorized development at 159 First Street, the Permittee shall demonstrate to the satisfaction of the Community Development Department that the 24-hour parking required for the units proposed at 159 First Street is provided at the rate of 0.75 spaces per dwelling unit. Such spaces shall be provided at 159 First Street; at the 65 Bent Street site; and for the remaining four (4) required accessory parking spaces, in any legally established parking garage or parking facility located in the PUD 4 districts (4, 4A, 4B) where such parking is secured to the satisfaction of the CDD through long term lease or purchase of the right to use such spaces. The requirement may also be met through an appropriate reduction in the number of residential units constructed.
- (2) To ensure that adequate accessory parking is being provided to meet the demand for such spaces by the future residential tenants at 159 First Street, over the life of the project, the Permittee shall be obligated to do the following:
 - (a) The Permittee shall be obligated to provide a parking space for any tenant who requests such a space, in any manner authorized in Paragraph (1) above, and at the same cost and in the same manner applied to all other tenants, up to one space per residential unit. No more than a total of one parking space per dwelling unit for the entire development shall be provided. Any request for such parking space that results in a parking ratio in excess of the 0.75 parking space ratio permitted for the building at 159 First Street shall be reported to the CDD and Traffic, Parking and Transportation Department (TP&T) within thirty days.
 - (b) To ensure that demand for accessory parking for the residential units is as has been represented in the application and assumed by the Board in granting a reduction of the required residential accessory parking to be provided, the Permittee shall be obligated to undertake periodic surveys of tenant auto use, in a manner acceptable to the CDD, to determine the extent of car ownership, auto use and parking behavior.

Beginning at the point when fifty (50) percent of the residential units in the building are occupied, and at least once per year thereafter, the Permittee shall survey residents of the building to determine the number of cars owned or leased by residents and where the residents customarily store such vehicle(s) overnight. If survey results suggest that the auto ownership ratio is at or above 0.75 cars per dwelling unit, the CDD may require surveys to be conducted at a rate of more than one per year. All survey results shall be made available to the CDD.

Should it be demonstrated in any survey that the number of cars owned or leased by tenants exceeds the 0.75 ratio approved in this Permit, the Permittee shall so advise the CDD and indicate how the Permittee anticipates accommodating the increased car ownership. If such exceedence occurs in two consecutive surveys, the Permittee shall be obligated to enter into a long term agreement as permitted in Paragraph (1) to supply such additional accessory parking as the survey instruments indicate is necessary to make available one off-street parking space for each dwelling unit whose residents own or lease an automobile at a cost and in a manner as spaces are provided to all other tenants. The Permittee shall provide to the CDD for review the lease agreement that implements this requirement.

- (c) The required surveys shall be conducted annually and shall be done for five years after the issuance of the Final Certificate of Occupancy for the residential portion of the building. If the results have consistently shown car ownership at or below the level of the accessory parking provided, for five (5) consecutive years, the Permittee may request the CDD to authorize a modification or elimination of the survey requirement.
- e. The site at 29 Charles Street may be used as a principal use (commercial) parking lot, to the extent legally allowed by the City of Cambridge, for three (3) years after the issuance of the first Certificate of Occupancy for the commercial building at 65 Bent Street, subject to the following conditions and limitations.
 - (1) After that initial three years the site shall be developed to the housing authorized in the Special Permit, converted to a landscaped green area, or may remain vacant, with all commercial or accessory parking operations terminated.
 - (2) However, the Planning Board may thereafter allow, by a vote of five members of the Board voting in the affirmative, an extension of the principal (commercial) parking use after the initial three years, for additional intervals up to two (2) years each, where the applicant can demonstrate that market conditions are not immediately favorable for the construction of the authorized housing on the site but that the authorized housing construction can be anticipated within a reasonable timeframe.

The Planning Board shall not be required to grant such extensions if in the Board's view the parking use is diminishing the incentive to construct the housing in a favorable housing construction environment. In any case, such extensions shall not continue beyond ten (10) years after the granting of the first Certificate of Occupancy for the commercial building at 65 Bent Street. If, at that time, housing construction has not commenced on the 29 Charles Street site, it shall be landscaped and maintained in a neat and orderly condition.

- f. Should the authorized development at 159 First Street not commence construction within one year of the issuance of the Final Certificate of Occupancy for the commercial

building at 65 Bent Street, then the 159 First Street lot shall be landscaped and maintained in a neat and orderly condition.

