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CITY OF CAMBRIDGE  
COMMUNITY DEVELOPMENT DEPARTMENT

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To: Planning Board  
From: Jeff Roberts, Land Use and Zoning Planner  
Suzannah Bigolin, Urban Design Planner  
Date: February 16, 2016  
Re: Special Permit **PB #310, 399 Binney Street**

This memo contains an overview of the proposed project at 399 Binney Street, the special permits being requested, and related comments.

### **Summary of Proposal**

The applicant is proposing to demolish the two existing buildings known as Buildings 1500 and 1700 of the One Kendall Square mixed-use complex to construct a new commercial office/laboratory building with ground-floor retail space, totaling approximately 172,500 square feet in floor area. The demolition will require review by the Cambridge Historical Commission as the buildings are more than 50 years old; such review will occur after the February 23, 2016 hearing. The proposal intends to retain the existing pedestrian bridge connection over Binney Street to Building 1400 in the south. Parking will be accommodated in the adjacent One Kendall Square garage, which will also be reconfigured to include long-term and short-term bicycle parking spaces.

The project also includes realignment of the driveway access and façade improvements to the existing garage, which will create an improved walkway and plaza space between the new building and the garage, leading to the cinema building. In association with this work, the applicant proposes to devote 16,839 square feet of land adjacent to the existing Grand Junction rail corridor for the future creation of a community path.

### **Requested Special Permits**

Due to its size, the project requires a Project Review Special Permit per Section 19.20. The project is also seeking a reduction in required parking per Section 6.35.1, on the basis that the parking will be shared at different times between the office/lab use and the existing cinema use, and an increase in the maximum curb cut width along Cardinal Medeiros Avenue and Binney Street per Section 6.43.5(b).

The applicable special permit findings are summarized on the following page. Applicable sections of the zoning are provided in an appendix.

Requested Special Permits	Summarized Findings <i>(see appendix for zoning text excerpts)</i>
Project Review Special Permit (Section 19.20)	<ul style="list-style-type: none"> <li>• The project will have no substantial adverse impact on city traffic within the study area, upon review of the traffic impact indicators analyzed in the Transportation Impact Study and mitigation efforts proposed.</li> <li>• The project is consistent with the urban design objectives of the City as set forth in Section 19.30 (see appendix).</li> </ul>
Reduction in required parking (Section 6.35.1)	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 will provide positive environmental or other benefits to the users of the lot and the neighborhood, including assisting in provision of affordable housing units.
Exceedance of allowed curb cut width (Section 6.43.5)	Increased curb cut width will facilitate traffic and safety.
General special permit criteria (Section 10.43)	Special permits will be normally granted if the zoning requirements are met, unless it is found not to be in the public interest due to one of the criteria enumerated in Section 10.43 (see appendix).

**Area Planning and Zoning**

The zoning for the site has a few layers. The base zoning is Industry A-1, a moderate-density light industry designation that also allows residential uses as-of-right (Figure 1). The base zoning is modified by the Eastern Cambridge Housing Overlay (ECHO) district, which creates incentives for residential development including a higher FAR and a graduated set of height limits (Figure 2).

The ECHO zoning was enacted as an outcome of the Eastern Cambridge Planning Study (ECaPS) in 2001. ECaPS described this zone as a “Transition Area 2,” (Figure 3) which is characterized by mostly new office development as an extension of Kendall Square’s high-tech cluster, but surrounded by traditional residential neighborhoods. The key objective in the Transition Area, reflected in the ECHO zoning, is to encourage new residential development and conversion of existing buildings to residential use, but to continue to allow commercial uses as conforming uses. As per ECaPS, this area has the potential to incorporate pedestrian improvements, to promote well-designed new development, and to enhance the connections between East Cambridge and Wellington-Harrington. ECaPS also recommended a set of *Eastern Cambridge Design Guidelines* that are referenced in the zoning for the area. These guidelines are meant to inform urban design review for new projects, and are discussed in the Urban Design section further below.

The 399 Binney Street project conforms to the maximum FAR for office, laboratory and retail business uses of 1.25. It also conforms to the ECHO zoning height limits, which step up from 35 feet near the residential neighborhood at the west to 45 feet along the Grand Junction railroad tracks at the east (Figure 4). These dimensional standards encourage a smoother transition to the adjacent residential neighborhood with a relatively low height profile. The “height break” occurs along the approximate north-south midline of the proposed building façade on Binney Street.

Although the proposed project is commercial rather than residential, the scale of the proposed development is consistent with the zoning requirements and the overall intent of the district to provide a transition from the higher-density commercial areas in Kendall Square to the surrounding residential areas. It also incorporates improvements that will benefit the public realm, including building setbacks, sidewalk improvements and small open spaces, as well as a green roof that will help promote the city’s sustainability goals.

