

SKANSKA

150 SECOND



***Application for Amendments
to PUD Development Plan
and Project Review Special Permits***

Applicant Information: 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

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In accordance with the requirements of the City of Cambridge Zoning Ordinance, the undersigned hereby petitions the Planning Board for one or more Special Permits for the premises: 159 First Street; 65 Bent Street(also known as 150 Second Street), 29 Charles Street

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August 8, 2013

Cambridge Planning Board
City Hall Annex
344 Broadway
Cambridge, MA 02139
Attention: Elizabeth Paden

Via: Hand Delivery

Subject: Second Amendment to case number #231 related to PUD-4B 159 First Street; 65 Bent Street; 29 Charles Street

Dear Honorable Chairman Russell and the members of the board:

2.A Permitting History

A special permit was issued on April 1, 2008 case #231 and expired. In August of 2010 the planning board issued a decision on an identical planned unit development proposal meeting all the criteria established in Article 12:00. On June 5, 2012 the board reached a decision on minor amendments related to dwelling unit mix layout, location of bicycle parking, quantity of vehicular parking and designation of open space for the permitted residential building at 159 First Street. This second amendment requests changes to the parking ratios at both the residential building at 159 First Street (from .75 to .56 spaces per unit with conditions) and at the commercial office and laboratory building at 65 Bent Street (from .66 to .86 spaces per thousand square feet). The existing PDTM plan is still relevant and maintaining conditions related to the original decisions remain intact.

2.B Summary of the Amendment

The amendment seeks to allow the 22 parking spaces on the office and laboratory site at 65 Bent Street be used for parking associated with that use. These spaces were required to be available to the residential building at 159 First Street. This reduces the parking ratio at the residential building to .56 with conditions that 15 spaces (increasing to a .68 ratio) will be provided on 29 Charles Street or offsite until it can be proven these spaces are not utilized and or necessary. The applicant has initiated conversations with ECPT and will be on the agenda September 11. The changes have been discussed and approved by the Cambridge Traffic Department after a series of discussions. The amendments are strictly related to ratios and do

not change over-all parking, or any other matters continued in the planned unit development plan special permit.

2.C Zoning Details and Highlights of PUD-4B

(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.

2.D Overview

The Final Development Plan includes a mix of active uses with a substantial component of housing, research and development space, and retail at ground level. Development is consistent with the city's adopted policy objective for the area, including the Eastern Cambridge design guidelines. In short, the district includes 3 parcels 159 Frist Street primarily devoted to residential, 65 Bent Street primarily devoted to Research and Development and 29 Charles Street a commercial parking area that is intended to transition to townhouses.

(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

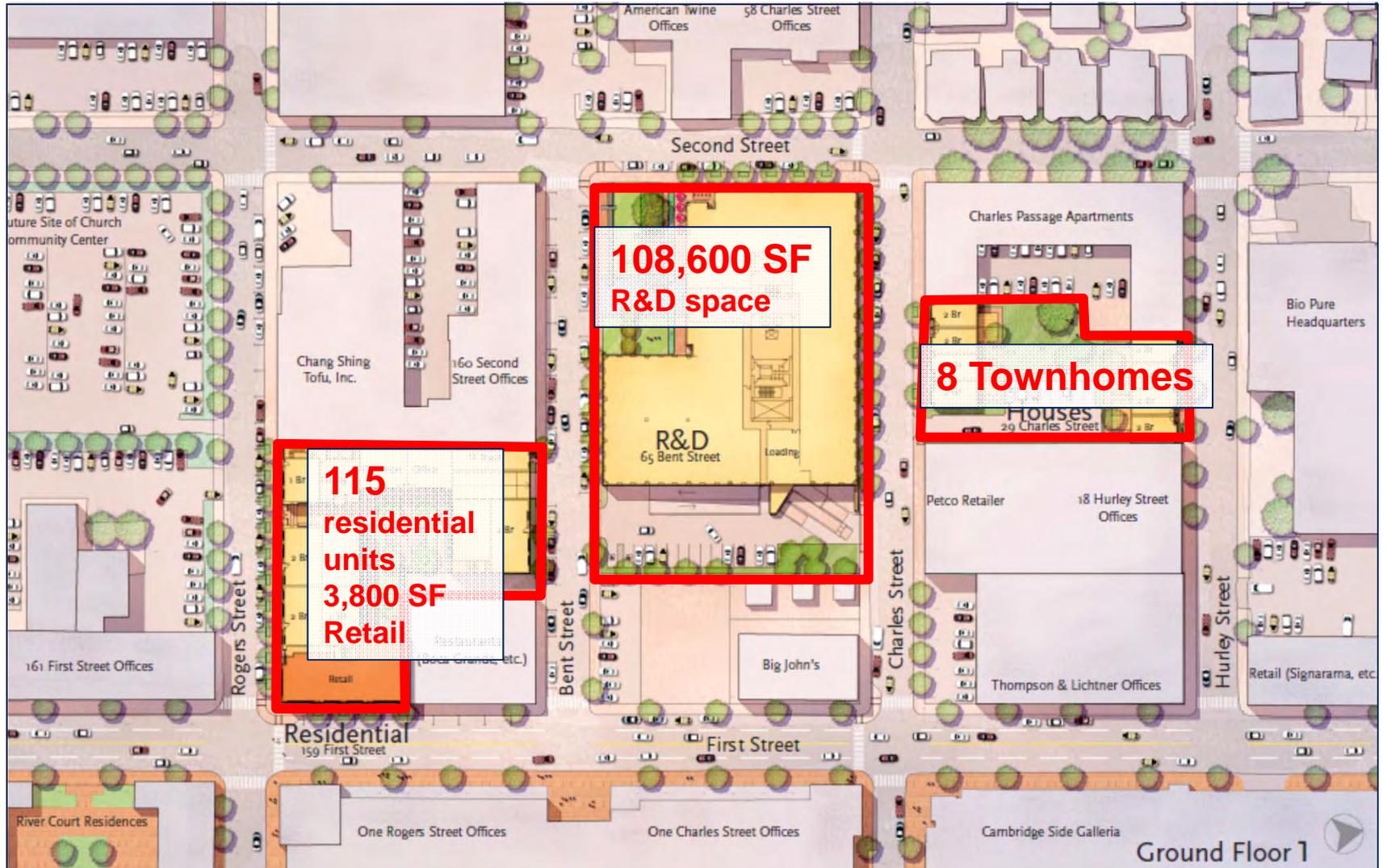
The maximum height allowed under the provisions of the PUD-4B District is 65 feet in this portion of the District. The Final Development Proposal specifies a tallest proposed building height of 65 feet, which does not exceed the maximum height requirement.

