



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

## NOTICE OF DECISION

Case Number:	310
Address:	399 Binney Street
Zoning:	Industry A-1 / Eastern Cambridge Housing Overlay (ECHO) District
Applicant:	DWF IV One Kendall Garage, LLC One Kendall Square, Suite B3201, Cambridge, MA 02139
Owner:	DWF IV One Kendall Garage, LLC One Kendall Square, Suite B3201, Cambridge, MA 02139
Application Date:	January 20, 2016
Date of Planning Board Public Hearing:	February 23, 2016
Date of Planning Board Decision:	February 23, 2016
Date of Filing Planning Board Decision:	April 8, 2016
Application:	Construction of a commercial office/laboratory building with ground-floor retail space, requesting special permits pursuant to the following Sections of the Zoning Ordinance: Project Review Special Permit (19.20); reduction of required parking (6.35.1); exceedance of allowed curb cut width (Section 6.43.5).
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: Swaathi Joseph  4-8-2016

For further information concerning this decision, please contact Liza Paden at 617-349-4647, or [lpaden@cambridgema.gov](mailto:lpaden@cambridgema.gov).

CAMBRIDGE, MASSACHUSETTS  
OFFICE OF THE CITY CLERK

2016 APR -8 AM 10:51

## **DOCUMENTS SUBMITTED**

### Application Documents and Supporting Material

1. Special Permit Application submitted on 1/20/2016, containing: the Special Permit Cover Sheet; Dimensional Form; Ownership Certificate; Narrative detailing the proposed 399 Binney Street project, including compliance with Eastern Cambridge Design Guidelines, applicable zoning regulations, and citywide urban design objectives; Summaries of sewer service infrastructure, stormwater infrastructure, water service infrastructure, noise mitigation and community outreach program. It also included Exterior Sound Emissions Study by Acentech Consulting, Inc, Traffic Impact Study prepared by Tetra Tech, Tree Study prepared by Hartney Gremont, Expanded LEED Narrative, Checklist, and Affidavit prepared by AHA Consulting Engineers, architectural plan set titled 399 Binney Street, prepared by Bargmann Hendrie + Archetype, Inc. dated 1/15/2016, and Site Development Plans prepared by Tetra Tech, dated 1/15/2016.
2. Bicycle Plan prepared by Bargmann Hendrie + Archetype, Inc. dated 2/19/2016.
3. Presentation slides displayed to the Planning Board on 2/23/2016.

### City of Cambridge Documents

4. Memo to the Planning Board from Katherine Watkins, City Engineer, Department of Public Works, dated 2/11/16
5. Memo to the Planning Board from Joseph Barr, Director, Traffic, Parking and Transportation Department, dated 2/22/16
6. Memo to the Planning Board from Community Development Department staff, dated 2/16/16

### Other Documents

7. Letter to the Planning Board from Cambridge Pedestrian Committee, dated 2/5/16
8. Letter to the Planning Board from Cambridge Bicycle Committee, dated 2/17/16
9. Letter to the Planning Board from Wellington-Harrington Neighborhood Association, dated 2/19/16
10. Letter to the Planning Board from Councillor Timothy Toomey, dated 2/16/16
11. Letter to the Planning Board from The Friends of the Grand Junction Path, dated 2/22/16
12. Letter to the Planning Board from Senator Sal DiDomenico, dated 2/19/16

13. Email communication to the Planning Board from Florrie Wescoat dated 2/23/2016
14. Letter to the Planning Board from the East Cambridge Business Association, dated 2/22/16

### **APPLICATION SUMMARY**

The Applicant proposes to demolish the existing two buildings to construct a new commercial office/laboratory building with ground-floor retail space, totaling approximately 172,500 square feet in Gross Floor Area. The proposed building is three stories, with a portion extending to four stories, and an occupiable basement. Parking will be provided in the adjacent above-grade garage controlled by the Applicant; however, the application also seeks a special permit to reduce the required parking by 231 spaces based on proposed shared parking between the new commercial building and the existing cinema use. The Applicant also seeks approval to increase the maximum curb cut width at two locations, for the loading area off of Cardinal Medeiros Avenue and for the proposed redesigned access and egress to the existing garage on Binney Street.