The commitment to help advance the creation of a multiuse pathway along the Grand Junction rail corridor is also a substantial benefit to the public. The creation of such a pathway has been a long-standing priority, supporting the city’s open space planning as well as its transportation planning. While the dedication of land along the rail corridor is ancillary to the 399 Binney Street development, it is significant that the project will help support the future pathway.

### **Existing Use and History**

The existing buildings at 399 Binney Street are former industrial buildings that were converted into a mixed-use development as part of One Kendall Square complex redevelopment. The current uses include office, day care, storage, loading area, and surface parking. The site is adjacent to the Kendall Square Cinema and the large parking structure at 389 Binney Street that serves the entire One Kendall Square mixed-use complex, both of which will remain. Although the One Kendall Square buildings function as an integrated development complex, it was not permitted by the Planning Board as a “master planned” development, as is the case for Planned Unit Developments (PUDs) or similar redevelopment projects throughout the area.

### **Shared Parking Request**

The project is seeking a special permit for reduced parking. Detailed comments on parking and transportation are included in the accompanying memo from the Traffic, Parking and Transportation Department; from a land use perspective, the request stems from the fact that the existing garage serves the accessory parking needs of the entire One Kendall Square complex. Although all of One Kendall Square’s parking requirements can be met in the garage, the zoning requires more parking spaces than are actually needed because the peak demand times for some uses (e.g., office workers) are different than others (e.g., cinema patrons). Unlike a PUD, where parking is permitted as a pooled facility serving the development as a whole, the only mechanism to authorize a shared parking arrangement in this case is through a special permit to reduce the required parking for one of the uses. If shared parking is proposed, the zoning criteria in 6.35.1 allow a reduction of up to 75% of the parking requirement for the use with the lesser parking requirement.

## **Urban Design**

Prior to submittal of the Special Permit Application, Staff met with the Applicant on several occasions to discuss the proposed project. In particular, the importance of the *Eastern Cambridge Design Guidelines* and the need to promote a high-quality pedestrian environment, and provide a positive interface to the Welling-Harrington neighborhood, were identified as key issues. Relevant principles from the *Eastern Cambridge Design Guidelines* are summarized below and on the following page.

### **Street-level Uses and Design**

1. New buildings should contribute to the character of the existing street.
2. Street-level facades should include active uses such as:
  - Shops, cafes, services for the public or for commercial offices such as fitness centers, cafeterias, etc., community spaces, commercial lobbies and entrances
3. Office/ R&D uses are discouraged from occupying extensive ground-floor frontage. Where these uses do occur, they should occupy no more than 200 to 250 feet of continuous street frontage
4. Major entrances should be located on public streets, and at or near corners wherever possible. Entrances should relate well to crosswalks and pathways that lead to bus stops
5. Transparent materials and interior lighting should be used to maximize visibility of street level uses. Ground floor facades should be at least 30 to 50 percent transparent.
6. Blank walls should be avoided along all streets and pedestrian walkways

### **Building Height and Orientation**

1. For retail and office uses, build to the lot line or provide small setbacks (5 to 15 feet) for café seating, benches, or small open spaces. Setbacks used exclusively for ornamental landscaping are not permitted but may be allowed to accommodate street furniture, street trees, or generous sidewalks. Awnings and canopies are encouraged.
2. Locate loading docks on side streets or service alleys, and away from residential areas.
3. In use, design, and entry, orient buildings towards corners.

### **Scale and Massing**

1. Avoid continuous massing longer than 100 feet facing residential streets and 200 feet facing mixed-use and retail streets. If massing extends beyond this length, it should be made permeable and visibly articulated as several smaller masses.
2. Buildings should reflect a rhythm and variation appropriate to the urban context. E.g., by expressing bay widths of 16 to 25 feet along residential streets and 25 to 50 feet along mixed-use and retail streets.
3. Buildings should have a clearly expressed base, middle, and top.
4. Use variations in height and architectural elements such as parapets, cornices and other details to create interesting and varied rooflines and to clearly express the tops of buildings.
5. Emphasize corners using taller elements such as towers, turrets, and bays

### **Architectural Character**

1. Create varied architecture and avoid flat facades by using recessed or projected entryways, bays, canopies, awnings, and other architectural elements.
2. Where buildings are set back at upper stories, lower roofs may be used as balconies, balustrades, and gardens.

