



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number: 231A, Amendment 3 (Major)

Location of Premises: 85 First Street; 107-119 First Street; 121-139 First Street; 159 First Street; 65 Bent Street; 29 Charles Street; 14-26 Hurley Street

Zoning: Business A / PUD 4B; Industry A-1 / PUD 4B

Applicant: First Street - US, LLC, 111 First Street, Cambridge, MA

Owner: Bent Associates Limited Partnership; The Eldor First Street Realty Trust; First Street - US LLC; Linear Retail Cambridge #2 LLC; Linear Retail Cambridge # 3 LLC; Donald Prescott & William Prescott; Hurley Corporation; B & D Realty Trust.

Application Date: July 24, 2015

Preliminary Determination Date: September 29, 2015

Second Public Hearing Date: December 15, 2015

Decision Date: December 15, 2015

Filing Date: January 11, 2016

Summary of Proposal: Major Amendment to PUD Final Development Plan (Section 12.30), to enlarge the Development Parcel and increase the number of building sites from three to six, to include a total of 243,125 square feet of residential Gross Floor Area and 191,641 square feet of commercial Gross Floor Area. One residential building at 159 First Street and one commercial building at 65 Bent Street have been completed per the original Final Development Plan. Application also seeks amended Project Review Special Permit (19.20), Reduction in Required Parking (6.35.1) and Modification of Bicycle Parking Requirements (6.108.1).

Decision: The Planning Board **GRANTS** the requested special permits, 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 application are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Jeffrey C. Roberts *JCR 1/11/16.*

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

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OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Special Permit application dated July 24, 2015 containing narrative volume that includes: Introduction, Cover Sheet, PUD Development Proposal, Article 19 Project Review Special Permit, Dimensional Forms, Ownership Certificates, Tree Study, Preliminary Stormwater Drainage, Water and Sewer Impact Statement, Noise Emissions Evaluation, LEED Narrative and Checklist, Transportation Impact Study; and graphics volume that includes: Site Plans, Amended Development Parcel, GFA Diagram, Neighborhood Maps, PUD Solar Study, Architecture, Open Space Design, Building Designs, Bicycle Parking Plan and Garage Plan, PUD Solar Study, Existing Site Survey.
2. Final Development Plan submission received by the Planning Board on November 25, 2015, containing a narrative response to requests included in the Preliminary Determination dated November 4, 2015, a revised graphics volume dated November 4, 2015, and a separate graphics volume dated November 4, 2015, illustrating revisions from the materials dated July 24, 2015.

Other Documents

3. Memo to the Planning Board from Joseph Barr, Director of Traffic, Parking and Transportation, dated September 22, 2015.
4. Memo to the Planning Board from Community Development Department staff dated September 23, 2015, with attached memos from the Community Development Department and Traffic, Parking and Transportation Department dated March 18, 2015, from the Department of Public Works dated March 17, 2015, and attached Planning Board Preliminary Determination on case PB #297 made on March 24, 2015.
5. Preliminary Determination issued by the Planning Board on September 29, 2015, granting conditional approval of the PUD Development Proposal.
6. Letter to the Planning Board from the Cambridge Bicycle Committee, dated December 5, 2015.
7. Memo to the Planning Board from the Cambridge Pedestrian Committee, dated November 25, 2015.
8. Memo to the Planning Board from Joseph Barr, Director of Traffic, Parking and Transportation, dated December 9, 2015.
9. Memo to the Planning Board from Community Development Department staff, dated December 9, 2015.

10. Notice of Extension of Time for filing Special Permit Decision, filed December 17, 2015

APPLICATION SUMMARY

This Application is a revised version of a Development Proposal that was heard and granted preliminary approval by the Planning Board on March 24, 2015. The previous Development Proposal sought a new PUD special permit (case PB #297) for development on four building sites, one of which is partly within the Development Parcel of a PUD previously approved by Special Permit PB #231A. The previous PB #297 application included a proposed amendment to PB #231A to reduce that PUD from three building sites to two, which have already been constructed (159 First Street and 65 Bent Street), resulting in two non-overlapping PUD Development Parcels.

The current Application proposes amending the PUD Final Development Plan authorized in PB #231A to include all six development sites that were part of the Development Proposal heard in March. The building sites, scale of development and arrangement of uses are substantially the same as in the previous Development Proposal. However, the current Application if approved by the Planning Board would result in a single PUD Final Development Plan governing development on all six sites.

The proposed site plan includes two buildings that have already been built pursuant to the existing PB #231A Final Development Plan: a 115-unit residential building with ground-floor retail space at 159 First Street, and a 108,600 square-foot commercial office/laboratory building at 65 Bent Street (also known as 150 Second Street). The proposal also includes four proposed new buildings: a five-story office building with retail on the ground floor fronting First Street (“Parcel A” in the Application Plans), a six-story residential building with 118 dwelling units and retail on the ground floor fronting First Street (“Parcel B”), a four-story residential building with 18 units fronting Hurley Street (“Parcel C”) and a single-story retail building fronting First Street (“Parcel D”). The site plan also includes a below-grade parking deck with 142 parking spaces and 160 long-term bicycle parking spaces below Parcels B and C, with access and egress via Charles Street, as well as surface parking spaces on Parcel A, Parcel B and Parcel D to serve retail uses. Between the proposed buildings on Parcels B and C, above the proposed parking deck, will be about 23,000 square feet of publicly accessible open space that will provide a mid-block pedestrian passage between Charles and Hurley Streets. The development would be phased, with Parcels A and D developed in the first phase and Parcels B and C developed in the second phase.

FINDINGS

Based on a review of submitted Application materials and testimony given at the public hearing, the Board makes the following findings with reference to the applicable criteria for granting the requested special permits.

1. Major Amendment to Planned Unit Development Special Permit (Section 12.37)

According to Section 12.37, the Planning Board shall consider approval of a Major Amendment according to the procedures and criteria applicable to a new PUD Special Permit Application. Therefore, the Major Amendment application was submitted as a Development Proposal, which received a Preliminary Determination granting conditional approval on September 29, 2015. The Planning Board finds that the Final Development Plan continues to meet the applicable criteria as set forth in the Preliminary Determination, as reiterated below, and finds that the Final Development Plan includes modifications and supplementary information provided in response to the requests set forth in the Preliminary Determination.

