

CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2013 OCT 31 AM 9 43

## NOTICE OF DECISION

### AMENDMENT TO PLANNED UNIT DEVELOPMENT SPECIAL PERMIT

OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

Case Number:	231A Amendment #2 (Major)
Address:	159 First Street, 65 Bent Street (aka 150 Second Street), 29 Charles Street
Zoning:	PUD-4B: Industry A-1 and Business A
Applicants/Owners:	150 Second Street, LLC c/o Skanska USA Commercial Development 253 Summer Street, Boston, MA 02110  159 First Street Associates LP c/o Urban Spaces, LLC 10 McTernan Street, Cambridge, MA 02139
Application Date:	August 8, 2013
Preliminary Public Hearing & Determination:	September 17, 2013
Second Public Hearing Date:	October 1, 2013
Date of Final Planning Board Decision:	October 1, 2013
Date of Filing Decision:	October 31, 2013

**Application:** Section 12.37 – Major Amendment to the previously approved Final Development Plan to increase the number of accessory parking spaces for office use by 22 spaces and correspondingly decrease the number of accessory parking spaces for residential use; Section 6.35.1 reduction in required parking.

**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 10/31/13

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

## **DOCUMENTS SUBMITTED**

### Application Documents and Supporting Material

1. Application for Amendments to PUD Development Plan and Project Review Special Permits prepared by Galluccio & Watson, LLP, dated August 8, 2013.
2. Letter from Anthony Galluccio, Galluccio & Watson, LLP, representing the Applicants, dated September 30, 2013, in response to Requests for Information.

### Other Documents

3. Memorandum from Susan E. Clippinger, Director of Traffic, Parking and Transportation, dated September 17, 2013.
4. Planning Board Preliminary Determination, dated September 17, 2013.
5. Memorandum from Susan E. Clippinger, Director of Traffic, Parking and Transportation, dated October 1, 2013, in response to Requests for Information.
6. Letter from the East Cambridge Planning Team, dated October 1, 2013.

## **SUMMARY OF APPLICATION**

The Final Development Plan approved by Special Permit 231A is for a PUD across three noncontiguous sites. One site is a 115-unit residential building with ground-floor retail space (159 First Street), another is a 108,000 square-foot office and laboratory building (65 Bent Street, now called 150 Second Street), and another is a commercial parking lot to be converted to 8 townhouse units (29 Charles Street). Thus far, the 150 Second Street site has been built and is in the early stages of occupancy, the 159 First Street site is in the early stages of construction, and the 29 Charles Street site remains a commercial parking lot and is not yet seeking any building permit.

The 159 First Street site has 64 off-street parking spaces to serve the residential uses. According to the Final Development Plan, an additional 22 parking spaces on the 150 Second Street site are designated to serve the 159 First Street residential use. The remaining 72 spaces at 150 Second Street serve the office/lab use. The Applicants now seek the ability to use all 94 spaces at the 150 Second Street site for the office/lab use. That requires the following amendments to the Final Development Plan:

1. An increase in accessory parking for office and commercial laboratory uses from 72 to 94 spaces (from a ratio of 0.66 to 0.87 spaces per 1,000 square feet of GFA).
2. A reduction in accessory parking for residential uses on 159 First Street from 86 to 64 spaces (from a ratio of 0.75 to 0.56 spaces per dwelling unit).

As mitigation, the Applicants propose to secure 15 parking spaces from a nearby off-site parking facility for use by 159 First Street residents. Specific requirements for implementing this proposal are recommended in the memorandum from the Traffic, Parking and Transportation Department, on September 17, 2013 attached to this Decision.

## FINDINGS

A public hearing was held on September 17, 2013 at which the Board heard testimony from the Applicants and the Director of Traffic, Parking and Transportation. Public comment was solicited, but none was offered. A second public hearing was held October 1, 2013, at which the Board heard responses from the Applicants to the questions raised on September 17. Again, public comment was solicited but none was offered.