(13.55) Open Space

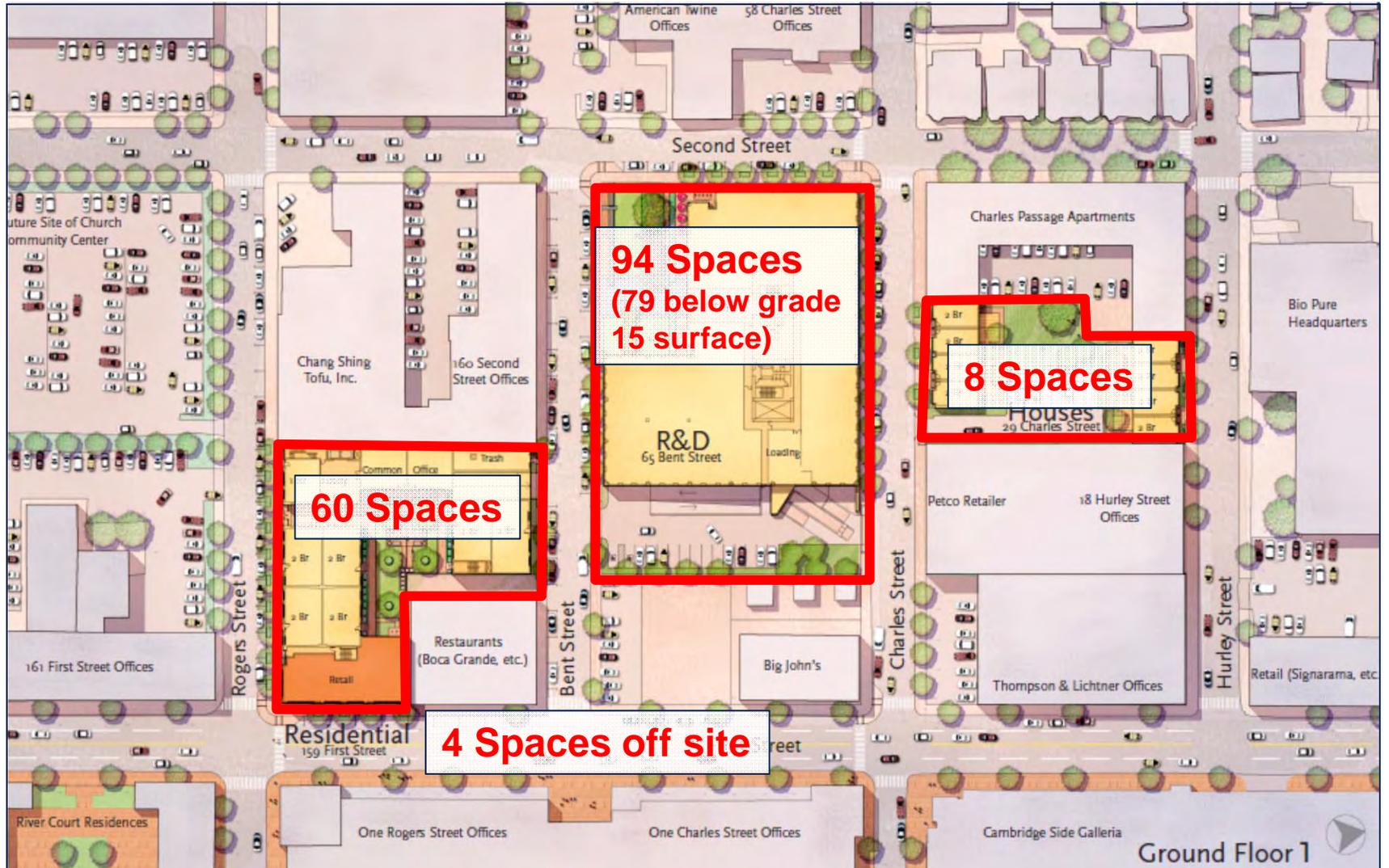
Under the provisions of the PUD-4B District, an amount of open space equal to at least 20% of the parcel area must be provided on the Development Parcel. The open space may be any combination of Useable, Permeable, Green Area or Publicly Beneficial Open Space as defined in Article 2.000 and further regulated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