- (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 is consistent with the General Development Controls set forth in Section 12.50 and the development controls of the PUD-4B zoning district contained in Section 13.50 of the Zoning Ordinance.

- (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 relevant guidelines for the PUD district are contained in the Eastern Cambridge Design Guidelines and the Eastern Cambridge Planning Study (ECaPS), dated October 2001. The proposed site development plan and mixed-use program reflect the overarching aims of those documents. The notion of creating a strong urban presence with continuity of built form and retail activity on First Street is highly desirable in East Cambridge and is consistent with the ECaPS and associated Design Guidelines. The Final Development Plan has provided more detailed illustrations of various aspects of the proposal in response to the Preliminary Determination to better describe what is being proposed, the extent of surface parking and arrangement of buildings adjoining parking areas, and how proposed buildings will interface with the public realm and proposed open space.

- (3) *The Development Proposal provides benefits to the city that outweigh its adverse effects.*

The Board finds that, on the whole, the proposed PUD will benefit the City by transforming the character of First Street from low-scale, often vacant buildings and marginal uses to a corridor with a strong urban form, providing a mix of residential, office and retail uses that will bring vitality to the neighborhood.

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 buildings are to contain a mix of office, retail and residential uses, and are distributed across the site in a manner that responds to the neighborhood context and provides a suitable transition in scale. In the Development Proposal, the Board raised concerns about the proposed surface parking distributed across the three blocks, particularly on both sides of Hurley Street, which are not consistent with the Eastern Cambridge Design Guidelines or Citywide Urban Design Objectives. The Final Development Plan includes design changes and other measures to mitigate the appearance and impact of surface parking areas included in the PUD.

The centrally located open space and mid-block connection between Charles and Hurley Streets provides a significant amenity for future residents, as well as benefiting the neighborhood. The creation of mid-block connections in the relatively dense urban blocks of East Cambridge is consistent with the Design Guidelines. The Planning Board finds that the proposed building interfaces, consisting of common areas, are an appropriate response to the future open space. The proposed building setbacks generally support the street-level design aims of the Design Guidelines, although future opportunities to create more generous sidewalk widths should be pursued.

(b) Traffic flow and safety

The original Development Proposal heard by the Planning Board in March, 2015 included a Traffic Impact Study (TIS) in accordance with the Project Review Special Permit requirements of Section 19.20 of the Zoning Ordinance. The Development Proposal and TIS were reviewed by the Traffic, Parking and Transportation Department (TPT), which provided comments in a memorandum to the Board dated March 18, 2015 indicating that no traffic criteria are exceeded and suggesting measures to further reduce traffic and transportation impacts. Subsequent materials from the Applicant and TPT, described in a memo from TPT dated September 22, 2015, indicates that the revised Development Proposal would produce a marginal number of additional trips and would not change the overall results of the TIS. A memo from TPT dated December 9, 2015, suggests a final set of recommended transportation mitigation measures.

(c) Adequacy of utilities and other public works

The Planning Board received a memorandum from the Department of Public Works dated March 17, 2015, indicating that the project is expected to meet all applicable requirements, pending detailed pre-construction review of proposed development at the building permit stage.

(d) Impact on existing public facilities within the city

The Final Development Plan is not expected to result in any impact on public facilities.

(e) Potential fiscal impacts

The Final Development Plan is not expected to result in negative fiscal impacts on the City.

2. Amendment to Project Review Special Permit (Section 19.20)

(19.25.1) Traffic Impact Findings. Where a Traffic Study is required as set forth in Section 19.24 (2) the Planning Board shall grant the special permit only if it finds that the project will have no substantial adverse impact on city traffic within the study area as analyzed in the Traffic Study. Substantial adverse impact on city traffic shall be measured by reference to the traffic impact indicators set forth in Section 19.25.11 below.

(19.25.11) Traffic Impact Indicators. In determining whether a proposal has substantial adverse impacts on city traffic the Planning Board shall apply the following indicators. When one or more of the indicators is exceeded, it will be indicative of potentially substantial adverse impact on city traffic. In making its findings, however, the Planning Board shall consider the mitigation efforts proposed, their anticipated effectiveness, and other supplemental information that identifies circumstances or actions that will result in a reduction in adverse traffic impacts. Such efforts and actions may include, but are not limited to, transportation demand management plans; roadway, bicycle and pedestrian facilities improvements; measures to reduce traffic on residential streets; and measures undertaken to improve safety for pedestrians and vehicles, particularly at intersections identified in the Traffic Study as having a history of high crash rates.

The indicators are: (1) Project vehicle trip generation weekdays and weekends for a twenty-four hour period and A. M. and P.M. peak vehicle trips generated; (2) Change in level of service at identified signalized intersections; (3) Increased volume of trips on residential streets; (4) Increase of length of vehicle queues at identified signalized intersections; and (5) Lack of sufficient pedestrian and bicycle facilities. The precise numerical values that will be deemed to indicate potentially substantial adverse impact for each of these indicators shall be adopted from time to time by the Planning Board in consultation with the TPTD, published and made available to all applicants.

The original Development Proposal heard by the Planning Board in March, 2015 included a Traffic Impact Study (TIS) in accordance with the Project Review Special Permit requirements of Section 19.20 of the Zoning Ordinance. The Development Proposal and TIS were reviewed by the Traffic, Parking and Transportation Department (TPT), which provided comments in a memorandum to the Board dated March 18, 2015 indicating that no traffic

criteria are exceeded and suggesting measures to further reduce traffic and transportation impacts. Subsequent materials from the Applicant and TPT, described in a memo from TPT dated September 22, 2015, indicates that the revised Development Proposal would produce a marginal number of additional trips and would not change the overall results of the TIS. A memo from TPT dated December 9, 2015, suggests a final set of recommended transportation mitigation measures.

Based on the results of the required analysis and the mitigation measures recommended by TPT, the Board finds that the Final Development Plan will have no substantial adverse impact on city traffic within the study area as analyzed in the TIS.

(19.25.2) Urban Design Findings. The Planning Board shall grant the special permit only if it finds that the project is consistent with the urban design objectives of the city as set forth in Section 19.30. In making that determination the Board may be guided by or make reference to urban design guidelines or planning reports that may have been developed for specific areas of the city and shall apply the standards herein contained in a reasonable manner to nonprofit religious and educational organizations in light of the special circumstances applicable to nonprofit religious and educational activities.