The Application Documents illustrate the existing pedestrian bridge over Binney Street connecting the new building to the existing Building 1400 in the One Kendall Square complex. The Applicant has noted that while retaining the bridge is presently contemplated, the owner may demolish the bridge in the future.

### **FINDINGS**

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable sections of the Zoning Ordinance, the Planning Board makes the following Findings in regard to the criteria for issuance of the requested special permits:

#### **1. Project Review Special Permit (Section 19.20)**

*(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.*

*(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.*

A Traffic Impact Study (TIS) was prepared by the Applicant's transportation consultant, Tetra Tech, and certified complete and reliable by the Traffic, Parking and Transportation Department (TP&T) on January 11, 2016. It was noted that the TIS studied impacts of the proposed 399 Binney Street project in the context of cumulative impacts of ongoing development projects in the vicinity.

According to the TIS and commentary provided by TP&T in a memo dated February 22, 2016, the traffic resulting from the project will not significantly alter peak hour trips on the major roads in that area. The TIS indicated that the project had 4 planning board special permit transportation exceedances including a decrease in level of service from D to E in the morning peak hour at the Hampshire Street/Broadway/Tech Square intersection and three exceedances for an existing lack of bicycle facilities on Cardinal Medeiros Avenue, Binney Street, and Bristol Street, though the project will create additional bicycle trips.

TP&T recommended transportation infrastructure improvements as well as transportation demand management measures to minimize the project's traffic impacts. The mitigation measures proposed by TP&T in the memo dated February 22, 2016, and agreed to by the Applicant, are aimed at addressing the transportation issues associated with the project in addition to enhancing the overall transportation network in the vicinity. Therefore, after consideration of the traffic impacts indicated in the TIS and mitigation measures proposed for the project, the Planning Board finds that the project will have no substantial adverse impact on city traffic.

*(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.*

The Board finds that the proposed project is consistent with the Urban Design Objectives set forth in Section 19.30, as described below. In considering these Findings the Board also relies on the additional guidance provided in the Eastern Cambridge Design Guidelines, which are applicable in this district.

*(19.31) New projects should be responsive to the existing or anticipated pattern of development.*

The anticipated pattern of development in the area is established in the Eastern Cambridge Design Guidelines. The site is located within a “Transition Area,” which supports additional housing development but continues to allow commercial uses at a lower density that transitions from largely commercial areas to adjacent residential neighborhoods. Being subject to the Eastern Cambridge Housing Overlay (ECHO) District zoning, the project site is bisected by two height zones and hence the building massing steps down from 45 feet on its east side to 35 feet along Cardinal Medeiros Avenue, in deference to the low-scale character of the adjacent neighborhood. The project’s overall massing and scale fits very well within the context, providing an appropriate transition to the neighborhood and is further enhanced by the location of the courtyard space on Cardinal Medeiros Avenue and improvements to the pedestrian courtyard between the proposed new building and the existing garage, leading to the existing cinema. The siting and orientation of the building is consistent with existing streetscape patterns in the area.

*(19.32) Development should be pedestrian and bicycle-friendly, with a positive relationship to its surroundings. . . .*

The project makes great efforts to enhance the pedestrian and bicycle activity in the immediate area. Entries are oriented toward anticipated routes of pedestrian and bicycle movement and transparency is maximized on the ground floor, which promotes an active street edge. The courtyard on Cardinal Medeiros Avenue enables the establishment of street tree plantings and connects with the ground floor setback, which provides an expanded pedestrian experience. The pedestrian experience for the plaza is improved by relocating the garage vehicular entrance from the plaza to the east side of the garage in addition to other design improvements. The project further addresses the urban design objectives of the Eastern Cambridge Design Guidelines through site design that accommodates pedestrian access to the proposed building and bicycle access to the existing garage. The proposed design provides open space and landscaping that enhance the neighborhood. Bicycle parking is also provided in the existing garage per zoning requirements.