The following Findings were made on September 17, 2013:

1. Approval of a Development Proposal (Section 12.35.3)

*12.35.3 Approval of the Development Proposal shall be granted only upon determination by the Planning Board that the Development Proposal:*

- (1) conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth for the specific PUD district in which the project is located;*
- (2) conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located;*
- (3) provides benefits to the city which outweigh its adverse effects; in making this determination the Planning Board shall consider the following:*
  - (a) quality of 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;*
  - (b) traffic flow and safety;*
  - (c) adequacy of utilities and other public works;*
  - (d) impact on existing public facilities within the city; and*
  - (e) potential fiscal impact.*

The Board finds that the proposal continues to meet the General Development Controls for a PUD and the specific controls for the PUD-4B District as well as the policy plans and development guidelines for the area. Nevertheless, the proposal shall require the Board to

grant a new special permit pursuant to Section 6.35.1 for the further reduction in required accessory parking for residential uses, as described further below in these Findings.

In general, the Board finds that the relative benefits and adverse effects of the PUD are not substantially changed by the proposed amendment. Although the reduction of parking for residential uses has potential impacts, the Director of Traffic, Parking and Transportation (in the memo dated September 17, 2013) has recommended measures to mitigate those impacts by securing at least 15 off-site parking spaces, which the Applicants have agreed to as special permit conditions. Another potential impact is the risk of an increase in traffic resulting from the requested increase in office/lab parking. However, the parking ratio for office/lab use remains low compared to similar uses in the area and is less than the maximum zoning limitation. Furthermore, impacts would be mitigated by Parking and Transportation Demand Management requirements that remain applicable to the project.

The following additional Findings were made on October 1, 2013:

2. Approval of a Final Development Plan (Section 12.36.4)

Pursuant to Section 12.37.1 of the Zoning Ordinance, approval of a Major Amendment is subject to the same requirements as approval of a PUD Final Development Plan.

The Planning Board finds that the proposal meets the criteria set forth in Section 12.35.3, as described further above in these Findings.

In response to the Board's requests for information set forth in the Preliminary Determination, the Applicants, with assistance from the Traffic, Parking and Transportation Department, have provided a satisfactory written response explaining the rationale for requiring fifteen (15) off-site parking spaces for the residential use, the manner in which those off-site residential parking spaces will be managed, what locations would be available for off-site parking, and what other mitigating requirements will apply.

3. Reduction in Required Parking (Section 6.35.1)

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, 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 and/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 two buildings across First Street (One Charles Park and the Cambridgeside Galleria) and the municipal parking garage on First Street, in addition to a commercial parking lot on Charles Street within this approved PUD that is permitted to continue on an interim basis until it is ultimately developed into additional housing units. The Applicant who owns 159 First Street has agreed to secure at least 15 parking spaces from existing facilities and make those available to residents at no greater cost than the parking available on-site. If the demand for parking exceeds that supply, the Applicant shall secure additional off-site parking spaces to make available to any residents on request, under the same terms, up to a maximum total of one parking space per dwelling unit.

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

Shared use of parking is not proposed.

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

There are no occupancy restrictions proposed. 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.

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

Meeting the parking requirement would require construction of new parking spaces, either in below or above ground structured parking or in surface parking lots. In any case, creating those new spaces would have environmental and/or visual impacts on the 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 building is subject to the provisions of Section 11.200.

4. 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 ...*

The principal uses in the approved PUD will not change, although the amount of parking dedicated to particular uses will change. Given that the project will remain subject to parking and traffic mitigation measures, there is expected to be no substantial change in traffic generation or patterns of access and egress from the PUD as it was originally permitted.

*(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 uses, which are unchanged, 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 ...*

The 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.*

No design changes are proposed, therefore the development remains consistent with the citywide urban design objectives as determined by the Planning Board in approving the original Final Development Plan, subject to continuing design review.

## 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. The provisions set forth in this Decision shall apply to each Applicant and any successors in interest.

The Conditions set forth in Special Permit #231A, and all prior amendments, shall continue to apply except as they are modified by the Conditions set forth below:

1. The number of authorized accessory parking spaces for commercial uses at 65 Bent Street (also called 150 Second Street) shall be increased to ninety-four (94) spaces, and the number of authorized accessory parking spaces for residential uses at 159 First Street shall be decreased to sixty-four (64) spaces, subject to the additional requirements set forth below.
2. The Conditions set forth in the Memorandum from Susan Clippinger, Director of Traffic, Parking and Transportation, dated September 17, 2013, attached to this Decision, shall apply to the respective owners of the approved buildings at 159 First Street and 65 Bent Street / 150 Second Street as indicated in the Memorandum. 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. The Traffic, Parking and Transportation Department shall certify that the applicable Conditions have been met at the times indicated in the Memorandum.