The Board finds that the proposed project is consistent with the Urban Design Objectives set forth in Section 19.30, for the reasons summarized below.

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

As set forth above in these Findings, the Final Development Plan is consistent with the PUD district zoning requirements and responds to the overall planning objectives for the area by replacing marginal streetfront buildings with more urban-scaled, mixed-use buildings that will bring retail vitality to the First Street frontage.

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

The Final Development Plan will provide pedestrian entrances on sidewalks along the major active frontages of First Street and adjacent side streets, as well as short-term bicycle parking near building entrances and long-term bicycle parking for employees and residents in a secure below-grade facility. Ground floors are designed with transparent windows supporting retail uses along the First Street frontage.

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

The proposed buildings will have minimal environmental impacts on adjacent uses. Rooftop mechanical systems will be screened to mitigate visual and acoustical impacts. Loading, trash handling and other service uses will be provided primarily in locations

internal to the site off of side streets. The scale and orientation of proposed buildings are not expected to cause shadows or other detrimental impacts affecting neighboring properties. The Final Development Plan will enhance the landscape quality of the sites with new trees and plantings.

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

The Planning Board received a memorandum from the Department of Public Works dated March 17, 2015, indicating that the proposed buildings are expected to meet all applicable infrastructure requirements, pending detailed pre-construction review of proposed development at the building permit stage. The buildings will also be subject to the Green Building Requirements in Section 22.20 of the Zoning Ordinance.

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

The Final Development Plan proposes mixed-use development in the form of multiple buildings with various typologies and design styles. None of the existing buildings proposed to be demolished have been identified as being of interest to the Cambridge Historical Commission.

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

The Final Development Plan includes a mix of housing, office and retail space as envisioned in the planning and zoning for the area, along with a mix of housing units and building types. The project will provide Affordable Units in accordance with the Inclusionary Housing requirements as well as contributions to the Cambridge Affordable Housing Trust in accordance with the Incentive Zoning requirements.

(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 includes about 23,000 square feet of publicly accessible open space that will provide a mid-block pedestrian passage between Charles and Hurley Streets. This open space will provide a significant amenity for future residents, as well as benefiting the neighborhood.

3. Reduction in Required Parking (Section 6.35.1)

The proposed Major Amendment includes a requested reduction in the required parking ratio for proposed new residential buildings to approximately 0.74 spaces per dwelling unit. A reduction in required parking at the 159 First Street site, which has been built and recently

occupied at the time of this application, has already been approved subject to conditions set forth in prior Special Permit Decisions.

As required by Section 6.35.1, the Planning Board finds that the requested reduction in required parking for residential uses will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses, or otherwise adversely impact the neighborhood, upon review of the following considerations:

- (1) *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 site is located in an area with rapid transit service at both Kendall and Lechmere MBTA stations. Evidence from similar housing developments in the area have indicated that the demand for parking is significantly less than one space per dwelling unit in areas with nearby public transportation service.

- (2) *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.*

There are several parking facilities in the district with excess capacity, including at One Charles Park, the Cambridgeside Galleria, and the municipal parking garage on First Street.

- (3) *Shared use of off street parking spaces serving other uses having peak user demands at different times.*

As proposed, parking spaces that are otherwise dedicated to office uses may be shared with residential users on evenings and weekends.

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

There are no occupancy restrictions proposed.

- (5) *Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots.*

Providing additional residential parking spaces would require the creation of additional structured or surface parking, which would have environmental and/or visual impacts on the surrounding area. Moreover, creation of additional parking is unnecessary in an area that currently has excess capacity in existing garages and parking lots.

- (6) *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.*

The residential buildings will provide Affordable Units in accordance with the requirements of Section 11.200.

4. Modification to Bicycle Parking Requirements (Section 6.108.1)

The Final Development Plan proposes locating required bicycle parking for office uses within a below-grade parking facility on an adjacent site, accessible by an elevator headhouse located on the opposite side of Charles Street, more than two hundred (200) feet from the entrance to the office building, which does not conform to Section 6.104.1 of the Zoning Ordinance. The Planning Board may modify such requirement based on the following criteria:

(Section 6.108.3) Upon granting a special permit to modify any requirements of this Section 6.100, the Planning Board shall make a general determination that the proposal is consistent with the purpose of this Section 6.100 and that the Bicycle Parking Plan proposes a quantity, design and arrangement of bicycle parking that will serve bicycle users in a way that is sufficiently comparable, given the circumstances of the specific project, to the bicycle parking that would be required under the regulations of this Section 6.100. The Planning Board shall also make specific determinations applicable to the modifications being sought as set forth below:

a. Where an alternative design or layout of Bicycle Parking Spaces is proposed, the Planning Board shall determine that such design or layout shall be durable and convenient for the users whom it is intended to serve. Where new technologies are proposed, the Board may require that the Applicant demonstrate such technologies for review by City staff.

The Board finds that the bicycle parking proposal is consistent with the intent of Section 6.100, provides long-term bicycle parking in a secure and accessible location, and is otherwise in conformance with applicable requirements. The Board notes that the additional distance required for office users to walk from the bicycle parking facility to the building entrance may be an inconvenience; however, the Traffic, Parking and Transportation Department (TPT) has suggested measures to mitigate that inconvenience, including providing covered short-term bicycle parking closer to that office building. Therefore, the Board finds that the proposed bicycle parking meets the criteria set forth in Section 6.108.3 and is approved subject to the additional requirements set forth in this Special Permit Decision.

5. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

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

(a) It appears that requirements of this Ordinance cannot or will not be met, or ...

Upon granting of the requested special permits, the requirements will be met.

(b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...

As set forth previously in these Findings, the project has completed a Transportation Impact Study pursuant to the Project Review Special Permit requirements of Section 19.20, and no adverse impacts are anticipated provided that the required mitigation measures are undertaken.

(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...

The permitted office, residential and retail uses will not adversely affect adjacent 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, or ...

The requested amendment will not create any nuisance or hazard. The development shall remain subject to all applicable health and safety codes.