*(19.33) The building and site design should mitigate adverse environmental impacts of a development upon its neighbors. . . .*

Rooftop mechanical equipment and services will be set back from the roof edge and shielded from public view by parapet walls, and therefore will not adversely impact those adjacent uses. Throughout the review process, significant improvements have been made to the treatment of façades and landscape areas to make them more attractive to passersby, and to respond to the finer grain scale of the adjoining residential neighborhood, and the exact treatments will be subject to final review by City staff. Trash and other service functions are housed internally and serviced through the loading dock, which will be fully enclosed. Though the exact location of electrical transformer equipment has not been determined, the Applicant will coordinate with the electrical utility provider to locate such equipment in as unobtrusive a location as possible, preferably underground if feasible. The proposed green roof will help promote the city's sustainability goals.

*(19.34) Projects should not overburden the City infrastructure services, including neighborhood roads, city water supply system, and sewer system. . . .*

Traffic impacts have been discussed previously in these Findings. The project will be designed to meet strict Department of Public Works (DPW) stormwater standards applicable as per City of Cambridge Wastewater and Stormwater Drainage Use Regulations, which are described in a memo to the Planning Board from the Department of Public Works. Open space permeability will increase as a result of the development, which will assist in minimizing stormwater run-off from the site. Roof runoff and ground runoff will be collected and appropriately treated before being discharged into the municipal system. There are no anticipated impacts on water supply. The project will meet the Green Building Requirements set forth in Section 22.20 of the Zoning Ordinance.

*(19.35) New construction should reinforce and enhance the complex urban aspects of Cambridge as it has developed historically. . . .*

The project will transform a currently underutilized site into a new non-residential block with a small node of retail activity, resulting in the creation of a more pleasant and lively pedestrian environment. The project is located in an area undergoing significant redevelopment and transformation. The project supports the principles embodied in the Eastern Cambridge Design Guidelines by contributing to a mixed-use area, with office/laboratory uses, as well as retail and small landscaped setbacks at the ground floor to contribute to the sense of place in the neighborhood. The new building's design and use will be harmonious with surrounding buildings, which include a diverse mix of commercial buildings of different ages and styles, an above-grade parking structure, and lower-scale residential structures on the west side of Cardinal Medeiros Avenue. The proposed demolition of existing buildings will be reviewed by the Cambridge Historical Commission as the existing buildings were built over 50 years ago.

*(19.36) Expansion of the inventory of housing in the city is encouraged. . . .*

The project does not include any residential development, which is encouraged in the planning for the area. However, for this particular proposal, the construction of a commercial building at the proposed scale is appropriate, as it will not overwhelm adjacent residential buildings and will continue to buffer the existing large-scale parking garage from the residential neighborhood.

*(19.37) Enhancement and expansion of open space amenities in the city should be incorporated into new development in the city. . . .*

The project enhances the open space amenities in the neighborhood by creating a small new courtyard along Cardinal Medeiros Avenue and enhancing the pedestrian plaza connecting the cinema entrance to Binney Street. The addition of retail uses will activate Binney Street, thereby enhancing the experience of visitors to the cinema. The project also will provide landscaped open space on all sides abutting public streets, improving the appearance and amenity of streetscape edges. The Applicant's commitment to help advance the creation of a multiuse pathway along the Grand Junction rail corridor is also a substantial open space 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 goals. 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. The project will also provide a green roof deck as an open space amenity for occupants of the building.

## 2. Reduction in Required Parking (Section 6.35.1)

The proposed project seeks approval to reduce the required amount of accessory parking. No new parking will be created with the proposed development, with all parking to be accommodated in an existing above-grade garage. The basis for the requested reduction is that the adjacent cinema use, which also uses the existing garage, has peak user demands at different times than the proposed office/laboratory building. As set forth below, Paragraph (3) within Section 6.35.1 of the Zoning Ordinance allows a reduction in parking in order to accommodate "shared" parking spaces between uses with peak parking demands at different times. The application requests authorization to "share" two hundred thirty-one (231) parking spaces between the cinema use and the office/laboratory use, thereby decreasing the combined parking requirement for both uses by 231 spaces. Such relief is allowed by special permit pursuant to Section 6.35.1 and Section 10.45, which allows the Planning Board to grant special permits otherwise within the purview of the Board of Zoning Appeal for projects that are also subject to Planning Board review.

