

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

Garage Parking
T+DM

NOTICE OF DECISION

Case No.: PB #66 Major Amendment #5

Premises: First Street, Thorndike Way, Edwin Land Boulevard,
Lechmere Canal Park

Zoning District: Business A/PUD-4

Applicant: CambridgeSide Galleria Associates Trust

Date of Original PUD Special
Permit (PUD Permit) Decision: June 16, 1987

Date of Minor Amendment No. 1: May 3, 1988

Date of Minor Amendment No. 2: November 15, 1988

Date of Minor Amendment No. 3: April 4, 1989

Date of Minor Amendment No. 4: April 18, 1989

Date of Minor Amendment No. 5: May 16, 1989

Date of Minor Amendment No. 6: June 5, 1990

Date of Minor Amendment No. 7: August 14, 1991

Date of Major Amendment No. 1: September 17, 1991

Date of Minor Amendment No. 8: April 14, 1992

Date of Minor Amendment No. 9: July 20, 1993

Date of Minor Amendment No. 10: November 9, 1993

Date of Major Amendment No. 2: December 21, 1993

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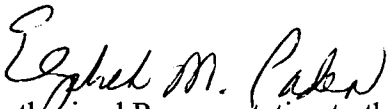
Date of Minor Amendment No. 11: June 21, 1994
Date of Major Amendment No. 3: March 21, 1995
Date of Minor Amendment No. 12: July 11, 1995
Date of Minor Amendment No. 13: June 18, 1996
Date of Major Amendment No. 4: December 30, 1999

Application: Major Amendment No. 5 to PUD Special Permit No. 66 (Section 12.37) to allow use of the parking spaces in the existing CambridgeSide Galleria parking garage (Garage) as a principal use.

Date of Application for Major Amendment No. 5: December 15, 1999
Date of First Public Hearing for Major Amendment No. 5: December 21, 1999
Date of Second Public Hearing for Major Amendment No. 5 : March 7, 2000
Date of Planning Board Decision on Major Amendment No. 5: March 7, 2000
Date of Filing of Decision on Major Amendment No. 5: March 22, 2000

Decision (summary): MAJOR AMENDMENT NO. 5 TO PUD SPECIAL PERMIT NO. 66 GRANTED WITH CONDITIONS.

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


Authorized Representative to the Planning Board

For further information concerning this decision, please contact Liza Paden at 617-349-4647, TTY 617-349-4621, or email lpaden@ci.cambridge.ma.us.

APPLICATION

The following documents were submitted in support of the application:

1. Application for Major Amendment No. 5 of PUD Special Permit No. 66, certified complete on December 15, 1999, including project tracking form, dimensional form, a narrative statement and the site plan and Garage details described below.
2. Site plan entitled "Site Plan", updated September 28, 1990 (1 sheet), and Garage details entitled "Site Plan", "Level C Plan—Pavement Markings", "Level B Plan—Pavement Markings", "Level B & Level C Plans—Pavement Markings", "Level A Plan—Pavement Markings", "Level 1 Service Courts & Ramp Plans—Pavement Markings", "Level 2 and Level 2 ½ Plans—Pavement Markings", "Level 3 & Level 4 Plans—Pavement Markings", and "Level 5 and Level 6 Plans—Pavement Markings", updated September 28, 1990 (8 sheets).

OTHER DOCUMENTS SUBMITTED

1. Letter to Susan Clippinger, Director of the Traffic, Parking and Transportation Department, from Richard McKinnon dated March 6, 2000, summarizing agreements reached by the applicant and the Traffic, Parking and Transportation Department regarding principal parking uses of the Garage.
2. Document submitted to the Planning Board from Richard McKinnon entitled "Agreed Upon Principal Parking Uses of CambridgeSide Galleria Garage" (not dated).
3. Letter to the Planning Board from Mayor Anthony D. Galluccio dated March 6, 2000, expressing support for the proposed amendment.
4. Letter to Richard McKinnon from the East Cambridge Planning Team dated December 13, 1999, expressing support for the proposed amendment.
5. Letter to the Planning Board from Alfred B. Fantini, member of the Cambridge School Committee, dated March 6, 2000, expressing support for the proposed amendment.
6. Letter to the Planning Board from City Councilor Timothy J. Toomey, Jr. dated March 7, 2000, expressing support for the proposed amendment.

PUBLIC HEARINGS

On December 21, 1999, the Planning Board held a public hearing on Special Permit No. 66 (the "Project"), application for Major Amendment No. 5. The applicant was represented by Richard McKinnon, project consultant.