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

As set forth previously in these Findings, the proposed development remains consistent with applicable plans and guidelines for the area.

(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

As set forth previously in these Findings, the proposed development is found to be consistent with the applicable urban design objectives.

DECISION

Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested special permits for a Major Amendment to a Planned Unit Development (PUD) per Section 12.37 of the Zoning Ordinance, Project Review Special Permit per Section 19.20 of the Zoning Ordinance, Reduction of Required Parking per Section 6.35.1 of the Zoning Ordinance and Modification of Bicycle Parking Requirements per Section 6.108 of the Zoning Ordinance, subject to the following conditions and limitations. The provisions set forth in this Decision shall apply to the Permittee and to all successors in interest.

1. Authorized Development.

- (a) Except as otherwise provided in this Decision, development of the PUD subsequent to the issuance of this Major Amendment shall be in substantial conformance with the Application Documents dated July 24, 2015 as supplemented by the Final Development Plan documents dated November 4, 2015. The Final Development Plan authorizes the construction of six buildings on the Development Parcel as identified in Exhibit 2 of the Final Development Plan graphic materials as such: 159 First Street and 65 Bent Street, which have been completed as of the date of this Major Amendment; and Parcel A, Parcel B, Parcel C and Parcel D, which are proposed to be constructed. Appendix I, attached to this Decision, illustrates the approved Development Parcel, site plan and charts summarizing the development authorized on each component site.
- (b) All development and public improvements completed as of the date of issuance of this Major Amendment shall be maintained in accordance with the conditions of Special Permit #231A and all subsequent Amendments applicable at the time they were completed. The conditions of Special Permit #231A and all subsequent Amendments thereto applicable at the time they were issued, remain in full force and effect unless specifically modified by the terms of this Amendment #3.
- (c) The enlargement of the building on Parcel D by up to two thousand five hundred (2,500) square feet of Gross Floor Area beyond the amount in the approved Final Development Plan may be approved by the Planning Board as a Minor Amendment in accordance with Condition 9 of this Special Permit Decision, provided that all other applicable requirements of the Zoning Ordinance and conditions of this Special Permit are met.

2. Authorized Uses.

- (a) Retail uses allowed in Section 13.52.4 shall be permitted in the retail spaces designated in the Final Development Plan at 159 First Street, Parcel A, Parcel B and Parcel D.
- (b) Technical Office use listed in Section 4.34 f, shall be permitted at 65 Bent Street. Office uses listed in Section 4.34 a-e and Technical Office use listed in Section 4.34 f, with the exception of chemical, biological or other laboratory facilities requiring building

mechanical systems not described in the Final Development Plan, shall be permitted in the non-retail portions of Parcel A.

- (c) Residential use listed in Section 4.31 a-g shall be permitted in the non-retail portions of 159 First Street, Parcel B and Parcel C.
- (d) Uses not explicitly authorized in this Special Permit Decision may be permitted upon the issuance of a Minor Amendment in accordance with Condition 9 below, provided that such uses are allowed by the Zoning Ordinance or approved in accordance with Section 13.52.6 of the Zoning Ordinance where applicable.

3. Continuing Design Review.

- (a) Each building, with associated landscaping and other site improvements, shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for development on those sites, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Decision.
- (b) CDD's continuing review of development on Parcel A, Parcel B, Parcel C and Parcel D shall specifically include a review of the following design elements:
 - Site design elements and landscaping details, including surface parking areas and other paving materials, lighting, materials and plant selection, screening and fencing.
 - Design of storefront façades, to ensure that a "two-front" retail design approach will not detract from the desired retail character along First Street.
 - All external building materials, with materials mock-ups erected on the site. The review of materials shall specifically include screening materials to be used around balconies. CDD shall notify Planning Board members when mock-ups are available to be viewed.
 - Further consideration of the penthouse detailing and façade articulation of the proposed building on Parcel A.
 - Further consideration of the cornice treatment of the building on Parcel C.
- (c) Site improvements affecting portions of the public way shall be reviewed and approved by the Department of Public Works (DPW), in addition to CDD, prior to issuance of a building permit for development on any site. The Permittee shall complete and maintain all improvements within the public way as directed by DPW, including but not limited to increasing sidewalk dimensions and planting street trees in the public way to the extent deemed feasible by DPW, provided that such improvements are in substantial conformance with the Final Development Plan.
- (d) Each building shall be designed to meet a minimum LEED Silver level in accordance with the Green Building Requirements in Section 22.20 of the Zoning Ordinance. CDD shall certify that the requirements have been met prior to issuance of each building permit and each certificate of occupancy for a building authorized by this Special Permit. In

meeting the required standard, new buildings on Parcel A, Parcel B and Parcel D shall be designed to pursue the Heat Island Effect, Non-Roof Credit (SSc7.1), at least eight (8) Optimize Energy Performance points (EAc1), and, for non-residential buildings, the Enhanced Commissioning Credit (EAc3) under the LEED Core and Shell Rating System.

- (e) As part of CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any revised building designs to the Planning Board for its review and comment.

4. Parking and Bicycle Parking.

- (a) As provided in Amendment #2 to Special Permit #231A, the number of authorized accessory parking spaces for commercial uses at 65 Bent Street (also called 150 Second Street) shall be ninety-four (94) spaces, and the number of authorized accessory parking spaces for residential uses at 159 First Street shall be sixty-four (64) spaces, subject to the additional requirements set forth in Paragraphs (b) and (c) below. Failure by the owner of 159 First Street to meet the Conditions applicable to 159 First Street shall not violate or affect the validity of these special permits, including the Certificate of Occupancy, for 65 Bent Street/150 Second Street, and vice versa. All of the foregoing conditions are restatements of existing provisions of Amendment #2 and do not represent any new or additional requirements.
- (b) As provided in the conditions to Special Permit #231A, the Permittee shall be obligated to provide a parking space for any residential tenant of 159 First Street who requests such a space, 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 lease or purchase of the right to use such spaces, 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 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 CDD and the Traffic, Parking and Transportation Department (TPT) within thirty days. All of the foregoing conditions are restatements of existing provisions of Amendment #2 and do not represent any new or additional requirements.
- (c) As provided in the conditions of Amendment #2 to Special Permit #231A, the Permittee shall be required to secure and maintain fifteen (15) parking spaces to serve 159 First Street residents within an existing off-site legally established parking facility within PUD Districts 4, 4A, and 4B, through an arrangement that is approved by TPT and CDD. Such spaces shall be made available to residents of 159 First Street on terms of no less than one year. These fifteen (15) spaces shall be required in perpetuity, although they may be relocated with the approval of TPT and CDD. The requirement to provide these fifteen (15) spaces may only be reduced or eliminated upon the granting of a Minor Amendment by the Planning Board upon demonstrating that the fifteen (15) spaces are not being used, and no more than sixty-four (64) on-site parking spaces are needed for the 159 First