*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. ...*

The proposed reduction in parking is consistent with the City's goals to discourage driving and encourage other modes of transportation, particularly in areas that are served by public transit. For example, the Kendall Square ("K2") portion of the K2C2 Planning Study encouraged shared parking arrangements and the use of existing underutilized parking facilities as an alternative to constructing new parking. The current proposal to accommodate parking for the proposed building in the existing underutilized One Kendall Square garage is consistent with these planning objectives and may further help to mitigate traffic concerns and promote greater use of alternative transportation in the future.

The Application materials, which were reviewed by TP&T, demonstrate that there will be more than adequate parking to serve the proposed new building, the existing cinema, and all other uses within the One Kendall Square complex. Moreover, there will likely still be excess parking spaces that may serve other current or future uses in the area. In its memo dated February 22, 2016, TP&T expressed support for the requested reduction in required parking. While reducing the requirement will not reduce the actual number of spaces in existence, it will ensure that additional parking spaces will remain available to serve other uses or the general public as the garage is seldom used to full capacity. Hence, the Board finds that there will be minimum impact on availability of parking for other occupants and no other adverse impacts on the neighborhood. The Board also finds that the reduction in parking will be reasonable in light of the considerations set forth below.

*... 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.*

The project is within an area served by the Kendall Square and Lechmere MBTA stations.

- (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.*

The Parking Analysis provided indicates there is ample off-street parking available in the existing garage.

- (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.*



According to the Application, the required number of parking spaces for the existing cinema use is three hundred nine (309). The proposed shared parking arrangement will reduce the required number of parking spaces by 231, which is 75% of the parking requirement of the cinema use.

- (4) *Age or other occupancy restrictions which are likely to result in a lower level of auto usage; and*

No such restrictions exist; however, the reduction in parking anticipates a less auto-dependent future for the area.

- (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.*

The reduction in parking is preferable because it promotes efficient use of the existing parking facility and prevents the need to build additional parking on the site, which positively impacts the urban design of the area.

- (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.*

The project does not include residential development.

3. Exceedance of Allowed Curb Cut Width (Section 6.43.5)

The proposed project seeks approval for a curb cut width of 46 feet along Cardinal Medeiros Avenue and another curb cut width of 42 feet along Binney Street. The maximum allowed curb cut width is 30 feet per zoning regulations. Such relief is allowed by special permit in Section 6.43.5 and Section 10.45 of the Zoning Ordinance.

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: . . .*

- (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.*

In its memo dated February 22, 2016, TP&T noted that the project will have a positive impact on both streets by consolidating curb cuts and improving sight lines at the intersection by virtue of the building setback at the street level. TP&T supports the request for curb cuts to be wider than 30 feet to access the shared loading dock and parking garage as the reduction in number of existing curb cuts improves safety. By increasing the width of existing curb cuts, the project will facilitate traffic and safety by reducing the total number of curb cuts from three to one on Cardinal Medeiros Avenue and from two to one on Binney Street.

4. General Criteria for Issuance of a Special Permit (Section 10.43)

The Planning Board finds that the project meets the General Criteria for Issuance of a Special Permit, as set forth below.

*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 ...*

Upon granting of the requested special permits, the requirements of the Ordinance will be met.

- (b) traffic generated or patterns of access or egress would cause congestion, hazard, or substantial change in established neighborhood character, or ...*

Traffic impacts are discussed in detail in the Project Review Special Permit section of these Findings. The proposed use, which is allowed by the planning and zoning for the area, is not anticipated to cause particular congestion or hazard.

- (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 ...*

The proposed use will not adversely affect adjacent uses that exist or are anticipated in the future, and is designed to mitigate impacts on existing low-scale residential uses along the western edge of the site. Other edges of the site are adjacent to commercial uses and a parking garage, which will not be adversely affected.

*(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 ...*

The proposed uses will not create nuisance or hazard, and all development activity will adhere to applicable health and safety regulations.

*(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 ...*

As noted, the proposed use is allowed with the zoning district, and the project is designed to relate sensitively to adjoining residential districts.