2.E. Maps 1-5 showing PUD-4B permitting and development process

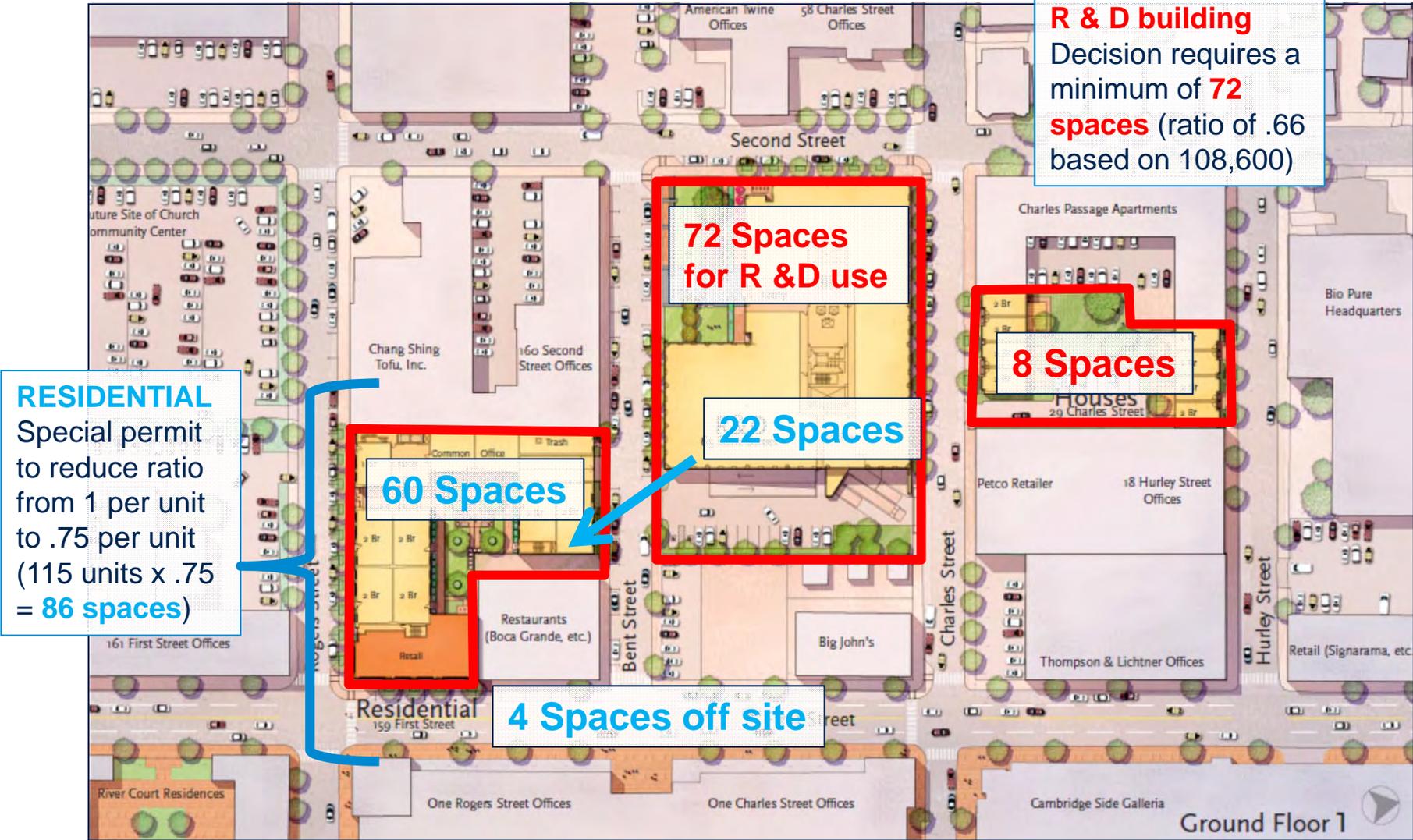
PUD Special Permit #231A Site Plan



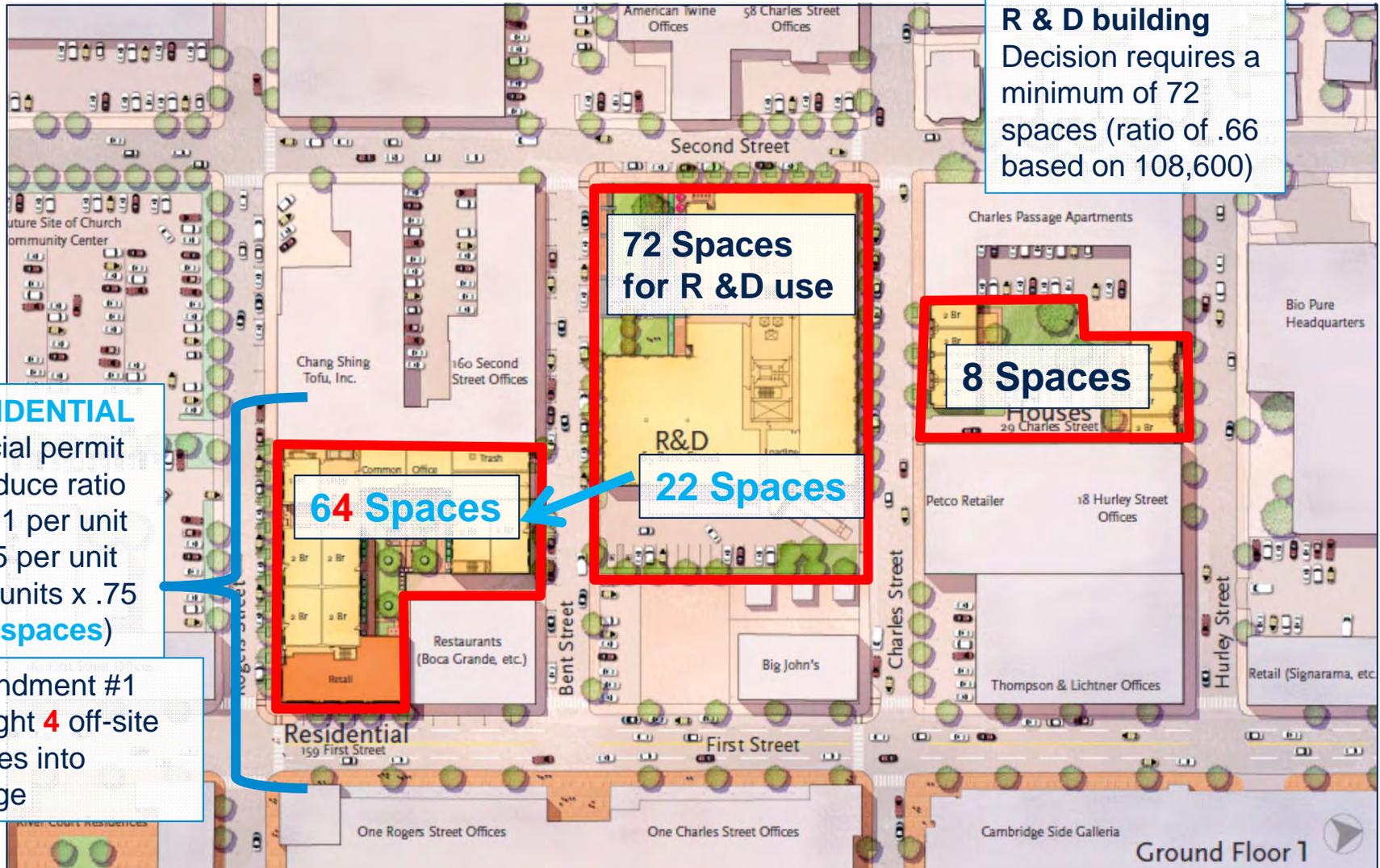
Parking spaces approved in PUD SP #231A



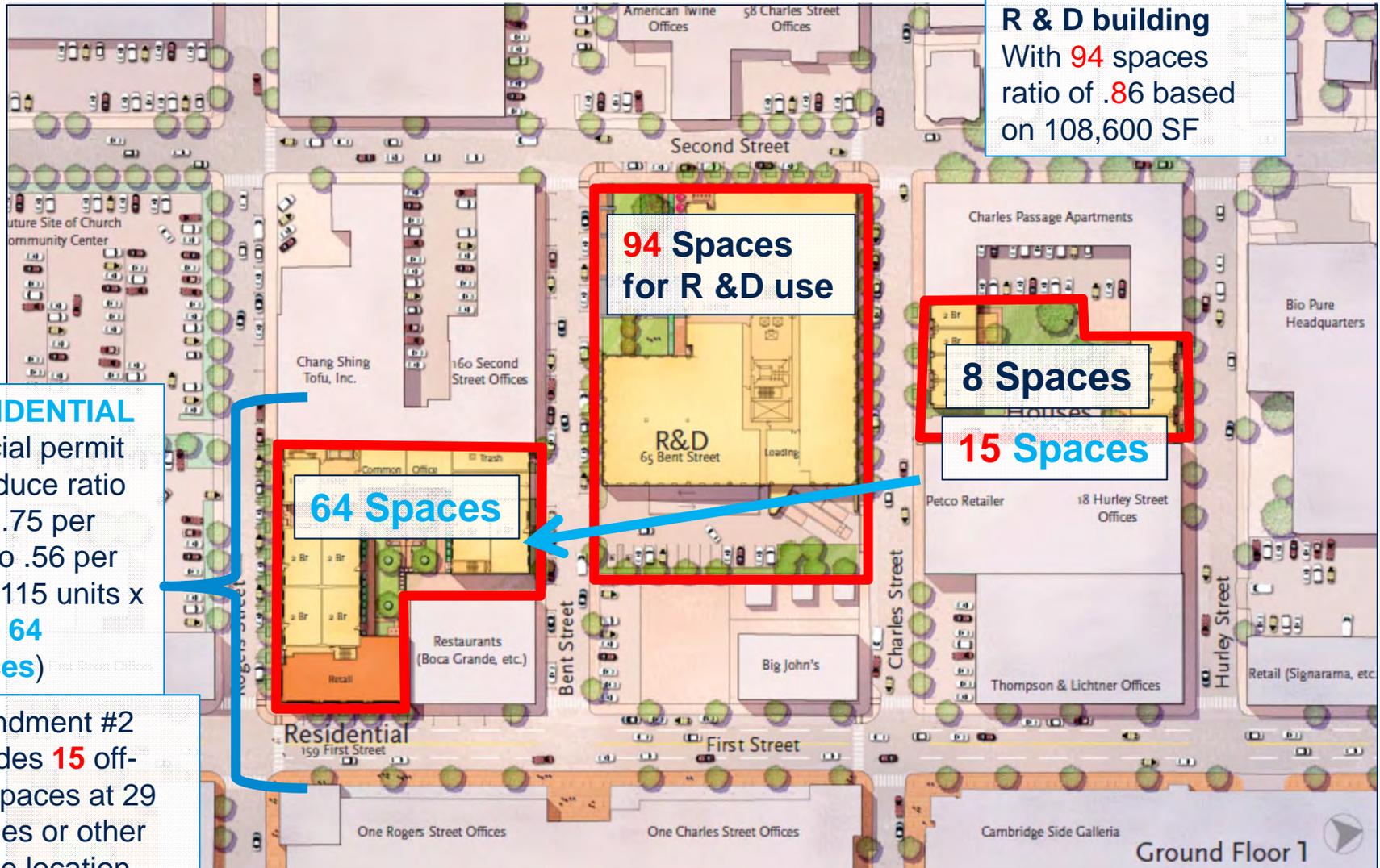
Approved Use of Parking spaces



Changes from Amendment #1



Changes for Amendment #2



2F. East Cambridge Parking Survey

Property	Number of Units	Number of Parking Spaces	Number of Active Spaces	Parking Demand (spaces/unit)	Distance to the T (miles)
100 Landsdowne	203	N/A	112 - 24/7 Passes, 8 - Overnight Passes = 120 Total Passes	0.59	0.53
91 Sidney	135	N/A	69 - 24/7 Passes, 4 - Overnight Passes = 73 Total Passes	0.54	0.39
Archstone Kendall Square	186	106 indoor spaces + 119 outdoor spaces = 225 Spaces. Indoor spaces are reserved for residents. There are typically 8 to 10 non residents that purchase outdoor parking each month.	107 Active Monthly Resident Passes	0.58	0.35
<i>159 First Street</i>	<i>115</i>	<i>64</i>	<i>TBD</i>	<i>0.56*</i>	<i>0.35</i>
23 Sidney	51	N/A	4 - Overnight Passes, 18 - 24/7 Passes = 22 Total Passes	0.43	0.32
129 Franklin	142	N/A	30 - 24/7 Passes, 4 - Overnight Passes = 34 Total Passes	0.24	0.27
Third Square Apartments	11 Condos + 471 Apartments = 482 Units	Approx. 500 spaces. Approx 1/2 of spaces are in use. A lot of the demand comes from corporate units. There is also no resident parking on Third Street. Most longer term tenants are comfortable using public transportation and do not require a vehicle.	Approx. 250	0.52	0.25