Street residential project. The earliest that the 159 First Street owner may apply for a Minor Amendment to reduce the required fifteen (15) spaces is three (3) years after initial occupancy of the residential units at 159 First Street. To evaluate the parking needs, information such as the following would be used:

- Percent occupancy of 159 First Street;
- Surveys of residents of the building to determine the number of cars owned or leased by residents and where the residents customarily store such vehicles(s) overnight;
- Parking utilization studies of both the 159 First Street garage and the fifteen (15) parking spaces.

All of the foregoing conditions are restatements of existing provisions of Amendment #2 and do not represent any new or additional requirements.

- (d) Parking and long-term bicycle parking for office uses on Parcel A and residential uses on Parcel B and Parcel C shall be provided in a below-grade structured parking facility on Parcel B and Parcel C with one hundred forty-two (142) parking spaces and at least one hundred sixty (160) long-term bicycle parking spaces as detailed in the Final Development Plan. No more than forty-two (42) parking spaces shall be authorized for office users but may also be made available to residential users on evenings and weekends. In the event that parking is built and occupied by office users before residential buildings are completed, parking spaces for future residential use shall be made physically inaccessible to office users until the residential uses are occupied.
- (e) If office uses on Parcel A are occupied prior to the completion of the below-grade parking facility on Parcel B and Parcel C, then the required parking and long-term bicycle parking may be provided on an interim basis in existing or temporary facilities at an alternate location, provided that the proposed interim parking arrangement is consistent with applicable laws and regulations and has been approved by TPT prior to issuance of a certificate of occupancy for the office uses.
- (f) Short-term bicycle parking spaces shall be provided on Parcel A, Parcel B, Parcel C and Parcel D as illustrated in the Final Development Plan. The proposed short-term bicycle spaces located on Bent Street at Parcel A shall include a bike shelter, such as a Dero Bike Haven or Kolo Shelter or a similar product, which shall be approved by TPT prior to the issuance of the first building permit and completed prior to the first certificate of occupancy for development on Parcel A.
- (g) Surface parking spaces shall be authorized as illustrated in the Final Development Plan on Parcel A, Parcel B and Parcel D for use only of ground-floor retail establishments. The number of surface parking spaces may not be increased, but any future reduction in surface parking shall be allowed for the purpose of creating additional landscaped open space, outdoor space associated with adjacent retail uses, or similar functions, to the extent allowed by the minimum applicable requirements of the Zoning Ordinance. Planning Board approval shall not be required to authorize such a reduction in surface parking, but CDD and TPT shall review any associated design modifications in

accordance with the Design Review conditions above and Paragraph (h) below. Any reduction in surface parking spaces on Parcel D as a result of a Minor Amendment contemplated in Paragraph 1 (c) herein shall similarly not require Planning Board approval.

- (h) Prior to issuance of a building permit for development on Parcel A, Parcel B, Parcel C or Parcel D, TPT shall review the design, layout, access and egress for parking and bicycle parking facilities as illustrated in the construction plans for that building, any equipment specifications, and detailed parking management plans, including visitor parking, and certify that all are in conformance with this Special Permit and any other applicable regulations and standards.

5. Transportation Mitigation Requirements.

- (a) The Permittee shall provide a fifty thousand dollar (\$50,000) contribution to the City for installation, maintenance and operation of a Hubway Station. The contribution shall be made prior to the issuance of the first building permit for development on Parcel A, Parcel B, Parcel C or Parcel D.
- (b) Because the Transportation Impact Study indicates that the development will have its largest impact on the First Street at Charles Street intersection, the Permittee shall replace the existing traffic signal controller and cabinet and install an audible pedestrian signal at this intersection. This improvement shall be completed prior to the issuance of the first certificate of occupancy for development on Parcel A, Parcel B, Parcel C or Parcel D, subject to final approval by the Traffic, Parking and Transportation Department (TPT).
- (c) Development at 65 Bent Street shall remain subject to the requirements of the Parking and Transportation Demand Management (PTDM) Ordinance. Development at 159 First Street shall remain subject to the Transportation Demand Management (TDM) measures previously required by Special Permit #231A and its subsequent two amendments; however, the Permittee may choose to implement the set of TDM measures set forth in Paragraph (d) below in place of the prior requirements.
- (d) To minimize the traffic impacts of new development on Parcel A, Parcel B, Parcel C and Parcel D, the Permittee shall implement the following Transportation Demand Management (TDM) measures throughout the occupancy of development authorized by this Special Permit Decision:
 - i. For residential uses, offer a fifty percent (50%) subsidy for the cost of a bus/subway link pass (currently \$75, but subject to fare increases) for three consecutive months to each adult member of a residential household, up to two (2) per household, upon move-in. The subsidy ends after three (3) months for the household and begins anew upon unit turnover.