5. All authorized development shall conform to the requirements of the City of Cambridge “Noise Control Ordinance”, Chapter 8.16 of the City Municipal Code.

Before issuance of the first Building Permit for the commercial building at 65 Bent Street, the Permittee shall submit an affidavit from a professional acoustical engineer certifying that the mechanical equipment and systems specified in the permit drawings will meet the performance standards for such equipment represented in the application documents (not to exceed 48 dbA for nighttime and 54 dbA during the day), or better, in order to reduce the cumulative noise effects of an increase in the amount of mechanical equipment in the vicinity of the residential East Cambridge neighborhood.

The Permittee shall maintain all equipment so that it performs as certified and shall replace such equipment if it can no longer be maintained at that level.

6. The Permittee shall submit a Construction Mitigation Plan consistent with the provisions of Article 18.000 of the Zoning Ordinance for approval by the Inspectional Services Department, the Traffic, Parking and Transportation Department, and the Department of Public Works in the normal course of their review of plans for the issuance of a Building Permit for the 65 Bent Street development. Such Plan shall be made a condition of this Special Permit.

Construction deliveries to each of the sites shall be made from First Street and the Permittee shall instruct vendors as to how access and egress from these sites is to be accomplished using First Street. Construction activity shall only occur between the hours of 7:00 A.M. and 6:00 P.M. on weekdays, as per City of Cambridge requirements. Construction outside of those hours shall be permitted only as authorized by applicable city ordinances.

The Permittee shall instruct vendors that permanent loading activities at 65 Bent Street shall employ the same access routes as construction traffic and shall be operated only between the hours of 7:00 A.M. and 6:00 P.M. weekdays. Access routes for loading activities may be modified in consultation with the Community Development Department and the Traffic, Parking and Transportation Department.

7. The Planning Board shall review each building at the design development stage to be assured that the objectives of the PUD district and this permit are being met in the design details of each building. As part of that review the Permittee shall provide multiple detailed views of the buildings, particularly at ground level, to illustrate the design details being proposed. The landscape plan for each site shall be submitted at the time of this review. Further refinements to the mechanical equipment being proposed should also be submitted. The recommendations of the Cambridge Bicycle Committee shall be incorporated into the project as the building and site designs are further developed,

8. The Permittee shall implement the following transportation improvement and mitigation measures (which were set forth in the letter from Sue Clippinger to the Cambridge Planning Board dated March 18, 2008), to designs approved by the Traffic, Parking and Transportation Department:
 - a. Reconstruct the intersection of First Street and Charles Street with a curb extension to prevent vehicles from entering the wrong-way into Charles Street street. This should be completed prior to the first Certificate of Occupancy issued for any development within the PUD.
 - b. Replace the asphalt sidewalk adjacent to the proposed residential building on Rogers Street with, at a minimum, a concrete sidewalk prior to the Final Certificate of Occupancy for that building.
 - c. Reconstruct the wheelchair ramps at the corner of First Street and Bent Street prior to the Final Certificate of Occupancy for 65 Bent Street.
 - d. Reconstruct or repair, as needed, the sidewalks and wheelchair ramps around the proposed 65 Bent Street building prior to the Final Certificate of Occupancy for that building.
 - e. Provide a single one-month Charlie Card (or another one-month MBTA transit pass of an equivalent value) to each adult member of a new household upon that household first establishing residency at 159 First Street.
 - f. Post relevant public transportation schedules in centralized locations as well as information on available pedestrian and bicycle facilities in the vicinity of the residential projects.
9. The Parking and Transportation Demand Management Final Decision shall be made a condition of this Permit.
10. The project is required to make an Incentive Zoning payment as set forth in Section 11.203.1. The payment, to be made at or before the issuance of the first Certificate of Occupancy for the authorized commercial development at 159 First Street and 65 Bent Street, is calculated thus: 108,600 square feet of office use **plus** 3,800 square feet of retail use **equals** 112,400 square feet of commercial development subject to the provision. 112,400 square feet of eligible development **minus** the 2,500 square foot exemption **equals** 109,900 square feet. The payment required is 109,900 square feet **times** \$4.25 per square foot, **which equals** a payment of \$467,075.

Voting in the Affirmative to **GRANT** the Special Permits were Planning Board Members T. Anninger, T. Cohen, H. Russell, P. Singer, W. Tibbs, P. Singer, S. Winter, and P. Winters, constituting at least two thirds of the members of the Planning Board necessary to grant a Special Permit.