### **Public Realm**

1. The provision of open space of diverse sizes and use is encouraged.
2. The provision of interconnected series of open spaces is encouraged to provide connections to neighborhoods and to encourage pedestrian movement.
3. Locate new open spaces to create linkages and connect to existing parks and open spaces.
4. Use streetscape elements such as trees, benches, signage, and lighting to support active pedestrian uses and to reinforce the character and identity of each district.
5. Provide safe pedestrian and bicycle connections to future regional pathways (Grand Junction).
6. Provide safe pedestrian and bicycle connections to existing and new bus stops.

From an urban design perspective, the site presents a challenging urban condition being at the edge of Welling-Harrington while also adjoining Kendall Square. From Cardinal Medeiros Avenue, the scale and character of development changes significantly moving east towards Kendall Square, with small wood-framed houses giving way to large-scale office and lab buildings. Currently developed with commercial uses, a prosaic parking garage, and at-grade service, loading and parking areas, the proposed redevelopment will have several highly desirable urban design outcomes.

### Site planning and landscape design

The design team has structured the site plan to address each different interface, and to capitalize on the relationship with the One Kendall complex with an inviting plaza centrally located on Binney Street. The establishment of the plaza as a key feature of the project is only possible due to the proposed relocation of the garage access to the east. The main entry to the proposed building is immediately off the Binney Street sidewalk at the head of the plaza. This is a logical location as it has the most direct connection to the One Kendall walkway, as well as access to the garage. It is also reasonable to seek to minimize commercial activity on Cardinal Medeiros Avenue given its residential character.

A small retail space will help to activate the plaza and capitalize on proximity to the cinema. Staff had discussions with the Applicant about whether the retail would be more appropriate directly on Binney Street or whether it should be more internal to the courtyard, closer to the cinema entrance; the proposal chooses an “in between” location that is visible both from Binney Street and from the cinema. The plaza has a good balance of hardscape and landscaping, however staff has concerns about the landscaped island being a potential barrier to pedestrian and bicycle movement, particularly associated with bicycle access proposed to the garage. The proposed plantings also appear to lack presence in some of the renderings and could perhaps benefit from having more of a vertical emphasis.

### Building height, scale and massing

The project’s overall massing and scale sits very well within the context, providing an appropriate transition to the neighborhood. The courtyard space on Cardinal Medeiros Avenue has several benefits. Firstly, it breaks up the massing of what is a relatively long elevation. It also creates a nice focal point for Berkshire Place and some visual relief for the neighborhood. The courtyard also enables the proposed street tree plantings and connects with the ground floor setback, which provides an expanded pedestrian experience on Cardinal Medeiros Avenue. To ensure the courtyard feels welcoming and

accessible to the public, consideration should be given to expanding the access bridge and perhaps placing it in a more central location.

### Street wall and edge treatments

The architectural character benefits from attention given to breaking down the massing of the building in a way that responds to the specifics of the context. At the entry and plaza facade, the glass curtain wall and modest projections help emphasize the way into the building and the cinema. Going west on Binney, the glass façade is articulated with horizontal shading devices and is anchored at each end by solid volumes. On Cardinal Medeiros Avenue, the façade shifts to an emphasis on solid elements, which has a subtle relationship to the punched window treatment that is evident in the neighborhood. The proposed cladding of the parking garage, incorporating graphic banners, perforated metal panels and a green wall in the plaza, will also dramatically improve the pedestrian environment and long-range views to the structure.

Additional measures should be taken to enliven the building frontage where it abuts the public realm. The lobby space appears a little pinched on Binney Street. Per the Design Guidelines, the space along Binney Street should be designed to accommodate an active function, such as an expanded lobby space along the street frontage, or active office functions such as a cafeteria or fitness center. There may also be the potential to make the long-term bicycle parking more visible from the street, or to create a more direct access route from the bicycle parking to Binney Street.

The Binney Street sidewalk is also quite narrow and so perhaps there is scope to consider setting back the main lobby entrance from the street, which would create a more gracious entry sequence, as well as open up the sense of space towards the plaza and lobby. The zoning height limits have also resulted in relatively low floor heights, which is particularly noticeable on the Binney Street elevation as the plaza is sunken below sidewalk grade. Perhaps giving the lobby more volumetric presence would help ameliorate these concerns.

### Materials and details

The ground floor is proposed to be entirely glazed, which is consistent with the City's urban design objectives. However, the continuously glazed frontage appears a little repetitive, particularly on Binney Street, and such extensive glazing also raises questions about how privacy will be maintained for office workers. A more deliberate expression of the structure could help to create a finer grain, and stronger expression of rhythm and texture, that might add more visual interest to the ground floor treatment. Possible refinements could be explored through the continuing design review process at the staff level.

