

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

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OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

NOTICE OF DECISION AMENDMENT TO PLANNED UNIT DEVELOPMENT SPECIAL PERMIT

Case Number:	231 AMENDMENT #1 (Minor)
Address:	159 First Street; 65 Bent Street; 29 Charles Street
Zoning:	PUD-4B: Industry A-1 and Business A
Applicant:	159 First Street Associates, LP c/o Urban Spaces, LLC 10 McTernan Street, Cambridge, MA 02139
Owner:	Applicant
Date of Final PUD Decision:	August 3, 2010
Amendment #1 Application Date:	April 17, 2012
Amendment #1 Decision Date:	June 5, 2012
Date of Filing Amendment #1:	August 22, 2012
Application:	Minor Amendments to modify the 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.
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 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 Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Jeffrey C. Roberts JCR 8/22/12

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

DOCUMENTS SUBMITTED

Application Documents and Supporting Material

1. Letter to the Planning Board from Paul Ognibene of Urban Spaces, LLC, requesting Minor Amendments to PUD Special Permit #231, dated April 17, 2012.
2. Conceptual Plans for 159 First Street prepared by Kitchen & Associates dated April 19, 2012 (included in presentation to the Planning Board dated June 5, 2012).
3. Letter to the Planning Board from Paul Ognibene of Urban Spaces, LLC, requesting Minor Amendments to PUD Special Permit #231, dated May 29, 2012 (at the request of the Applicant, this letter was withdrawn and replaced with the prior version dated April 17).

Other Documents

4. Memo to the Planning Board from Sue Clippinger, Director of Traffic, Parking and Transportation, dated May 15, 2012.

SUMMARY OF APPLICATION

The Applicant seeks modifications to four aspects of the permitted PUD Final Development Plan as they relate to the design of the approved residential building on the 159 First Street site.

1. The design for the building in the approved PUD includes seven dwelling units on the ground floor, which the Applicant seeks to amend to provide six dwelling units and a community room and other building amenity space on the ground floor. The total number of units in the building remains unchanged.
2. The Applicant seeks to enclose portions of the building, which are shown as unenclosed in the approved PUD, in order to provide secure bicycle parking spaces on floors two through six of the building. Such enclosure shall not increase the Gross Floor Area of the building because space dedicated to bicycle parking is exempt from the calculation of Gross Floor Area.
3. The PUD Special Permit requires a total of 166 parking spaces, for which 86 are designated for use by the proposed residential building. Of those required spaces, 60 are approved to be located on the 159 First Street site in a below-grade garage, 22 are approved to be located on the adjacent 65 Bent Street site, and 4 are approved to be leased from an unspecified off-site location in the area. The Applicant seeks to provide 64 spaces on-site in the below-grade garage, and to thus relieve the requirement to lease 4 spaces off-site.
4. The Dimensional Chart in the PUD Special Permit indicates that the Usable Open Space on the 159 First Street site shall total 7% of the total area of the Development Parcel, which

counts as a portion of the required 25% open space on the entire Development Parcel. The Applicant seeks clarification that the 7% figure refers to the total open space requirement, which includes all types of open space, and is not strictly limited to Useable Open Space (under its current definition, Useable Open Space has been renamed Private Open Space). The Applicant proposes no substantial alteration to the open space as it was shown in the approved Final Development Plan, except that the Applicant proposes to build an additional rooftop green space, which would provide additional Private Open Space, and would be counted as Gross Floor Area but would not increase the total Gross Floor Area above what was previously approved on the site.

FINDINGS

After review of the Application Documents and other materials presented to the Planning Board, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings.

When determining whether a proposed amendment to a PUD Special Permit is major or minor, the Board is guided by the following Section 12.37.2:

Minor amendments are changes which do not alter the concept of the PUD in terms of density, floor area ratio, land usage, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to, small changes in the location of buildings, open space, or parking; or realignment of minor streets.

The Board finds that the proposed modifications constitute Minor Amendments. Specific findings in regard to each of the sought modifications are set forth below:

1. The removal of one dwelling unit from the ground floor, to be replaced by a common space, remains consistent with the findings of the approved PUD. The proposed design retains active uses at the ground floor where possible with individual unit entrances on the street, in conformance with the Eastern Cambridge Design Guidelines.
2. The enclosure of portions of the building to accommodate bicycle parking is consistent with the approved minimum quantity of bicycle parking on the site and will not violate the Gross Floor Area limitations or any other requirements set forth in the PUD Special Permit. The placement of indoor bicycle parking near residential units conforms to the City's current standards for long-term, secure bicycle parking to serve residents. The Applicant's effort to provide more bicycle parking spaces than required in the special permit is encouraged.
3. The accommodation of four additional parking spaces in the below-grade garage, and associated relief from the requirement to lease four spaces off-site, is consistent with the intent of the PUD Special Permit requirements and will not violate applicable regulations,

given that the total amount of approved parking designated for each use within the PUD will not change.