- ii. For residential uses, offer a one-year Gold Level Hubway membership to each adult member of each household, up to 2 per household, upon move-in. The one-year membership ends after one year but begins anew upon unit turnover.
- iii. For retail uses, provide a fifty percent (50%) MBTA T-pass subsidy to full-time retail employees.
- iv. Provide transit information in all buildings, including a transit screen in a central location for residents, which displays real-time transit and Hubway information, and/or paper MBTA schedules.
- v. Become a member of the Charles River Transportation Management Association (CRTMA) and provide access to the EZRide shuttle to all residents and employees within the PUD;
- vi. For office uses, provide an MBTA pass subsidy to employees (up to the federal maximum of \$130 per month);
- vii. For office uses, provide showers and lockers that are accessible to employees;
- viii. Provide air pumps and other bicycle repair tools, such as “fix-it” stations in the bicycle storage area in the garage below Parcel B and Parcel C.
- ix. Provide a minimum of four (4) dedicated parking spaces for carpooling/vanpooling in the garage below Parcel B and Parcel C.
- x. Encourage employers to work with the Cambridge Office of Workforce Development.
- xi. Designate a Transportation Coordinator (TC) to manage the TDM Program for each of the authorized uses in the PUD. One TC may be designated for the entire PUD, or individual TCs may be designated for individual buildings or uses as is most practical. The TC(s) shall oversee the marketing and promotion of transportation alternatives including: posting information in a prominent location in the buildings and on building web sites, in property newsletters, and social media outreach; responding to individual requests for information in person and via phone and email; performing annual transportation surveys in accordance with these Conditions; and implementing the parking and transportation monitoring program in accordance with these Conditions.
- xii. The TC(s) shall compile and distribute up-to-date information explaining all transportation options to all new residents and/or employees (as part of their New Resident and Employee Packets). The packets will contain information on both the range of options available and any building manager programs to support the use of these options.

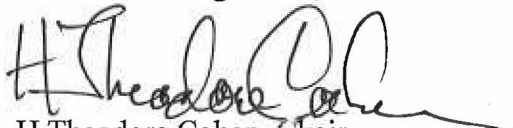
- xiii. The TC(s) shall be on-site for a minimum of two (2) hours per week at each site and shall be available to residents via email and telephone. Email and phone information for the TC(s) shall be posted in the transformation information center.
 - xiv. The TC(s) shall participate in any TC trainings offered by the City of Cambridge or local Transportation Management Association (TMA) and oversee any City of Cambridge monitoring and reporting requirements.
 - xv. The TC(s) for residential uses shall actively manage and monitor resident auto ownership and parking location and use all reasonable measures to 1.) Encourage residents not to own automobiles, and 2.) Provide an appropriate and flexible market-rate parking fee program that best accommodates all residential vehicles (including guest vehicles).
 - xvi. To monitor parking demand and utilization, the TC(s) shall undertake periodic surveys of employee and tenant auto use, in a manner acceptable to TPT and CDD, to determine the extent of vehicle ownership (automobiles and bicycles), use and parking behavior. Within one year of the date of the first certificate of occupancy of a building, and once per year thereafter, the TC(s) shall survey residents, employees and retail patrons to determine the number of cars owned or leased by residents and where the residents customarily store such vehicles overnight, how employees commute to work, and how retail patrons travel to the site. If the certificate of occupancy is issued between September 1 and February 29, the monitoring should take place during the months of September or October and be reported to the City no later than November 30. If the Certificate of Occupancy is issued between March 1 and August 31, monitoring should take place during the months of April or May and be reported to the City no later than June 30.
6. Open Space. In accordance with the Final Development Plan, approximately 23,000 square feet of open space on Parcel C shall be publicly accessible and shall include a multi-modal path providing access between Charles Street and Hurley Street. Such open space shall be completed prior to issuance of a permanent certificate of occupancy for development on Parcel C and public access shall be guaranteed by the Permittee as an ongoing condition of this Special Permit.
7. Retail Marketing and Tenanting. At the time that authorized retail spaces in the PUD are being marketed to potential tenants, but before tenants have been selected, the Permittee shall inform the Economic Development Division (EDD) of CDD about what efforts are being made to market the space and the range of retailers that the spaces are being marketed to, so that EDD staff may provide information about potential business owners and other resources to assist in creating a successful retail mix.
8. Construction Timing and Phasing.

- (a) The sequence of development shall proceed in two phases as set forth in the Final Development Plan. Modifications to the sequence of development may be approved by the Planning Board as Minor Amendments in accordance with Condition 9 below.
 - (b) Construction on Parcel A and Parcel D shall commence within two (2) years of the date of this Major Amendment. The Planning Board may grant in writing an extension of this time period upon determination of good cause by the Permittee. If the developer fails to commence construction on those sites within the time set forth in this Decision or any applicable extension, the Special Permit shall lapse.
 - (c) Construction on Parcel B and Parcel C shall commence within five (5) years of the date of this Major Amendment. The Planning Board may grant in writing an extension of this time period upon determination of good cause by the Permittee. If the developer fails to commence construction on those sites within the time set forth in this Decision or any applicable extension, the Special Permit shall lapse.
9. Amendments. The Planning Board may grant future Major or Minor Amendments in accordance with Section 12.37 of the Zoning Ordinance. Except where Minor Amendments are explicitly identified in this Special Permit Decision, the Planning Board shall determine whether a proposed amendment is major or minor according to the provisions set forth in Section 12.37.
10. General Requirements.
- (a) All authorized development shall conform to the applicable requirements of the Zoning Ordinance and all other applicable City of Cambridge Ordinances, including but not limited to those requirements set forth below.
 - (b) All authorized development shall conform to the requirements of the City of Cambridge Noise Control Ordinance, Chapter 8.16 of the City Municipal Code. The Permittee shall be responsible for maintaining all mechanical systems and equipment so that it meets the applicable requirements and shall replace such equipment if it can no longer be maintained at that level.
 - (c) The non-residential portion of the PUD shall be considered an Incentive Project pursuant to Section 11.200 of the Zoning Ordinance. In accordance with Section 11.203.1, a Housing Contribution shall be calculated at the time of issuance of a building permit for each component of the PUD based on the amount of non-residential Gross Floor Area (GFA) within that component, and shall be made to the Cambridge Affordable Housing Trust prior to issuance of a certificate of occupancy for that component of the PUD.
 - (d) The residential portion of the PUD shall be considered an Inclusionary Project pursuant to Section 11.200 of the Zoning Ordinance. Prior to the issuance of a building permit for any residential development, CDD shall certify that the requirements for Inclusionary Housing are met.

- (e) The Permittee shall submit a Construction Management 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 any development authorized by this Special Permit.

Voting in the affirmative to GRANT the special permits were Planning Board Members Louis Bacci, H Theodore Cohen, Catherine Preston Connolly, Mary Flynn, Hugh Russell, and Associate Member Thacher Tiffany, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



H Theodore Cohen, Chair.

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, **First Street-US, LLC** agrees to the conditions attached to this Decision approving the granting of a Major Amendment to PUD Special Permit #231A.