Mr. McKinnon presented the request for permission to use the parking spaces in the Garage as a principal use, and cited the relevant sections of the Zoning Ordinance for the proposed amendment. Mr. McKinnon explained that the amendment is needed in order to work with the Traffic, Parking and Transportation Department to modify the CambridgeSide Galleria Commercial Parking Facility Permit to permit certain additional parking uses of the Garage.

A second public hearing for the application for Major Amendment No. 5 was held on March 7, 2000. The applicant was again represented by Mr. McKinnon. Mr. McKinnon summarized developments since the first public hearing, and summarized the provisions of the agreement reached with the Traffic, Parking and Transportation Department regarding principal parking uses (which provisions are listed below as conditions to the grant of Major Amendment No. 5).

The Board discussed the provision of the agreement which allows the applicant to use spaces in the Garage for various purposes, including the satisfaction of parking requirements of other uses and buildings in Cambridge and replacement of existing spaces in the City which are permanently removed, while increasing the applicant's responsibility to support transportation alternatives to commuting by single occupant vehicle. Mr. McKinnon explained that under this agreement, and subject to any approvals which may be required from the Planning Board, new buildings in Cambridge could satisfy their off-street parking requirement with spaces in the Garage, and existing buildings could replace existing parking spaces with spaces in the Garage. Mr. McKinnon emphasized that the garage will maintain sufficient parking spaces to satisfy the off-street parking requirement for the CambridgeSide development.

Susan Clippinger, Director of the Traffic, Parking and Transportation Department, indicated that the agreement summarized by Mr. McKinnon represents the agreement of the Traffic, Parking and Transportation Department and a fair compromise with the applicant.

Comments were received from four members of the public at this hearing. As a result of comments received from the public, the applicant agreed to complete an inventory of on-street parking spaces in the area surrounding the courthouse and registry buildings indicating the number of spaces and whether such spaces are metered or restricted to residential parking.

The Planning Board made reference to letters of support for the proposed amendment from Mayor Anthony D. Galluccio, City Councilor Timothy J. Toomey, Jr, the East Cambridge Planning Team and Alfred B. Fantini, a member of the Cambridge School Committee.

FINDINGS

After review of the application documents, testimony presented at the public hearings and subsequent information provided by the applicant, staff of the City of Cambridge and the general public, the Planning Board makes the following findings:

1. Conformance to the Requirements for a Major Amendment of a PUD Special Permit, Sections 12.37 of the Zoning Ordinance.

A. Difficulties in Constructing the PUD

Although the majority of the Project described in the PUD Permit has been constructed, it has become clear over time that the number of parking spaces in the garage exceed what is needed for the Project. As described by the applicant, the Garage currently contains several hundred parking spaces which are not needed to meet the current peak demand for the garage, except at Christmas. The Galleria garage may continue to relocate their employees to the City's First Street garage at Christmas time, but the cost of parking will not be discounted by the City.

B. Satisfaction of Requirements for Original Application for PUD Special Permit

Under Section 12.37, a Major Amendment is considered an original application for a special permit to construct a PUD and shall be subject to Section 12.37 and the procedures specified in Sections 12.34 through 12.36. All requirements, procedural and otherwise, of Section 12.30 of the Zoning Ordinance have been met, with the granting of extensions of time by the applicant. In particular, Section 12.35.3 states that approval of a special permit shall be granted only upon determination by the Planning Board that the proposal satisfies the following:

(i) The proposal conforms with the General Development Controls set forth in Section 12.50 of the Ordinance and the development controls set forth for the specific PUD District in which the Project is located.

In Paragraph 2(a) of the Findings in the PUD Permit, the Planning Board determined that all general development controls set forth in Section 12.50 and all development controls applicable in the PUD-4 district set forth in Section 13.50 were met with respect to the overall Project. Major Amendment No. 5 will not result in any of those development controls being unmet.

With respect to requirements set forth in Section 12.50, Major Amendment No. 5 will result in no change in the PUD development size or construction of any new roadway. All requirements for construction of utilities and public works, landscaping and compliance with environmental laws and regulations have been satisfied.

With respect to requirements set forth in Section 13.50, principal parking uses are among the uses permitted and satisfy the requirements and limitations established in Section 13.52 for those uses. All dimensional and open space requirements set forth in Sections 13.53, 13.54 and 13.55 have been satisfied. The Garage will continue to satisfy the minimum off-street parking requirement for the CambridgeSide development pursuant to Section 13.57.2. Finally, the Garage proposal fully meets the development guidelines established for the East Cambridge riverfront area.