4. The proposed quantity and types of open space are consistent with applicable regulations in the district and conform to the approved Final Development Plan. The approved Dimensional Charts have been updated to clarify that the requirement for 25% of the total Development Parcel to be open space shall be inclusive of all types of Open Space, including Usable (Private), Permeable, Green Area and Publicly Accessible Open Space, consistent with the requirements of the PUD-4B District (Section 13.55). In conformance with the approved Final Development Plan, the minimum amount of such open space to be located on the 159 First Street site shall be 7% of the Development Parcel. The Board finds that the proposed additional roof deck would be consistent with the definition of Open Space as required in the PUD-4B District.

DECISION

Based on a review of the Application Documents, other materials presented to the Planning Board, and the above Findings, the Planning Board hereby determines that the proposed modifications constitute Minor Amendments to PUD Special Permit #231 and hereby GRANTS the requested Minor Amendments, subject to the following conditions and limitations:

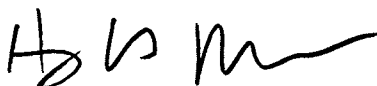
1. Except as specifically modified below in this Decision, all use, building construction, and site plan development shall be in substantial conformance with the Final Development Plan approved in Planning Board PUD Special Permit #231A. Furthermore, except as specifically modified below in this Decision, all development shall remain subject to the Conditions set forth in Planning Board PUD Special Permit #231A.
2. The revised Dimensional Charts in Appendices I and II summarize the approved dimensional characteristics of the Planned Unit Development and of each site within the Planned Unit Development, as modified by these Minor Amendments.
3. The design of the building at 159 First Street shall be in substantial conformance with the plans, drawings and supporting documentation presented to the Planning Board and dated April 19, 2012. The continuing design shall be subject to ongoing consultation with the Community Development Department (CDD) to review design elements that will require more attention to detail, such as façade materials, vehicular and pedestrian entries and exits, and exact configuration of residential bays. Prior to issuance of a Building Permit for authorized development at 159 First Street, CDD shall certify that the construction drawings are in conformance with the PUD Special Permit and with this Minor Amendment.
4. The design, layout, access and egress for the parking garage as well as the provided bicycle parking spaces shall be subject to ongoing review by the Traffic, Parking and Transportation Department (TPT) and CDD. Prior to issuance of a Building Permit for authorized development at 159 First Street, CDD shall certify that the construction drawings are in

conformance with the PUD Special Permit, this Minor Amendment, and any other applicable regulations and standards.

5. The following modifications shall apply to Condition #4 of PUD Special Permit #231A, which relates to approved parking. Other than the modifications set forth below, all requirements and stipulations set forth in Condition #4 shall continue to apply.
 - a. The 159 First Street site shall contain 64 parking spaces, which shall be accessory to residential uses on that site only. Notwithstanding the Conditions set forth in Special Permit #231A, there shall be no requirement to lease four (4) off-site parking spaces for residential uses. The residential uses at 159 First Street shall remain subject to a minimum off-street parking ratio of 0.75 spaces per unit, with 64 spaces located on-site and 22 spaces located at the 65 Bent Street (now also referred to as 150 Second Street) site for a total of 86 spaces.
 - b. As set forth in Special Permit #231A, the 65 Bent Street site (now also referred to as 150 Second Street) shall continue to contain a total of 94 parking spaces, 22 of which shall be accessory only to residential uses at 159 First Street, and the remaining 72 of which shall be accessory to permitted commercial uses at 65 Bent Street or elsewhere in the PUD.
6. The Board specifically approves the inclusion of the roof deck indicated in the plans dated April 19, 2012, provided that such open space shall meet the definition of Open Space as required in the PUD-4B District and shall also be included in the Gross Floor Area calculation for the permitted building.
7. As set forth in PUD Special Permit #231A, the permitted development at 159 First Street 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 other Building Permit or Certificate of Occupancy, the Permittee shall follow the applicable procedures set forth in Subsection 22.24 (2).

Voting in the affirmative to GRANT the Amendment were Planning Board Members Tom Anninger, H. Theodore Cohen, Hugh Russell, William Tibbs, Steven Winter, Pamela Winters, and Associate Member Ahmed Nur, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board.