Paul Ognibene
Authorized Representative, First Street-US, LLC.

A copy of this decision #231A Amendment #3 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 January 11, 2016, by Jeffrey C. Roberts, 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 CHARACTERISTICS AS PERMITTED

PB #231A, Amendment 3 - Overall Development (see following page for site development)

	Existing	Allowed or Required (max/min)	Proposed	Permitted
Lot Area (sq ft)	101,912	none	182,663	
Lot Width (ft)	199.96	none	199.96	
Total Gross Floor Area (sq ft)	234,600	485,243	427,422	
Residential Base	122,200	390,317	213,885	
Non-Residential Base	112,400	195,158	186,085	
Inclusionary Housing Bonus	included above	64,165.5	27,452	
Total Floor Area Ratio	2.3	2.47	2.35	
Residential Base	1.19	2.136	1.17	
Non-Residential Base	1.1	1.068	1	
Inclusionary Housing Bonus	included above	.64	.15	
Total Dwelling Units	115	466	251	
Base Units	100	405	206	
Inclusionary Bonus Units	15	61	45	
Base Lot Area / Unit (sq ft)	1019	450 min	883	
Total Lot Area / Unit (sq ft)	886	422 min	724	
Building Height(s) (ft)	65'	65'	varies	
Front Yard Setback (ft)	1' 9"	no min	varies	
Side Yard Setback (ft)	0'-5'	no min	varies	
Side Yard Setback (ft)	0'-5'	no min	varies	
Rear Yard Setback (ft)	0'-45'	no min	varies	
Open Space (% of Lot Area)	31%	20%	23%	
Private Open Space	10,266		40,222	
Permeable Open Space	1,370			
Other Open Space (Specify)				
Off-Street Parking Spaces	154		358	
Long-Term Bicycle Parking	102	199	262	
Short-Term Bicycle Parking	0	32	37	
Loading Bays	3	3	4	

Use space below and/or attached pages for additional notes:

DIMENSIONAL FORM

Project Address: First Street PUD #231A Major Amendment - Aggregate Dimensional Form

Application Date: 7.24.15

	Parcel A (121 First, 131-137 First, 139 First)	Parcel B (107 First, 119 First, 18 Hurley)	* Parcel C (29 Charles)	Parcel D (85 First)	65 Bent (PUD 231A)	* 159 First (PUD 231A)	Proposed	Permitted
Lot Area (SF)	16,473	39,999	20,005	16,250	59,958	29,978	182,663	
Lot Width (SF)	199	199.96		125	199.72	200		
Total Gross Floor Area (SF)	56,691	117,233	18,502	7,750	108,600	126,000	434,776	
Residential Base	0	74,928	18,502	0	0	122,200	215,630.00	
Non-Residential Base	56,691	14,800	0	7,750	108,600	3,800	191,641	
Inclusionary Housing Bonus	0	27,505		0		included above	27,505	
Total Floor Area Ratio	3.1	2.26	0.92	0.47	1.81	4.20	2.127	
Residential Base	0	1.55	0.92	0	0	4.08	1	
Non-Residential Base	3.1	0.24	0	0.47	1.81	0.13	1	
Inclusionary Housing Bonus	0	0.45		0	0	included above	0	
Total Dwelling Units	n/a	118	18	n/a	0	115	251	
Base Units	n/a	91	15	n/a	0	100	106	
Inclusionary Bonus Units	n/a	27	3	n/a	0	15	42	
Base Lot Area / Unit (SF)	n/a	761		n/a	n/a	1,019	761	
Total Lot Area / Unit (SF)	n/a	593		n/a	n/a	886	593	
Building Height(s) (ft)	65'-0"	65'-0"	45'-0"	30'-0"	45'-0"	65'-0"	varies	
Front Yard setback (ft)	0	2'-0"	9'-0"	1'-0"	4'	1'-9"	varies	
Side Yard Setback (ft)	0	18'-0" (on charles street)	0	1'-0"	2'	5'	varies	
Side Yard Setback (ft)	0	0	10'-0"	1'-0"	2'	5'	varies	
Rear Yard Setback (ft)	0	2'-0"	128'-0"	70'-0"	45'	2'	varies	
Open Space (% of Lot Area)	1.90%	33%		1.90%	5.30%	4.00%	23%	
Private Open Space	329	20,227		348	11,297	8,021.00	40,222	
Permeable Open Space	329	0		165		316.00	810	
Other Open Space (specify)								
Off-Street Parking Spaces	10	26	142	24	94	64.00	360	
Long-Term Bicycle Parking	*16 located on Parcel C	159		1	28	74.00	266	
Short-Term Bicycle Parking	9	30		5		8.00	52	
Loading Bays	0	1	0	0	3	0.00	3	

CITY OF CAMBRIDGE, MA

PLANNING BOARD

SPECIAL PERMIT APPLICATION

* Parcel resides within Industry A1 zone. All other parcel without asterisk reside within Business A

Comprehensive Summary by Parcel and Phase (at time of this Major Amendment)

Completed (PUD 231A)

Parcel / Address	Lot Area	Res GFA	NR GFA	Retail	D. Units	Pkg	OS
65 Bent St.	59,958	0	108,600	0	0	98	11,297
159 First St.	29,978	122,200	3,800	3,800	115	63	8,021
*29 Charles	-	-	-	-	-	-	-
TOTAL	89,936	122,200	112,400	3,800	115	161	19,318

Phase 1

Parcel	Lot Area	Res GFA	NR GFA	Retail	D. Units	Pkg	OS
A	16,473	0	56,691	9,800	0	10	329
D	16,250	0	7,750	7,750	0	24	316
TOTAL	32,723	0	64,441	17,550	0	34	645
cumul.	122,659	122,200	176,841	21,350	0	195	19,963

Phase 2

Parcel	Area	Res GFA	NR GFA	Retail	D. Units	Pkg	OS
B	39,999	102,423	14,800	14,800	118	26	20,227
*C	20,005	18,502	0	0	18	142	137
TOTAL	60,004	120,925	14,800	14,800	136	168	20,364
cumul.	182,663	243,125	191,641	36,150	251	363	40,327

*29 Charles was previously included in PUD231A, the scope of this parcel has been amended and is now summarized within "Parcel C"