*(f) the new use or building construction is inconsistent with the Urban Design Objectives set forth in Section 19.30.*

Consistency with the urban design objectives is discussed in detail in the Project Review Special Permit section of these Findings.

## DECISION

Based on a review of the Application Documents, testimony given at the public hearings, and the above Findings, the Planning Board hereby GRANTS the requested Special Permits subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, the Permittee shall mean the Applicant for the requested Special Permits and any successor or successors in interest.

1. All use, building construction, and site plan development shall be in substantial conformance with the Application Documents dated January 15, 2016, and all supplemental documents and information presented by the Applicant to the Planning Board on February 23, 2016, and the additional Conditions of this Special Permit Decision. Appendix I summarizes the dimensional features of the project as approved.
2. The project shall be subject to continuing design review by the Community Development Department (CDD). Before issuance of each Building Permit for the project, CDD shall certify to the Superintendent of Buildings that the final plans submitted to secure the Building Permit are consistent with and meet all conditions of this Decision. As part of CDD's administrative review of the project, and prior to any certification to the Superintendent of Buildings, CDD may present any design changes made subsequent to this Decision to the Planning Board for its review and comment. At a minimum, the following specific elements of the design shall be subject to review and approval by CDD prior to issuance of a Building Permit:
  - a. Final landscape details, including final designs of courtyard and plaza spaces.
  - b. Final ground floor layout, including location of retail areas, lobbies and ancillary office functions. Ground floors should be designed to promote a sense of activity along public street edges to the greatest extent possible.
  - c. Final selection of materials and colors on building façades.
  - d. Final lighting plan for the site, including the locations and specifications of all exterior lighting fixtures and the measures that will be employed to mitigate the impact of interior lighting on abutting residential properties.
  - e. Final location and screening of mechanical units on the rooftop or elsewhere on the exterior of the building, which shall also include an acoustical report on the anticipated noise impact of such units. It is anticipated that the mechanical units will be no more visible than as shown on the Application Documents.
  - f. Final design of skylights above the roof of the building. It is anticipated that skylights will protrude approximately six (6) feet above the main roof surface as shown on the Application Documents.

3. Signage and wayfinding systems to direct users to particular locations on the site, including but not limited to the retail space, cinema, and bicycle parking, shall be reviewed and approved by CDD for conformance with applicable regulations and urban design objectives, as well as to ensure safety and convenience for users, prior to finalizing the location and design of such systems.
4. The design of the façade improvements to the exterior of the existing garage shall be submitted for review and approval by the Planning Board at a general business meeting prior to the construction of any such improvements.
5. The following elements of the project design shall be subject to review and approval by the TP&T to ensure safety, functionality and conformance with all applicable standards:
  - a. The final plans for the short-term and long-term bicycle parking including design, layout, access routes and equipment specifications.
  - b. The final design of the garage driveway access and egress. Landscaping elements at the permitted access/egress point shall not be more than 3 feet high above grade to ensure clear sightlines for vehicles.
  - c. The final design of the loading dock area. This shall include a written loading dock management plan that describes how potential conflicts will be managed, particularly during peak periods of operation.
6. All authorized development shall abide by all applicable City of Cambridge Ordinances, including the Noise Ordinance (Chapter 8.16 of the City Municipal Code).
7. Throughout design development and construction, the project shall conform to the Green Building Requirements set forth in Section 22.20 of the Cambridge Zoning Ordinance.
8. The Permittee shall be subject to additional requirements to mitigate the transportation impacts of the proposed new development, as recommended in the communication from Joseph Barr dated February 22, 2016, and set forth below:
  - a. Prior to issuance of a Building Permit, the Permittee shall commit to conveying (in fee or easement, in a manner agreeable to the applicant and the City) the strip of land along the Grand Junction rail line indicated in the Application Documents for future public use as the Grand Junction multi-use path at a mutually acceptable time following the contemplated expansion of the TDR donating district to include the subject land; however, refusal or delay by the City in reaching an agreement shall not prevent or delay the development authorized by this Special Permit.
  - b. Prior to the issuance of a Certificate of Occupancy, the Permittee shall construct the raised pedestrian crossing on Binney Street as indicated in the Application Documents, subject to final approval by the City.