Voting in the affirmative to GRANT the special permits were Planning Board Members Steven Cohen, H Theodore Cohen, Hugh Russell, Tom Sieniewicz, Steven Winter, Pamela Winters and Associate Member Catherine Preston Connolly, 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,



Hugh Russell, Chair.

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, **150 Second Street, LLC** and **159 First Street Associates LP** agree to the conditions attached to this Decision approving the granting of a Major Amendment to PUD Special Permit #231A.



Shawn Hurley  
Skanska USA Commercial Development  
Authorized Representative, 150 Second Street, LLC.



Paul Ognibene  
Urban Spaces, LLC  
Authorized Representative, 159 First Street Associates LP.

A copy of this decision #231A Amendment #2 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.

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ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on October 31, 2013, 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




**CITY OF CAMBRIDGE**  
**Traffic, Parking and Transportation**  
344 Broadway  
Cambridge, Massachusetts 02139

[www.cambridgema.gov/traffic](http://www.cambridgema.gov/traffic)

Susan E. Clippinger, Director  
Brad Gerratt, Deputy Director

Phone: (617) 349-4700  
Fax: (617) 349-4747

## MEMORANDUM

**To:** Cambridge Planning Board  
**From:** Susan E. Clippinger, Director   
**Date:** September 17, 2013  
**Re:** 159 First Street; 65 Bent Street (a.k.a. 150 Second Street); 29 Charles Street

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According to the plan most recently approved by the Planning Board, there are 166 parking spaces approved for the PUD, distributed as follows:

- 64 spaces located 159 First Street, which are all accessory to the 115 residential units located on that site.
- 94 spaces located at 65 Bent Street (a.k.a. 150 Second Street), 72 of which are accessory to the commercial R&D building on that site, and 22 of which are accessory to the residence at 159 First Street.
- 8 spaces at 29 Charles Street to serve the 8 future housing units proposed on that site; however, the existing commercial parking lot on that site is allowed to remain temporarily, according to the conditions in the special permit.

The Permittee is also required by the conditions of the special permit to provide a parking space (from available parking garages in the area) to any residential tenant in the 159 First Street building who requests a space, at the same cost as other accessory parking provided on the site, up to one space per dwelling unit.

### Requested Change

The Proponent requests to have all the parking at 150 Second Street be accessory to the commercial R&D use on that site, and not to use any of the parking on 150 Second Street to serve residents at 159 First Street, which is now under different ownership. This would require the following changes to the approved plan:

1. An increase in accessory parking for commercial R&D uses from 72 to 94 spaces (0.66 to 0.87 spaces/1,000 sf).
2. A reduction in accessory parking for residential uses on 159 First Street from 86 to 64 spaces (0.75 to 0.56 spaces/unit).

If the Planning Board chooses to support this proposal, we would recommend the following conditions:

1. The 159 First Street owner shall be required to secure 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 the Traffic Parking and Transportation and Community Development Departments. Such spaces shall be made available to residents of 159 First Street on terms of no less than one year. The price to 159 First Street residents for the use of a space shall not be more than the price for on-site spaces.
2. The fifteen (15) parking spaces must be secured prior to the issuance of a Certificate of Occupancy for the 159 First Street (Residential) project; however, those spaces must be identified and the arrangement approved by the Cambridge Traffic, Parking and Transportation and Community Development Departments before the tenants at 150 Second Street can use more than 72 of the on-site parking spaces.
3. These fifteen (15) spaces will be required in perpetuity, although they may be relocated with the approval of the Traffic, Parking and Transportation Department and the Community Development Department. 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 15 spaces is three (3) years after initial occupancy of the residential units. To evaluate the parking needs, information such as the following would be used:
  - Percent occupancy of 159 First Street;
  - surveys of resident 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.
4. 150 Second Street shall continue to be subject to the final decision of the Parking and Transportation Demand Management Plan, dated April 28, 2008.
5. The 159 First Street owner will continue to be obligated to provide off-site parking to any tenant who requests a parking space at the same cost as an on-site space, up to one space per unit, and to undertake periodic surveys of tenant auto use to determine the extent of car ownership, auto use and parking behavior as required in Special Permit #231A.
6. The 159 First Street owner will continue to be subject to residential Transportation Demand Management Measures required in Special Permit #231A.
7. All other Special Permit requirements, other than those specifically modified in this amendment, shall continue to be in effect.