Proposed façade materials include "Trespa", which is a phenolic resin panel, and is proposed as a warm, wood grain finish. While it is understood that the panels can be detailed to provide scale through the expression of joints, and the material references the wood-framed buildings of the neighborhood, it is unclear at the current stage of design how much texture or articulation will be perceptible. This topic could also be explored further during continuing design review at the staff level.

Rooftop mechanicals appear screened and sufficiently recessed so as not to significantly intrude upon view lines from public areas, particularly Wellington-Harrington. The rooftop acoustic profile and

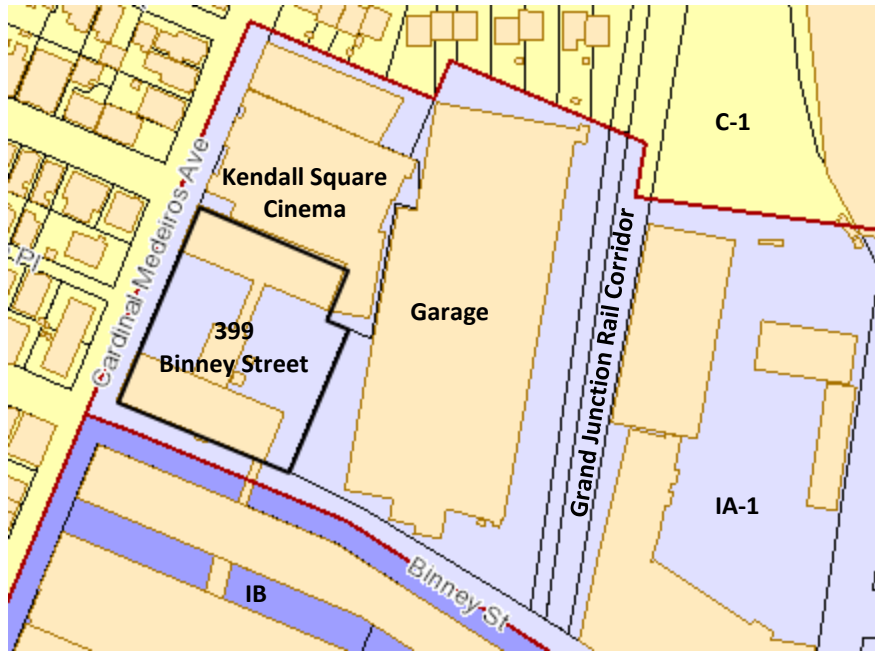
acoustic screening should likewise pay particular attention to the western and northern residential edges. The loading dock is expressed as part of a separate, metal-clad building on Cardinal Medeiros Avenue, which helps to reduce perceptions of a long facade and cleverly conceals its presence.

### **Continuing Review**

The following is a summary of issues that staff recommends should be further studied by the Applicant, either in preparing revised materials if the Planning Board continues the hearing to a future date, or as conditions for ongoing design review by staff if the Board decides to grant the special permit:

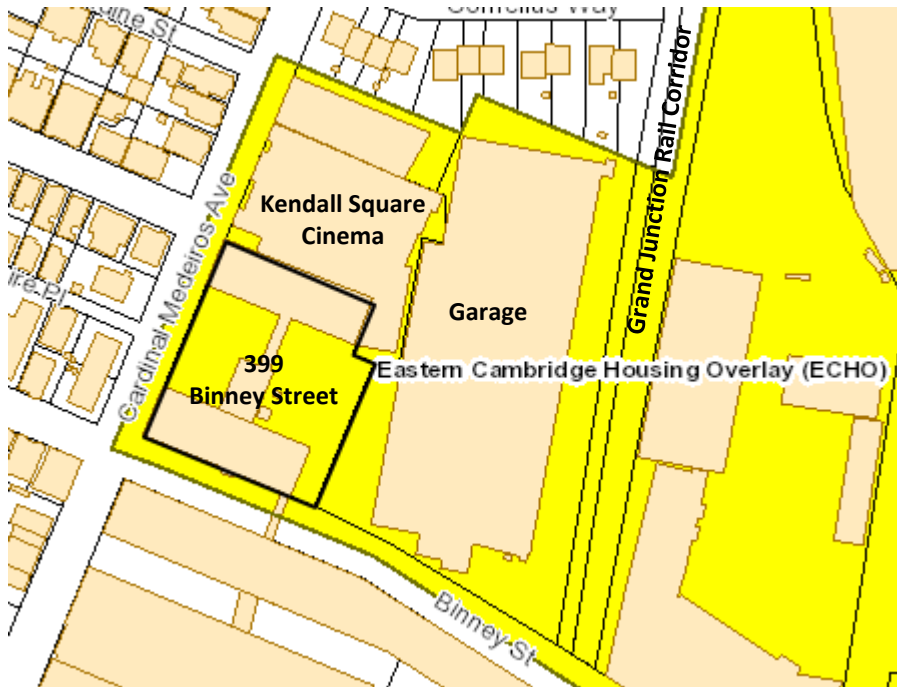
- Detailing of the curtain wall and the Trespa panels.
- Internal ground floor layout of the office use to enhance the level of street activation, primarily on Binney Street.
- Review of landscape details, and investigation of opportunities to create a more welcoming entrance to the courtyard space and resolve issues associated with the plaza island design.
- Opportunities to create more transparency and a more direct access to the long term bicycle parking.
- Signage and wayfinding systems for the retail, cinema and bicycle parking