(ii) 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 principal parking uses of the Garage conform to the policy plan entitled East Cambridge Riverfront Plan and the development guidelines for East Cambridge entitled East Cambridge Development Review Process and Guidelines.

(iii) The development proposal provides benefits to the city which outweigh its adverse effects. In making this determination, the Planning Board shall consider the following:

- *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.*

The principal parking uses will not impact the quality of the CambridgeSide site design, building types or densities, existing natural features or open space. The Transportation Demand Management measures described immediately below include several amenities designed to benefit the general public.

- *Traffic flow and safety.*

The Transportation and Demand Management measures agreed upon by the applicant and Traffic, Parking and Transportation Department include measures to improve traffic flow and safety in East Cambridge, including (1) joining the Charles River Transportation Management Association ("Charles River TMA") and partial funding for the proposed Charles River TMA shuttle to North Station, (2) funding for a feasibility study for establishment of a Bike Station in East Cambridge, (3) addition of a stop to the existing CambridgeSide shuttle at the intersection of Second Street and Thorndike Street, (4) sale of MBTA passes at the mall information desk, (5) provision of parking spaces in the Garage for employees of the courthouse and registry buildings, registered high-occupancy vehicles and companies providing Car Sharing Services at discounted rates, and (6) implementation of a guaranteed ride-home program for employees of the mall

owner. These measures will help mitigate any increases in traffic caused by the principal parking uses of the Garage.

- *Adequacy of utilities and other public works.*

The principal parking uses of the Garage can be adequately served by existing utilities and public works, and will not significantly burden existing utilities and public works.

- *Impact on existing public facilities within the city.*

The principal parking uses of the Garage will have no substantial adverse impact on any existing public facilities within the City.

- *Potential fiscal impact.*

The principal parking uses of the Garage will not require any additional public expenditures.

2. Conformance to the general criteria for the issuance of special permits contained in Section 10.40 of the Zoning Ordinance:

Special permits will normally be granted where specific provisions of the Zoning 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. The requirements of the Ordinance cannot be met.*

The principal parking uses of the Garage meet all requirements of the Zoning Ordinance.

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

The principal parking uses of the Garage will result in no change in neighborhood character or substantial congestion or hazard. The principal parking uses will help alleviate the parking shortage for the nearby courthouse and registry buildings, and the Transportation Demand Management measures described above will help mitigate any increases in traffic caused by the principal uses of the Garage.

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

The principal parking uses of the Garage will not adversely impact 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.*

No nuisance or hazard will be created by the principal parking uses of the Garage.

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

The principal parking uses of the Garage will not impair the integrity of the PUD-4 District or adjoining districts or otherwise derogate from the intent and purpose of the Zoning Ordinance.

DECISION

Based on a review of the application documents, comments made at the public hearing and other comments received by the Board, and based on the above findings the Planning Board **GRANTS** the requested Major Amendment No. 5 to Special Permit No. 66 authorizing use of the parking spaces in the CambridgeSide Galleria parking garage as a principal use, subject to the conditions and limitations set forth below:

1. The applicant will make any payments due to the City as required in the PUD Special Permit and the Transit Plan for the Galleria and according to any agreed upon payment plans.
2. The applicant will complete the traffic-related reports required in the PUD Special Permit.
3. The applicant will agree to join the Charles River TMA and pay the dues for such membership.
4. The number of spaces in the Garage which may be used prior to 10 a.m. pursuant to Paragraph 4 of the CambridgeSide Galleria Commercial Parking Facility Permit will be reduced from 600 to 500. The applicant will provide up to 100 of these spaces to state and county employees (as described below) provided the overall reduction in spaces available prior to 10 a.m. permits the applicant to provide at least 250 market rate spaces for Cambridge employees (as described below). The 500 parking spaces include 150 spaces currently used by employees of the Lotus office building.
5. The applicant will make 100 spaces in the Garage available to state and county employees of the courthouse and registry buildings at a discounted rate at least

33% below market rate. The spaces will be offered equitably among the state and county employees. The applicant will submit a list of such spaces by employer to the Traffic, Parking and Transportation Department annually.