Watermark Kendall Square	321	N/A	0.5 or less. Twining Properties advised that 50% or less of residents use parking.	0.5 or less	0.16

*Proposed Ratio

2G. Parking Table related to 65 Bent ; 159 First and 29 Charles Street

Below is a summary of the proposed parking changes organized by location.

PARKING BY LOCATION	Current Special Permit	Proposed Amendment
Spaces @ 159 First Street	64 – residential	64 – residential
Spaces @ 65 Bent Street	72 – office/laboratory 22 – residential	94 – office/laboratory
Spaces @ 29 Charles Street	8 – residential * existing commercial parking is allowed to remain temporarily until residential is developed	8 – residential 15 – residential (temporary for 159 First Street) * existing commercial parking is allowed to remain temporarily until residential is developed
Spaces leased off-site	N/A	Up 15 – residential (for 159 First Street)

Below is a summary of the proposed parking changes organized by use.

PARKING BY USE	Current Special Permit	Proposed Amendment	Proposed Ratio
Residential: 115 units @ 159 First	64 on-site (159 First) 22 on-site (65 Bent)	64 on-site (159 First) 15 off-site	0.69 per unit (0.56 on-site)
Office: 108,600 SF @ 65 Bent	72 on-site	94 on-site	0.86 per 1,000 SF
Residential: 8 units @ 29 Charles	8 on-site (29 Charles)	8 on-site (29 Charles)	1 per unit