For the Planning Board,

William Tibbs, Chair

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, Bent Street Land Company, LLC agrees to the conditions attached to this Decision approving the granting of a PUD Special Permit for Case #231.

Authorized Representative, Bent Street Land Company, LLC

A copy of this decision #231 shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on May 7, 2008, by Elizabeth Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the Decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision. No appeal has been filed.

DATE:

City Clerk of Cambridge

Appendix I: Dimensional Chart – Final Development Plan

	Existing	Allowed or Required	Proposed *	Permitted
Lot Area (sq ft)	109,972	25,000	109,972	No change
Total GFA (sq ft)	40,534	318,436 max	249,000	249,000 max
Residential (PUD)	0	244,951 max	136,600	Consistent with application plans and documents
Res. (Inclusionary Bonus)	–	73,485	(included above)	
Non-Residential (PUD)	40,534	122,476 max	112,400	
Total FAR	0.37	2.90 max	2.26	2.26 max
Residential (PUD)	0	2.23 max	1.24	Consistent with application plans and documents
Res. (Inclusionary Bonus)	–	0.67	(included above)	
Non-Residential (PUD)	0.37	1.11 max	1.02	
Lot Area / Dwelling Unit (sq ft)	–	450 min	894	Consistent with application plans and documents
Total Dwelling Units	0	244 max	123	
Inclusionary Units	–	16	16	Consistent with CZO Article 11.200
Lot Width (ft)	199.96	No min	199.96	No change
Height (ft)	22 (approx)	65 max	30–65 (range)	65 max – consistent with application plans and documents
Front Setbacks (ft)	Varies	No min	1'9"–5 (range)	Consistent with application plans and documents
Side Setbacks (ft)	Varies	No min	0–5 (range)	
Rear Setbacks (ft)	Varies	No min	0–45 (range)	
Total Open Space (% of lot area)	0	20% min	25%	25% min
Useable	0	No min	14%	Consistent with application plans and documents
Other	0	No min	10%	
Off-Street Parking Spaces **	136	195(min)/330(max)	162 on-site	166 **
Handicapped	–	Consistent with CZO Article 6.000	7	Consistent with CZO Article 6.000
Bicycle Spaces	–	60 min	110	110
Loading Bays	5	2 min	3	3

* Includes entire Development Proposal. See following page for site-by-site breakdown.

** The Planning Board has granted a reduction in the required parking under CZO Section 6.35.1. This reduction allows the Permittee to provide a minimum of 86 off-street parking spaces instead of the 115 spaces that would normally be required for the proposed residential building at 159 First Street. Of the required minimum number of parking spaces, four will need to be provided off-site.

Appendix II: Dimensional Chart – Site Breakdown

Site Location:	Proposed 159 First	Proposed 65 Bent	Proposed 29 Charles	Permitted
Lot Area (sq ft)	29,978	59,958	20,036	No change
Total GFA (sq ft)	126,000	108,600	14,400	Consistent with application plans and documents
Residential	122,200	0	14,400	
Non-Residential	3,800	108,600	0	
Total FAR	4.20	1.81	0.72	Consistent with application plans and documents
Residential	4.08	0	0.72	
Non-Residential	0.13	1.81	0	
Lot Area / Dwelling Unit (sq ft)	261	–	2,505	Consistent with application plans and documents
Total Dwelling Units	115	0	8	
Inclusionary Units	15	–	1	Consistent with CZO Article 11.200
Lot Width (ft)	199.66	199.72	199.96	No change
Height (ft)	65	45	30	Consistent with application plans and documents
Front Setback (ft)	1'9"	4	5	Consistent with application plans and documents
Left Side Setback (ft)	5	2	0	
Right Side Setback (ft)	5	2	28	
Rear Setback (ft)	2	45	–	
Total Open Space (% of development parcel area)	7%	10%	7%	Consistent with application plans and documents
Useable	7%	0	7%	
Other	0	10%	0	
Off-Street Parking Spaces *	60	94	8	166 *
Handicapped	3	4	0	Consistent with CZO Article 6.000
Bicycle Spaces	74	28	8	110
Loading Bays	0	3	0	3

* The Final Development Plan proposes that parking for some uses be provided on other sites. Accessory parking shall be assigned according to the method described in Condition #4 of this Special Permit. To meet the minimum required number of off-street parking spaces, four spaces will need to be provided off-site.