For the Planning Board,



Hugh Russell, Chair.

A copy of this Decision #231A Amendment #1 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 August 22, 2012, by Jeffrey C. Roberts, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty (20) days have elapsed since the filing of the decision. No appeal has been filed.

DATE:

City Clerk of Cambridge

Appendix I: Dimensional Chart – Final Development Plan

	Existing	Allowed or Required	Proposed *	Permitted
Lot Area (sq ft)	109,972	25,000	109,972	No change
Total GFA (sq ft)	40,534	318,436 max	249,000	249,000 max
Residential (PUD)	0	244,951 max	136,600	Consistent with application plans and documents
Res. (Inclusionary Bonus)	–	73,485	(included above)	
Non-Residential (PUD)	40,534	122,476 max	112,400	
Total FAR	0.37	2.90 max	2.26	2.26 max
Residential (PUD)	0	2.23 max	1.24	Consistent with application plans and documents
Res. (Inclusionary Bonus)	–	0.67	(included above)	
Non-Residential (PUD)	0.37	1.11 max	1.02	
Lot Area / Dwelling Unit (sq ft)	–	450 min	894	Consistent with application plans and documents
Total Dwelling Units	0	244 max	123	
Inclusionary Units	–	16	16	Consistent with CZO Article 11.200
Lot Width (ft)	199.96	No min	199.96	No change
Height (ft)	22 (approx)	65 max	30–65 (range)	65 max – consistent with application plans and documents
Front Setbacks (ft)	Varies	No min	1'9"–5 (range)	Consistent with application plans and documents
Side Setbacks (ft)	Varies	No min	0–5 (range)	
Rear Setbacks (ft)	Varies	No min	0–45 (range)	
Total Open Space – All Types (% of development parcel area)	0	20% min	25%	25% min Consistent with application plans and documents
Off-Street Parking Spaces **	136	195(min)/330(max)	166 on-site	166 **
Handicapped	–	Consistent with CZO Article 6.000	7	Consistent with CZO Article 6.000
Bicycle Spaces	–	60 min	110	110 min
Loading Bays	5	2 min	3	3

* Includes entire Development Proposal. See following page for site-by-site breakdown.

** The Planning Board has granted a reduction in the required parking under CZO Section 6.35.1. This reduction allows the Permittee to provide a minimum of 86 off-street parking spaces instead of the 115 spaces that would normally be required for the proposed residential building at 159 First Street.

Appendix II: Dimensional Chart – Site Breakdown

Site Location:	Proposed 159 First	Proposed 65 Bent	Proposed 29 Charles	Permitted
Lot Area (sq ft)	29,978	59,958	20,036	No change
Total GFA (sq ft)	126,000	108,600	14,400	Consistent with application plans and documents
Residential	122,200	0	14,400	
Non-Residential	3,800	108,600	0	
Total FAR	4.20	1.81	0.72	Consistent with application plans and documents
Residential	4.08	0	0.72	
Non-Residential	0.13	1.81	0	
Lot Area / Dwelling Unit (sq ft)	261	–	2,505	Consistent with application plans and documents
Total Dwelling Units	115	0	8	
Inclusionary Units	15	–	1	Consistent with CZO Article 11.200
Lot Width (ft)	199.66	199.72	199.96	No change
Height (ft)	65	45	30	Consistent with application plans and documents
Front Setback (ft)	Varies 1'9" – 5'	4	5	As shown on Application plans and documents
Left Side Setback (ft)	As shown on plans dated 4/19/12	2	0	
Right Side Setback (ft)	As shown on plans dated 4/19/12	2	28	
Rear Setback (ft)	As shown on plans dated 4/19/12	45	–	
Total Open Space – All Types (% of <u>development parcel</u> area)	7% min **	10% min **	7% min **	Consistent with application plans and documents
Off-Street Parking Spaces *	64 *	94 *	8	166 total *
Handicapped	3	4	0	Consistent with CZO Article 6.000
Bicycle Spaces	74 min	28	8	110 min total
Loading Bays	0	3	0	3

* The Final Development Plan proposes that parking for some uses be provided on other sites. As set forth in Condition #4 of Special Permit #231A as modified by Condition #5 of these Minor Amendments, parking at 159 First Street shall be for residential uses only and parking at 65 Bent Street shall include 22 parking spaces designated for residential uses and 72 spaces designated for commercial uses.

** Open Space on each site shall be classified as any combination of Usable (or Private), Permeable, Green Area or Publicly Beneficial as required in Section 13.55.