- c. Prior to issuance of a Certificate of Occupancy, the Permittee shall replace the existing bicycle racks at the One Kendall Square complex that are not in conformance with the city's current standards for the rack design. For example, bike racks that look like radiators or multiple hooped racks do not meet city standards and shall be replaced by racks that do, such as “inverted U,” single hoops or post-and-ring type racks.
  - d. Prior to issuance of a Certificate of Occupancy, the Permittee shall install a new traffic signal controller, cabinet and updated conduit, as needed, to replace aging equipment at the intersection of Hampshire Street at Cardinal Medeiros Avenue. The intersection will continue to serve both the Hampshire Street and Broadway intersection from this one cabinet.
  - e. Prior to issuance of a Certificate of Occupancy, the Permittee shall update the existing real-time vehicle and bike count station at the Cardinal Medeiros Avenue/Hampshire Street intersection to include vehicles and bikes traveling northbound on Portland and southbound on Cardinal Medeiros, and install a new real-time vehicle and bike count station at the Binney Street/Fulkerson/Galileo Galilei Way intersection.
  - f. Prior to issuance of a Certificate of Occupancy, the Permittee shall contribute one hundred seventy-two thousand dollars (\$172,000) toward work on improving transit conditions in the Kendall Square area, such as funding studies or other transit initiatives. Funds shall be provided to the City or an entity approved by the City, such as the Kendall Square Transit Enhancement Fund being created and managed by the City and the Cambridge Redevelopment Authority.
  - g. When the project reaches 80% or higher occupancy, or one year after occupancy of the project, whichever is sooner, the Permittee shall conduct new traffic counts at the Cardinal Medeiros/Binney/Bristol intersection, and complete a traffic signal warrant analysis. If TP&T at that time determines that a traffic signal should be installed, the Permittee shall be required to install it in a manner authorized by the City.
  - h. The Permittee shall support the existing Hubway station on the city sidewalk adjacent to the Hampshire Street plaza or find a location approved by the City to locate it within the plaza. The Permittee shall contribute the annual operating and maintenance costs for the Hubway station located near or on the Hampshire Street plaza on an ongoing basis according to a schedule to be developed by the Permittee and the City, with the first such contribution to be made prior to issuance of a Building Permit.
9. As conditions of the approved reduction in required parking for the shared use of the existing parking garage, the Permittee shall be subject to additional requirements as recommended in the communication from Joseph Barr dated February 22, 2016, and set forth below:

- a. Prior to the issuance of a Building Permit, the Permittee shall re-register the One Kendall Square parking garage with TP&T to update the exact number of spaces and users, consistent with the terms of the January 25, 1993 garage permit.
  - b. The Permittee shall remain open to other potential uses for the commercial parking spaces that will not be needed to meet the One Kendall Square complex parking demands.
  - c. The One Kendall Square garage shall continue to provide free parking for Cambridge residents during declared snow emergencies.
10. The Permittee shall be required to implement the following Transportation Demand Management (TDM) measures to encourage residents to use sustainable modes of transportation and shall be required to submit annual reports on the implementation of these measures (along with other monitoring requirements set forth in conditions below). Compliance with these requirements shall be certified by TP&T prior to issuance of any Certificate of Occupancy for development authorized by this Special Permit.
- a. Continue to make available at least eight parking spaces in the garage for Carsharing vehicles, as demand warrants.
  - b. Provide air pumps and other bicycle repair tools such as “fix-it” stations in the bicycle parking area in the One Kendall Square garage.
  - c. The property owner shall be a member of the Charles River Transportation Management Association (CRTMA) or other similar organization acceptable to TP&T, and all employees shall be offered Emergency Ride Home and ride matching benefits through CRTMA or other providers acceptable to TP&T.
  - d. Provide stickers for the EZRide Shuttle (or other similar services acceptable to TP&T providing shuttle service to MBTA red and green lines) to all employees at 399 Binney Street, at minimum, which can (but is not required to) be extended to all employees at the One Kendall Square complex.
  - e. Provide 100% MBTA pass subsidies to employees at 399 Binney Street (up to federal maximum).
  - f. Provide a subsidy in the amount of fifty dollars (\$50) per month (to increase with inflation) to employees at 399 Binney Street who bike or walk at least 3 days per week.
  - g. Charge market rate parking fees directly to employees, either through payroll deduction or daily garage entrance fees.