Figure 1



Base Zone

Figure 2



Zoning Overlay



Figure 3

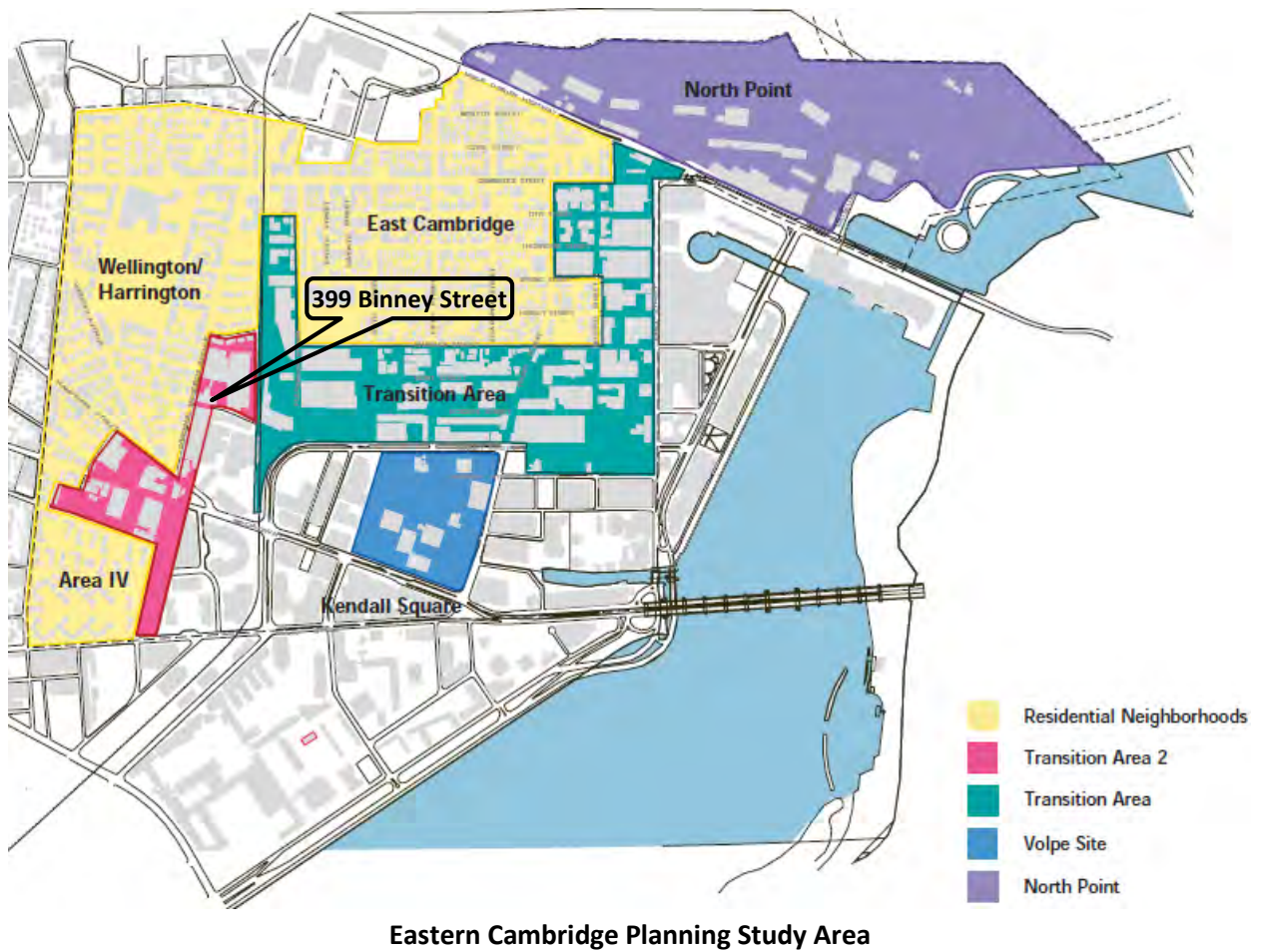
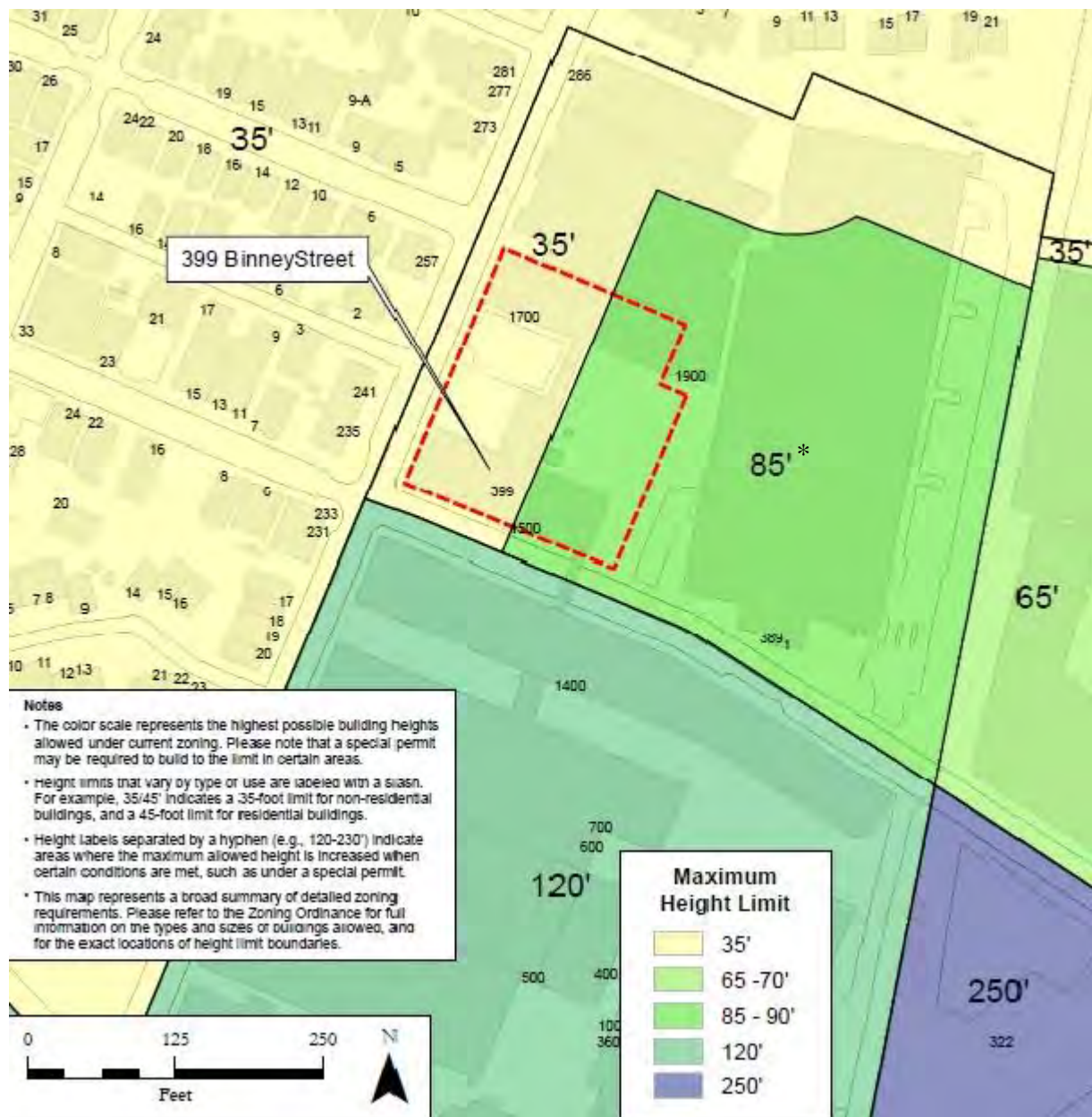


Figure 4



Eastern Cambridge Housing Overlay District Height Requirements

\* Note: 85' height limit is for residential uses only. Non-residential uses are limited to 45'

## **Project Review Special Permit – Traffic Impact Findings**

**19.25.1** Traffic Impact Findings. Where a Traffic Study is required as set forth in Section 19.24 (3) above the Planning Board shall grant the special permit only if it finds that the project will have no substantial adverse impact on city traffic within the study area as analyzed in the Traffic Study. Substantial adverse impact on city traffic shall be measured by reference to the traffic impact indicators set forth in Section 19.25.11 below.

In areas where the Planning Board determines that area-specific traffic guidelines have been established in the Ordinance, the Board recognizes written agreements between project proponents and the City dealing with transportation mitigation strategies.