3.0 Amended Language related to parking Section 4 of 2010 decision:

1. 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.

PUD – 4B

Significant progress has occurred on the three neighboring parcels within East Cambridge's PUD-4B district. The mix of uses will transform this area once occupied by one-story warehouses and parking lots. The three-story commercial R&D/office facility located at 65 Bent Street (aka 150 Second Street) started construction in the Fall of 2011 and received its Certificate of Occupancy in March of 2013. On the corner of Second Street and Bent Street is a publicly accessible landscaped open space with benches and bike racks that lead to the entrance of the building. There are 79 underground parking spaces along with bike racks for 22 bicycles in the garage as well as 15 surface parking spaces on the east side of the building. Construction began in April 2013 on the residential project at 159 First Street containing 115 units and 64 enclosed parking spaces. The project will also include 3,800 sf of retail space along First Street. This project is anticipated to be complete in the summer of 2014. The 29 Charles Street parcel has been cleaned up and secured and is currently being utilized as a commercial lot per the Special Permit.

3.0. A. Redline Version

DECISION

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 (~~72-94~~ 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 ~~72-94~~ 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. All 94 spaces at 65 Bent Street shall be allocated to the commercial laboratory and office use at 65 Bent Street in combination with the accessory parking described in paragraph 4.b, and consistent with the final decision on the Parking and Transportation Demand Management Plan dated April 28, 2008.~~
- d. Parking at the 159 First Street parcel shall serve the residential units on that site exclusively. ~~The parking authorized on the site (64 conforming accessory spaces), shall be considered to meet the new required parking ratio of 0.56 spaces per unit (64 spaces ÷ 115 residential units). Provided however that the Permittee must provide an additional 15 off site spaces (as described in Section 1) to increase the ratio of required parking to 0.69 (64 on-site spaces + 15 off-site spaces ÷ 115 units) 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 for 159 First Street 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 permanent occupancy permit for 159 First Street, the Permittee for 159 First Street shall make open and available for use to the satisfaction of the Community Development Department the 15 designated spaces at 29 Charles Street as allowed by and contained within PUD – 4B and under the leasehold interest or control of the Permittee. After 3 years from the issuance of the occupancy permit, the Permittee for 159 First Street may request that any portion of these spaces may

