

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB#151 (Resubmitted Application)

Address: 286 Third Street

Zoning: Industry B-1 District

Owners/Applicants: Beal Companies, LLP; 17 Milk Street, Boston Massachusetts
02109

Application Date (Request for reconsideration and approval of resubmitted application):
August 30, 1999

Public Hearing (Vote on material changes, vote to permit reconsideration, opening of
hearing for resubmitted application) : September 21, 1999

Continued Public Hearing on Resubmitted Application: October 19, 1999

Planning Board Decision: November 9, 1999

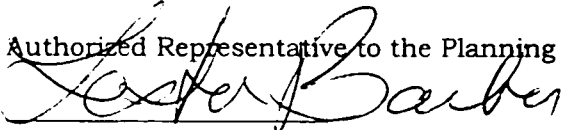
Date of Filing Decision: December 3, 1999

Application: Planning Overlay Special Permit (Section 11.500) for 128,090 square
feet of research and development use.

Decision: GRANTED with conditions

Appeals, if any, shall be made pursuant to Section 17 of Massachusetts General Laws,
Chapter 40A, and shall be filed within twenty (20) days after 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 call Liza Paden at 349-4647,
TTY: 349-4621, email lpaden@ci.cambridge.ma.us.

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Documents Submitted

Special Permit Application submitted August 30, 1999, certified complete, containing the project description; Parking and Demand Management Final Decision; Traffic Impact Assessment, with supplements; and plans including the site plan, existing condition photos, office level floor plans, and elevations.

Other Documents Submitted

Letter to the Planning Board, from the East Cambridge Planning Team, dated 9/10/99, requesting a presentation of the new proposal.

Letter to Giles Ham, Vanasse & Associates, from Susan E. Clippinger, dated 9/14/99, re: modified plans for 286 Third Street.

Special Permit Application/Supplemental Materials, dated 9/14/99

Memo to the Planning Board, from Stephen H. Kaiser, dated 10/15/99, re: the hearing testimony.

Letter to Peter Nichols, Beal Companies, from the East Cambridge Planning Team, dated 10/18/99, supporting the IPOP application.

Document: "Proposed Development, 286 Third Street, Cambridge, MA", Add Inc and The Beal Companies, dated October 19, 1999

Memo to the Planning Board from R. Philip Dowds, AIA, dated 10/21/99 re: comments on the public hearing(s)

Letter to the Planning Board from Peter B. Nichols, Beal Company, dated 11/5/99, re: the application and concerns raised by the Planning Board and East Cambridge Planning Team.

Findings

After review of the application documents and other documents submitted to the Board, testimony taken at the public hearing, review and consideration of the Planning Overlay Special Permit and the general special permit criteria, the Board makes the following findings.

1. Conformance to the requirements of the Planning Overlay Special Permit, Section 11.500 of the Zoning Ordinance.

a. Submittal of required documents

All requirements of Section 11.511 have been met with the submittal of a complete application, including a certified traffic study, and confirmation that additional special permits or variances will not be required.

b. Finding of no substantial adverse impact on city traffic

The Planning Board identified five criteria that would assist in determining whether a project should be found to cause substantial adverse traffic impact: (1) project vehicle trip generation, (2) traffic generated on residential streets, (3) effect on level of service at identified intersections, (4) length of traffic queues at identified intersections, and (5) nearby locations with a high incidence of accidents. For criteria (1), (2) and (4), which are indicators of potentially adverse traffic impacts directly related to

the project, the project would be within acceptable limits specified by the Board. With respect to criterion (3), one intersection (Binney Street at Second Street) has been identified as a potential location for inadequate level of service as a result of the project. Mitigation measures required by this Decision, such as contribution toward the installation of a traffic light at the intersection, will satisfactorily address the failure.

With respect to criterion (5), which is an indicator of existing conditions unrelated to the project, several locations have been identified as having unfavorable accident histories. Mitigation measures required by this Decision, in concert with mitigation to be undertaken by others in the project area, will be sufficient to satisfactorily address the identified failures.

The applicant has agreed to contribute to the implementation of the transportation mitigation strategies identified above. A certified Parking and Transportation Demand Management Plan (PTDM) has been approved that contains transportation demand management strategies for this project that are satisfactory to the Board.

The Board finds that anticipated non-conformance with its threshold criteria does not make it likely the project will have a substantial adverse traffic impact. Therefore, the Board concludes that the project will have no substantial adverse impact on city traffic with the implementation of the mitigation measures imposed by the Board as conditions of this Decision.

c. Conformance with Enumerated Growth Policies

The Planning Board finds that the project is consistent with the growth policies enumerated in Section 11.500.