Lot Area = lot area of developable blocks only excluding streets (square feet)

GFA = gross floor area (square feet)

OS = public, green area or permeable open space (square feet)

D.Units = dwelling units

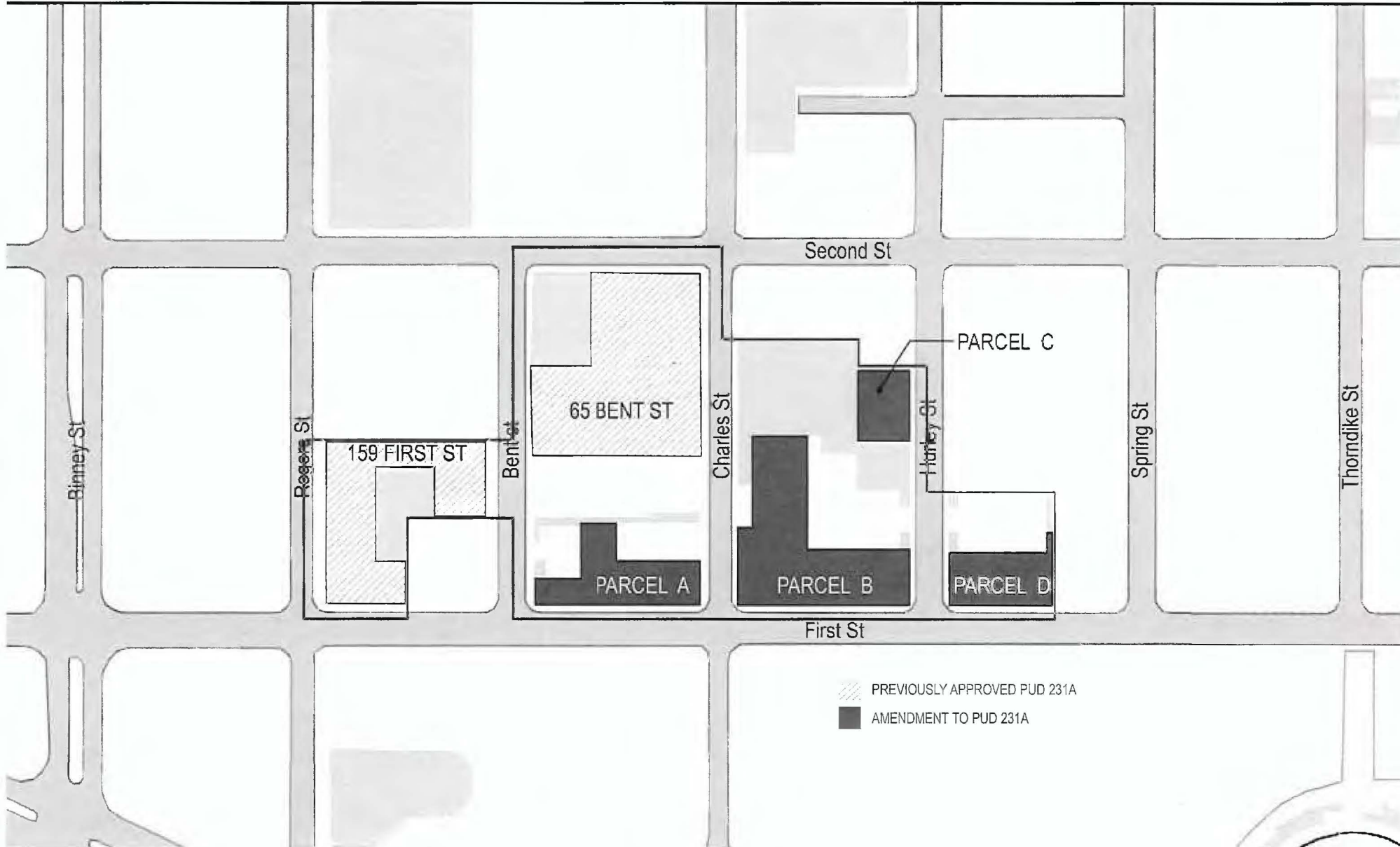
Pkg = motor vehicle parking spaces

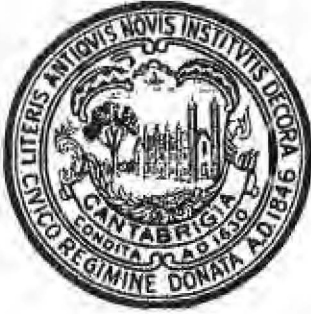
"Res" refers to residential *minimum* requirements

"NR" refers to non-residential *maximum* limitations

"total" = total allowed or required within that Phase

"cumul." = cumulative development at the end of Phase





CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

Notice of Extension of Time

Case No: 231A Amendment 3 (major)

Address: 85 First Street; 107-119 First Street; 121-139 First Street; 159 First Street; 65 Bent Street; 29 Charles Street; 14-26 Hurley Street

Applicant: First Street, US, LLC
111 First Street, Cambridge, MA

Owner: Bent Associates Limited Partnership; the Eldor First Street Realty trust; First Street – USLLC; Linear Retail Cambridge #2 LLC; Linear Retail Cambridge #3 LLC; Donald Prescott & William; Prescott; Hurley Corporation; B & D Realty Trust.

Application Date: July 24, 2015

Public Hearing Date: September 29, 2015

2015 DEC 17 PM 7:44
OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Application: Major Amendment to PUD Final Development Plan (Section 12.30), to enlarge the Development Parcel and increase the number of building sites from three to six. Amended Development Proposal includes a total of 243,125 square feet of residential Gross Floor Area and 191,641 square feet of commercial Gross Floor Area. One residential building at 159 First Street and one commercial building at 65 Bent Street have been completed per the original Final Development Plan. Application also seeks amended Project Review Special Permit (19.20), Reduction in Required Parking (6.35.1) and Modification of Bicycle Parking Requirements (6.108.1).

At the public meeting of December 15, 2015, the Planning Board voted to agree to an extension of time for filing the decision for the Special Permit to **January 11, 2016** as proposed by James J. Rafferty, on behalf of the applicant.

Authorized Representative to the Planning Board

For further information, please contact Liza Paden at 617 354 5640 or lpaden@cambridgema.gov.