**19.25.11** Traffic Impact Indicators. In determining whether a proposal has substantial adverse impacts on city traffic the Planning Board shall apply the following indicators. When one or more of the indicators is exceeded, it will be indicative of potentially substantial adverse impact on city traffic. In making its findings, however, the Planning Board shall consider the mitigation efforts proposed, their anticipated effectiveness, and other supplemental information that identifies circumstances or actions that will result in a reduction in adverse traffic impacts. Such efforts and actions may include, but are not limited to, transportation demand management plans; roadway, bicycle and pedestrian facilities improvements; measures to reduce traffic on residential streets; and measures undertaken to improve safety for pedestrians and vehicles, particularly at intersections identified in the Traffic Study as having a history of high crash rates.

The indicators are: (1) Project vehicle trip generation weekdays and weekends for a twenty-four hour period and A. M. and P.M. peak vehicle trips generated; (2) Change in level of service at identified signalized intersections; (3) Increased volume of trips on residential streets; (4) Increase of length of vehicle queues at identified signalized intersections; and (5) Lack of sufficient pedestrian and bicycle facilities. The precise numerical values that will be deemed to indicate potentially substantial adverse impact for each of these indicators shall be adopted from time to time by the Planning Board in consultation with the TPTD, published and made available to all applicants.

## Project Review Special Permit – Urban Design Findings

**19.25.2 Urban Design Findings.** The Planning Board shall grant the special permit only if it finds that the project is consistent with the urban design objectives of the city as set forth in Section 19.30. In making that determination the Board may be guided by or make reference to urban design guidelines or planning reports that may have been developed for specific areas of the city and shall apply the standards herein contained in a reasonable manner to nonprofit religious and educational organizations in light of the special circumstances applicable to nonprofit religious and educational activities.

### **19.30 Citywide Urban Design Objectives**

The following urban design objectives are intended to provide guidance to property owners and the general public as to the city's policies with regard to the form and character desirable for new development in the city. It is understood that application of these principles can vary with the context of specific building proposals in ways that, nevertheless, fully respect the policies' intent. It is intended that proponents of projects, and city staff, the Planning Board and the general public, where public review or approval is required, should be open to creative variations from the detailed provisions presented in this Section as long as the core values expressed are being served. A project need not meet all the objectives of this Section 19.30 where this Section serves as the basis for issuance of a special permit. Rather the permit granting authority shall find that on balance the objectives of the city are being served. Nor shall a project subject to special permit review be required to conform to the Required Building and Site Plan Requirements set forth in Section 19.50.

Further indicators of conformance with these policy objectives shall be found in planning documents and plans developed for specific areas of the city or the city as a whole, to the extent that they are not inconsistent with the objectives set forth in this Section 19.30. These documents include the *Harvard Square Development Guidelines*, the *Central Square Action Plan*, the *Central Square Development Guidelines*, the *North Massachusetts Avenue Urban Design Guidelines Handbook*, the *University Park at MIT Urban Design Guidelines*, the *North Point Policy Plan and Design Guidelines*, the *Cambridge Institutional Growth Management Plan*, the *East Cambridge Riverfront Plan*, the *Eastern Cambridge Plan*, the *Eastern Cambridge Design Guidelines*, the *Alewife Revitalization, Alewife Urban Design Study Phase II* and its Draft update of 1991, and *Toward a Sustainable Future: Cambridge Growth Policy Document*.

**19.30 Citywide Urban Design Objectives [SUMMARIZED]**

Objective	Indicators
New projects should be responsive to the existing or anticipated pattern of development.	<ul style="list-style-type: none"> <li>• Transition to lower-scale neighborhoods</li> <li>• Consistency with established streetscape</li> <li>• Compatibility with adjacent uses</li> <li>• Consideration of nearby historic buildings</li> </ul>
Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings.	<ul style="list-style-type: none"> <li>• Inhabited ground floor spaces</li> <li>• Discouraged ground-floor parking</li> <li>• Windows on ground floor</li> <li>• Orienting entries to pedestrian pathways</li> <li>• Safe and convenient bicycle and pedestrian access</li> </ul>
The building and site design should mitigate adverse environmental impacts of a development upon its neighbors.	<ul style="list-style-type: none"> <li>• Location/impact of mechanical equipment</li> <li>• Location/impact of loading and trash handling</li> <li>• Stormwater management</li> <li>• Shadow impacts</li> <li>• Retaining walls, if provided</li> <li>• Building scale and wall treatment</li> <li>• Outdoor lighting</li> <li>• Tree protection (requires plan approved by City Arborist)</li> </ul>
Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system.	<ul style="list-style-type: none"> <li>• Water-conserving plumbing, stormwater management</li> <li>• Capacity/condition of water and wastewater service</li> <li>• Efficient design (LEED standards)</li> </ul>
New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically.	<ul style="list-style-type: none"> <li>• Institutional use focused on existing campuses</li> <li>• Mixed-use development (including retail) encouraged where allowed</li> <li>• Preservation of historic structures and environment</li> <li>• Provision of space for start-up companies, manufacturing activities</li> </ul>
Expansion of the inventory of housing in the city is encouraged.	<ul style="list-style-type: none"> <li>• Housing as a component of large, multi-building development</li> <li>• Affordable units exceeding zoning requirements, targeting units for middle-income families</li> </ul>
Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city.	<ul style="list-style-type: none"> <li>• Publicly beneficial open space provided in large-parcel commercial development</li> <li>• Enhance/expand existing open space, complement existing pedestrian/bicycle networks</li> <li>• Provide wider range of activities</li> </ul>