(1) Policy 13: Pace of development, maintenance of the tax base, adjustment to changing conditions, consistent with urban design plans, disruption of neighborhoods, overburden infrastructure.

The Board finds that the project is consistent with the urban design objectives of the city as set forth in the Growth Policy document and the various documents encompassing applicable East Cambridge and Kendall Square urban design plans and policies. While project at the ground floor is

substantially dominated by parking facilities and loading docks, significant changes have been made to the project as originally reviewed by the Board that mitigate the impact of those facilities on the public streets. Changes have been made on all sides of the building: Lobby, office and potential retail space has been created along most of the Third Street frontage of the building and about half of the Binney Street frontage; the building has been set back an additional distance along the southeasterly property line, allowing a reasonable pedestrian passageway entirely on the permit property, thus accommodating that desirable activity without any dependence on abutting property; and at Linskey Way the building has been set back from the property line and the entire length planted heavily. The project now relates reasonably to the public streets that surround it and thus enhances the pedestrian environment along important connecting public streets between Kendall Square and the nearby residential neighborhood.

(2) Policy 27: Affordable housing and neighborhood character.

Housing is not an allowed use in this district. However, housing will be developed at nearby locations in adjacent districts where housing is permitted, including Cambridge Research Park; the residential neighborhood begins but two blocks to the north. Therefore, it is particularly important that this project complement and enhance the physical environment within which new residents and existing neighborhood residents will be living and walking. As indicated in Finding (1) above, the project as it has been modified will provide a physical presence supportive of complementary to that larger district objective.

(3) Policy 39: minimize impacts on abutting neighborhoods.

Section 11.500 is specifically designed to address the principal impact development at this site would have on residential neighborhoods: significant adverse traffic impacts that can radiate widely from any given site into nearby neighborhoods. One criterion adopted by the Planning Board for measuring such adverse impact is measurement of traffic on identified residential streets. Portions of Third Street

were identified as within the scope of the required traffic analysis for this project; the analysis indicated that the project did not exceed the standard established by the Board.

The permittee is required by this decision to provide mitigation measures that the Board finds will minimize the traffic impacts of the development on the nearby East Cambridge neighborhood. Among other actions, the permittee will meet this requirement through implementation of the provisions of the approved Parking and Transportation Demand Management Plan, and is required to conform to such plan on an ongoing basis.

The approved design of the building will enable this development to contribute to an expanding positive pedestrian environment throughout the area that will enhance the neighborhood's access to amenities in Kendall Square.

(4) Policy 66: Open space facilities

The site is currently vacant and not used for active recreational purposes. The proposed building will cover most of the site and will not create large open space elements. Rather, the potential at this site is in providing an environment that will welcome pedestrians to pass by on their way to anticipated open space at abutting Cambridge Research Park. As approved by this Decision, the building will be set back from the southeastern property line to allow the construction of a pedestrian walkway from Binney Street, across the property, to Linskey Way, which will provide access to the proposed skating rink at Cambridge Research Park. Small plazas and landscaped spaces will be created at other locations at the periphery of the site to enhance the general visual and pedestrian environment around the building.

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

A special permit will normally be granted where specific provisions of this Ordinance are met, except where the particulars of the location or use, not

generally true of the district or of the uses permitted in it, would cause granting such permit to be to the detriment of the public interest because of the following.

a. The requirements of the Ordinance cannot be met.

With the issuance of this special permit the requirements of the Ordinance are met.

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

Section 11.500 of the Ordinance establishes a higher standard for traffic impact than is required by Section 10.40. As proposed, and with the mitigation measures set forth as conditions of this permit, no substantial impact on neighborhood character will result, nor will the project cause congestion or hazard.

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

This development is similar to other existing and proposed developments in the vicinity. Specific modifications to the development program requested by the Planning Board, including the expansion of the pedestrian way from Binney Street to Linskey Way, will allow this project to enhance the operation of future activities on adjacent sites.

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.

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 proposed development is consistent with and does not impair the integrity of the commercial zoning districts at Kendall Square or the nearby residential district governing development in the East Cambridge neighborhood.

3. Conformance to the requirements of Section 10.50 - Repetitive Petitions

The requirements of Section 10.50 - Repetitive Petitions have been met with the vote of at least five members of the Board that specific and material changes have been made in the conditions upon which a previous unfavorable action on this application was based and a vote of at least six members of the Board consenting to the reconsideration of a the refiled application, modified for those aspects of the proposal upon which the Board's previous unfavorable action was based.