~~not be required through an evaluation process acceptable to Community Development Department. The Permittee for 159 First Street may make such a request annually following the first 3 year period and the decision to reduce the 15 space requirement is solely one of the Community Development Department's. The Permittee for 159 First Street may relocate the 15 spaces or any required portion of those spaces to any legally established parking garage or facility located within PUD 4 districts 4, 4A, 4B, provided that 3 months advance notice is submitted in writing. 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 of 159 First Street 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~~0.69 parking spaces 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~~0.56 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, as amended herein, the Permittee of 159 First Street 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 for 159 First Street 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~~0.56 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 ~~0.75-56~~ 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 for 159 First Street 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-0.69~~ off-street parking spaces 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 for 159 First Street 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 the later of three (3) years after the issuance of the first Certificate of Occupancy for the commercial building at 65 Bent Street, or for three (3) years following the issuance of the permanent occupancy permit for 159 First Street (the "Initial Period") if 29 Charles Street is being made available for off-site parking as required, subject to the following conditions and limitations.
- (1) After the Initial Period ~~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~~ Initial Period, 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, in case #231), 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.
8. The Parking and Transportation Demand Management Final Decision shall be made a condition of this Permit.
9. The project is required to make an Incentive Zoning payment as set forth in Section 11.203.1. The total payment 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 total payment required shall be 109,900 square feet **multiplied by** the per-square-foot contribution rate that is specified in Section 11.203.1 at the time of payment. Because the total payment relates to two building projects, the research and development building at 65 Bent Street and the residential with street level retail building at 159 First Street, the total payment has been allocated between the two projects as follows: 96.62% (108,600 sf/ 112,400 sf) to 65 Bent Street and 3.38% (3,800 sf / 112,400 sf) to 159 First Street. The City will require the allocated portion of the payment for each building project prior to the issuance of a Certificate of Occupancy for each separate building. Since the 29 Charles Street project is entirely residential and does not include any commercial space, that project is not required to make an Incentive Zoning payment.

10. The permitted development shall be subject to the Green Building Requirements set forth in Section 22.20 of the Zoning Ordinance. The Permittee shall submit documentation as required in Subsection 22.24 (1) to the Community Development Department (CDD) at least 30 days prior to any application for a Building Permit. The CDD shall certify that this zoning requirement has been satisfactorily met before any application for a Building Permit is submitted. Subsequently, and prior to the issuance of any Building Permit or Certificate of Occupancy for buildings authorized under this PUD Special Permit, the Permittee shall follow the applicable procedures set forth in Subsection 22.24 (2).

11. All conditions for parking and other requirements related to the residential development at 159 First Street shall be the obligations solely of the owner 159 First Street and any violation of said conditions shall not violate or affect the validity of the PUD Final Development Plan or any Special Permits related to PUD-4B for any other parcels, or portions thereof, subject to those approvals.

3.0. B. EDITED LANGUAGE INCORPORATED

DECISION

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:

- g. No accessory parking shall be required for the authorized retail space at 159 First Street.
- h. The minimum PUD accessory parking requirement for the research and development building (94 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 94 spaces may be used as accessory parking to serve other commercial uses permitted by this Special Permit within the Development Parcel.
- i. All 94 spaces at 65 Bent Street shall be allocated to the commercial laboratory and office use at 65 Bent Street in combination with the accessory parking described in paragraph 4.b, and consistent with the final decision on the Parking and Transportation Demand Management Plan dated April 28, 2008.
- j. Parking at the 159 First Street parcel shall serve the residential units on that site exclusively. The parking authorized on the site (64 conforming accessory spaces), shall be considered to meet the new required parking ratio of 0.56 spaces per unit (64 spaces ÷ 115 residential units). Provided however that the Permittee must provide an additional 15 off site spaces (as described in Section 1) to increase the ratio of required parking to 0.69 (64 on-site spaces + 15 off-site spaces ÷ 115 units)The Permittee for 159 First Street 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 permanent occupancy permit for 159 First Street, the Permittee for 159 First Street shall make open and available for use to the satisfaction of the Community Development Department the 15 designated spaces at 29 Charles Street as allowed by and contained within PUD – 4B and under the leasehold interest or control of the Permittee. After 3 years from the issuance of the occupancy permit, the Permittee for 159 First Street may request that any portion of these spaces may not be required through an evaluation process acceptable to Community Development Department. The Permittee for 159 First Street may make such a request annually following the first 3 year period and the decision to reduce the 15 space requirement is solely one of the Community Development Department's. The Permittee for 159

First Street may relocate the 15 spaces or any required portion of those spaces to any legally established parking garage or facility located within PUD 4 districts 4, 4A, 4B, provided that 3 months advance notice is submitted in writing.