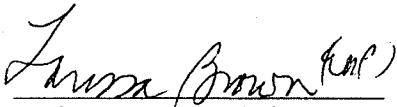
6. A total of 250 spaces in the Garage may be made available at market rates to Cambridge employees. The market-parking rate for spaces newly available to area employees will be no less than \$150 per month.
7. The applicant will sell monthly MBTA passes to the public at the mall information desk, and report annually to the Traffic, Parking and Transportation Department the number of passes sold. The applicant will subsidize the cost of MBTA passes at a rate of not less than 50% for all employees of the mall owner.
8. The applicant will participate in a guaranteed ride-home program for all employees of the mall owner, which program may be modeled on or incorporated into such a program developed by the Charles River TMA.
9. The applicant will make 33 parking spaces available in the Garage (above the 500 spaces reserved for state and county employees, Lotus employees and Cambridge employees) at the discounted rate specified above for registered high-occupancy vehicles. The applicant will accept registration for these spaces from mall employees and county and state employees. The applicant will submit a plan for marketing and managing these spaces to the Traffic, Parking and Transportation Department and provide annual reports on the program.
10. Notwithstanding any of the other provisions within this Major Amendment the applicant will make up to three parking spaces in the Garage (above the 500 spaces) available to companies providing Car Sharing Services at the discounted rate specified above.
11. The applicant will add a stop to the existing CambridgeSide shuttle system at the corner of Second Street and Thorndike Street. The applicant will design and seek City approvals to provide signage at all of the shuttle stops and, if such permits and approvals are obtained, to install a sign at each shuttle stop indicating the route and schedule of the shuttle.
12. The applicant will contribute the following amounts toward the private sector costs of the proposed Charles River TMA shuttle to North Station: \$25,000 in the first year the shuttle is in operation; \$35,000 in the second year after the shuttle is in operation; and \$45,000 in the third year after the shuttle is in operation and each year thereafter. If the shuttle is discontinued or altered for any reason, the applicant shall pay these funds directly to the City and the City may, in its sole discretion, use the foregoing amounts to fund measures to reduce traffic in the East Cambridge area.

13. The applicant will publicize the CambridgeSide shuttle by installing signs at the shuttle stops (See #11 above), making information on the shuttle available at the mall information center, and providing information on the shuttle to major employers along the shuttle route and employees at the courthouse and registry buildings.
14. The applicant will continue to provide long-term parking for at least 33 bicycles. The applicant will also make a one-time payment of \$40,000 to underwrite a feasibility study for the establishment of a Bike Station in East Cambridge. The applicant will allow the CambridgeSide development parcel to be considered in this study, and may, in its sole discretion, allow the Bike Station to be located upon the CambridgeSide development parcel.
15. The applicant will complete and submit to the Traffic, Parking and Transportation Department a block by block inventory of existing parking spaces near the courthouse and registry buildings, including the number of such spaces, a description of how these spaces are currently regulated and whether such spaces are metered. The area to be inventoried will include the area bounded by Cambridge Street, First Street, Binney Street and Third Street.
16. In addition to the spaces referenced above, the applicant will be entitled to use parking spaces in the Garage for the following permanent and temporary uses:
 - A. Permanent Uses
 - The required parking for a new or newly renovated building can be provided partially or totally in the Galleria Garage provided the total parking for the building is not in excess of the number of spaces required and approved for the project, and is otherwise in compliance with zoning and other requirements.
 - Existing off-street parking spaces in the City which are permanently eliminated due to site modifications can be relocated to the Galleria garage provided parking for the site remains in compliance with zoning and other requirements.
 - B. Temporary Uses
 - *Short term replacement of existing spaces during construction, repair, etc.* This use requires prior approval by the Director of the Traffic, Parking and Transportation Department based on a written request that includes at least the number of parking spaces, the identity of the tenant, reason for temporary relocation, duration, and the hardship involved if the spaces are not made available.

- *Construction worker parking.* This use requires prior approval by the Director of the Traffic, Parking and Transportation Department based on a written request that includes at least, the identity of the construction project, the number of parking spaces, the approximate number of construction workers expected to use the spaces, and duration.
- Provision of spaces to neighborhood residents during officially declared snow emergencies.

Voting in the affirmative to **GRANT** Major Modification No. 5 to PUD Special Permit No. 66 were T. Aninger, K. Benjamin, L. Brown, H. Russell, B. Shaw and P. Winters, constituting more than the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,


Larissa Brown, Chair

A copy of this decision 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 March 22, 2000 by Elizabeth M. Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

Twenty (20) days have elapsed since the filing of this decision.

No appeal has been filed.

DATE:

City Clerk
City of Cambridge