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 special permit subject to the following conditions and limitations:

1. All use, building construction, and site plan development shall be in general conformance with the plans and application documents submitted to the Planning Board as referenced above and dated August 30, 1999. Appendix I summarizes the dimensional features of the project as approved.
2. The project shall continue to undergo design review with the staff of the Community Development Department. The CDD shall certify to the Inspectional Services Department that all conditions of this permit have been met before issuance of the first building permit for this development.
3. Conformance with all requirements of the Parking Traffic Demand Management Final Decision - Approval, dated August 13, 1999 shall be a condition of this permit.
4. The permittee shall share in the cost of installation of a traffic signal at the intersection of Second Street and Binney Street. Said share will be determined by the Traffic, Parking and Transportation Department and will be proportional to the impact of this project on the intersection as compared with the impact of other projects on the intersection that are also required to contribute to the installation of the signal.

5. The permittee shall share in the cost of installation of improvements at the high accident locations identified in the "Traffic Impact Assessment, IPOP Analysis" , April 1999: the intersections of Third Street with Broadway, Binney Street and Cambridge Street. The scope of the improvements shall be determined by the Traffic, Parking and Transportation Department in consultation with the permittee. The permittee's share of the cost of said improvements, to be determined by the Traffic, Parking and Transportation Department, shall be proportional to the impact of this project at the identified intersections as compared to the impact of other projects on the same intersections that also are required to contribute to the installation of the identified improvements.

6. Unless otherwise indicated in this decision, any payment required to be made to satisfy Conditions #4 and #5 above shall be made to the City of Cambridge before issuance of any Certificate of Occupancy for construction authorized by this Decision by the Superintendent of Buildings, unless the Community Development Department informs the Superintendent in writing that alternate arrangements for payment at a subsequent date have been made.

Voting in the affirmative to **GRANT** the Special Permit were K. Benjamin, associate member appointed by the Chair to act in the place of an absent member, T. Anninger, H. Russell, W. Tibbs, F. Darwin, L Brown and B. Shaw, constituting more than the two thirds of the members of the Board necessary to grant a special permit.

For the Planning Board,

A handwritten signature in cursive script that reads "Florrie Darwin". The signature is written in black ink and is positioned to the right of the printed name.

Florrie Darwin, Chair

Appendix I Planning Board Special Permit #151 (Reconsidered)

286 Third Street
Industry B-1 District

Lot Area 42,697 square feet
Plat #15, Lots 20, 22, 23, 24

	Allowed/Required	Existing	Proposed	Granted
Floor Area Ratio	3.0	NA (Existing building to be demolished)	3.0	
(Floor Area)	(3 x 42,697 = 128,091)	NA	(Total: 128,090 SF)	
Maximum Height	70 Feet	NA	70 Feet	
Max. Angle Above Cornice Line	NA	NA	90° (vertical)	
Minimum Lot Size	5,000 SF	42,697 SF	42,697 SF	
Min. Lot Area/D. U.	NA	NA	NA	
Max. No. of D. U.'s	NA	NA	NA	
Min. Lot Width	50 Feet	158± Feet	158± Feet	
Min. Yard Setbacks:				
Front Yard	0 Feet	NA	4.0 to 12.0 Feet at Binney, 4.0 to 38.0 Feet at Third, 4.0 to 28.0 Feet at Linsky	
Side Yards	0 Feet	NA	9.0 to 16.0 Feet	
Rear Yards	0 Feet	NA	NA	
Ratio of Usable Open Space (Total Area)	None (None)	NA (NA)	5.8% * (2485± SF) *	
Off-Street Parking:				
Min. Spaces	1 per 1000 SF (1/1,000 SF = 128 spaces)	NA	152 Spaces	
Max. Spaces	1 per 670 SF (1.5/1,000 SF = 192 Spaces)	NA	NA	
Handicap Spaces	6, including 1 Van	NA	6, including 1 Van	
Bicycle Spaces	1 per 10 Parking Spaces or fraction thereof	NA	17	
No. Loading Bays	1 per 10,000 SF @ 10' x30' x14' + 1 additional per 100,000 SF @ 10' x 50' x 14'	NA	2 @ 12' x 50' x 14'	

* Total open area, without 15-foot restriction on minimum dimension, is approximately 14.1% (6,020 SF±).

A copy of this decision #151 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 12/3/99, by *Joseph Beal*, 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 the decision.
No appeal has been filed.

DATE:
City Clerk
City of Cambridge