- (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 of 159 First Street 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 0.69 parking spaces 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 0.56 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, as amended herein, the Permittee of 159 First Street 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 for 159 First Street 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 0.56 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 0.56 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 for 159 First Street 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 0.69 off-street parking spaces 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 for 159 First Street 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.
 - k. 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 the later of three (3) years after the issuance of the first Certificate of Occupancy for the commercial building at 65 Bent Street, or for three (3) years following the issuance of the permanent occupancy permit for 159 First Street (the "Initial Period") if 29 Charles Street is being made available for off-site parking as required, subject to the following conditions and limitations.
 - (1) After the Initial Period 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 Period, 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.
 - l. 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, in case #231), to designs approved by the Traffic, Parking and Transportation Department:

- g. 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.
 - h. 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.
 - i. Reconstruct the wheelchair ramps at the corner of First Street and Bent Street prior to the Final Certificate of Occupancy for 65 Bent Street.
 - j. 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.
 - k. 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.
 - l. 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.
8. The Parking and Transportation Demand Management Final Decision shall be made a condition of this Permit.
 9. The project is required to make an Incentive Zoning payment as set forth in Section 11.203.1. The total payment 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 total payment required shall be 109,900 square feet **multiplied by** the per-square-foot contribution rate that is specified in Section 11.203.1 at the time of payment. Because the total payment relates to two building projects, the research and development building at 65 Bent Street and the residential with street level retail building at 159 First Street, the total payment has been allocated between the two projects as follows: 96.62% (108,600 sf/ 112,400 sf) to 65 Bent Street and 3.38% (3,800 sf / 112,400 sf) to 159 First Street. The City will require the allocated portion of the payment for each building project prior to the issuance of a Certificate of Occupancy for each separate building. Since the 29 Charles Street project is entirely residential and does not include any commercial space, that project is not required to make an Incentive Zoning payment.
 10. The permitted development shall be subject to the Green Building Requirements set forth in Section 22.20 of the Zoning Ordinance. The Permittee shall submit documentation as

required in Subsection 22.24 (1) to the Community Development Department (CDD) at least 30 days prior to any application for a Building Permit. The CDD shall certify that this zoning requirement has been satisfactorily met before any application for a Building Permit is submitted. Subsequently, and prior to the issuance of any Building Permit or Certificate of Occupancy for buildings authorized under this PUD Special Permit, the Permittee shall follow the applicable procedures set forth in Subsection 22.24 (2).

11. All conditions for parking and other requirements related to the residential development at 159 First Street shall be the obligations solely of the owner 159 First Street and any violation of said conditions shall not violate or affect the validity of the PUD Final Development Plan or any Special Permits related to PUD-4B for any other parcels, or portions thereof, subject to those approvals.

4.0 Criteria for approval of amendment to special permit

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 in its initial application sought and was approved for a reduction in parking from a space unit to .75 or 3 spaces for every 4 units. The board granted the reductions subject to conditions to mitigate and monitor new parking ratio. The applicant now seeks to further reduce that ratio to .56 ratio with a condition that 15 spaces (or a .68 ratio) be provided on in a commercial lot within or in adjacent PUD districts until it is proven and accepted by the city traffic department that any portion of those 15 spaces are not necessary and utilized by residents of 115 units at 159 First Street. This application provides data that shows other residential projects are operating at similar ratios. This residential building is uniquely situated within .35 of two major MBTA stations and two large commercial garages at the Galleria and the city's First Street Garage. The application has the provision of the 15 spaces and other conditions that has received the support of the city traffic department. Recent zoning in Kendall Square PUD-5 establishes .75 as a new standard parking ratio in around transit development for residential development. Along with conditions attached, the provided parking will be slightly lower than that standard and the applicant will work with the city to ensure demand is accounted for in the vicinity of the PUD.

Changes to Commercial (Lab) Parking (not subject to reduction criteria)

The approved parking for the office and laboratory use at 65 Bent Street was .66 spaces per 1000 SF, far below the .9 ratio approved for neighboring PUD districts. This amendment seeks to capture the spaces on the lab site and make them available to lab tenants thereby increasing the ratios to .86. This ratio is slightly above the new Kendall PUD-5 standard of .8 but below recently adopted ratios for lab parking in adjacent PUD's. The amendment would allow a ratio that is more competitive with what tenants demand in the local laboratory and office market. From a property management perspective, the amendment would give the office and laboratory site independence and control over its site for security and monitoring purposes. The lab ratio increases has been approved by Traffic and Parking and has no material impact of the commercial PDTM plan which was based on the 94 spaces that are now requested solely for commercial-lab use.

- g. 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.

- h. 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.

- i. 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.

- j. 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.

- k. 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 on site 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. Where this amendment deals with already constructed off-site parking this provisions is not as likely or applicable.

- l. 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 unnecessary expenses that would be passed on to tenants and impact the long term feasibility of the project.



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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

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.