## Special Permit for Reduction of Required Parking

**6.35.1** Reduction of Required Parking. Any minimum required amount of parking may be reduced only upon issuance of a special permit from the Board of Zoning Appeals. 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. In making such a determination the Board shall also consider whether or not less off street parking is reasonable in light of the following:

- (1) The availability of surplus off street parking in the vicinity of the use being served and/or the proximity of an MBTA transit station.
- (2) 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.
- (3) 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.

Example: Office and Theatre uses with peak user demands at different times. Office requires a minimum of one hundred and fifty (150) spaces and the theatre requires a minimum of one hundred (100). Seventy-five (75) percent of the lesser minimum requirement is seventy-five (75) (75% of 100). Therefore seventy-five (75) spaces can be shared but twenty-five (25) (100-25) would still be required, making the total amount or required parking for both uses (150 + 25) one hundred and seventy-five (175).

- (4) Age or other occupancy restrictions which are likely to result in a lower level of auto usage; and
- (5) 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.
- (6) The provision of required parking for developments containing affordable housing units, and especially for developments employing the increased FAR and Dwelling unit density provisions of Section 11.200, 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.

For a project seeking a reduction in required off-street parking for residential uses, a Parking Analysis shall be required as part of the Special Permit Application as set forth in Section 6.35.3.

## Special Permit to Exceed Allowed Curb Cut Width

**6.43** *Access for Off Street Parking Facilities.* Off street parking facilities shall have maneuvering areas and appropriate means of vehicle access to a street and shall be so designed as not to constitute a nuisance, hazard, or unreasonable impediment to traffic.

**6.43.3** Curb cuts for off street parking facilities shall comply with the following standards:

- (a) In Residential districts, the maximum width of a curb cut shall be twenty (20) feet at the street line.
- (b) In Open Space, Business, Office and Industrial districts, the maximum width of a curb cut shall be thirty (30) feet.
- (c) No more than one curb cut per lot for lots with less than one hundred (100) feet of frontage shall be allowed. A maximum of one curb cut for every one hundred (100) feet of street frontage or portion thereof shall be allowed for lots having frontage in excess of one hundred feet.

**6.43.5** The Board of Zoning Appeal may grant a special permit modifying the provisions of this subsections 6.43 in accordance with the following conditions:

- (a) The provisions for layout of parking spaces in paragraph 6.43.2 may be modified where there is a valet parking arrangement for an off street parking facility.
- (b) The maximum curb cut width specified in paragraphs 6.43.3 (a) and 6.43.3 (b) may be modified if the Board determines that an increased curb cut width would facilitate traffic and safety.
- (c) The maximum of one curb cut for every one hundred (100) feet of street frontage as required in paragraph 6.43.3 (c) may be modified if the Board determines that traffic and safety would be facilitated by exceeding this maximum.
- (d) The distance of driveways from street corners or crosswalks as required in paragraphs 6.43.4 (b) may be modified if the Board determines that an alternate arrangement would better facilitate traffic and safety.

## General Criteria for Issuance of a Special Permit

**10.43** *Criteria.* Special permits will normally be granted where specific provisions of this Ordinance are met, except when particulars of the location or use, not generally true of the district or of the uses permitted in it, would cause granting of such permit to be to the detriment of the public interest because:

- (a) It appears that requirements of this Ordinance cannot or will not be met, or
- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- (c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or
- (d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or
- (e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and
- (f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.

**10.45** Any development application requiring a special permit from the Planning Board that contains elements requiring a special permit from the Board of Zoning Appeal may be allowed by the Planning Board within the scope of the Planning Board special permit and shall not require a separate application to the Board of Zoning Appeal.