- h. Provide employees an option to pay daily for parking, as an alternative to monthly parking passes, which will encourage employees to make different commute mode choices each day instead of thinking of themselves as single-mode commuters.
- i. Provide a minimum of fifteen (15) dedicated parking spaces for carpooling/vanpooling in the garage, as demand warrants.
- j. Either install a real-time multimodal transportation display screen at 399 Binney Street to help people decide which mode to choose for each trip, or establish a transportation information center located in an area that is central, visible, convenient, and equally accessible to all employees and visitors, to make available information on non-driving options. The center will feature information on:
  - i. Available pedestrian and bicycle facilities in the vicinity of the project site
  - ii. MBTA maps, schedules, and fares
  - iii. Area shuttle map and schedule, if one exists.
  - iv. "Getting Around in Cambridge" map (available from the Cambridge Community Development Department).
  - v. Location of bicycle parking
  - vi. Hubway regional bike-share system
  - vii. Carsharing
  - viii. Ride-matching
  - ix. Other pertinent transportation information.
- k. Designate a transportation coordinator (TC) for the site to manage the TDM program. The TC will also oversee the marketing and promotion of transportation options in a variety of ways:
  - I. Posting information in a prominent location in the building and on the Project's website, social media outreach, and in property newsletters.
  - II. Responding to individual requests for information in person and via phone and email.
  - III. Performing annual transportation surveys.
- l. The TC will compile and distribute up-to-date information explaining all transportation options to all new employees as part of their New Employee Packet. The packets will contain information on both the range of options available and any building manager programs to support the use of these options.
- m. The TC will be on-site during a minimum of 2 hours per week and will be available during other times to employees via email and telephone. Email and phone information for the TC will be posted in the transportation information center.
- n. The TC will participate in any TC trainings offered by the City of Cambridge or local TMA.



11. The Permittee shall implement an annual transportation monitoring program for the 399 Binney Street project. Such monitoring program shall be designed and conducted in a manner approved by CDD and TP&T before the issuance of the first Certificate of Occupancy for development authorized by this Special Permit, and shall meet the following minimum standards:
  - a) An annual survey shall be conducted of office/lab employees, retail employees and retail patrons.
  - b) The information reported shall include, but not be limited to, mode shares by origin, response rate, number of employees, number of parking access cards issued and user type, status of required TDM measures, and trend data over time.
  - c) The Permittee shall provide annual reports to TP&T and CDD on monthly and hourly weekday and weekend garage occupancy (vehicles and bicycles), including user groups of the garage. This report shall be for the full garage, not just use of garage by the 399 Binney Street project. The report shall include, but limited to, daily and peak hour garage occupancy for vehicles and bicycles by user groups, including use of commercial parking spaces for users not associated with the One Kendall Square complex. The data and format shall be approved by CDD and TP&T based on reporting by the garage operator.
  - d) Monitoring and surveying shall begin when the occupancy of the project has reached 90% or within one year to the date of the first certificate of occupancy, whichever is sooner. If the certificate of occupancy is issued between September 1st and February 29th, the monitoring shall take place during the months of September or October and be reported to the City no later than November 30th. If the certificate of occupancy is issued between March 1st and August 31st, monitoring shall take place during the months of April or May and be reported to the City no later than June 30.
12. The project shall be subject to the Incentive Zoning requirements set forth in Section 11.200 of the Zoning Ordinance. Per zoning, a Housing Contribution shall be calculated at the time of issuance of a Building Permit and the contribution shall be made to the Cambridge Affordable Housing Trust prior to issuance of a Certificate of Occupancy.

Voting in the affirmative to approve the requested special permits were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Mary Flynn, Hugh Russell, and Tom Sieniewicz, constituting at least two thirds of the members of the Board.

For the Planning Board,

A handwritten signature in black ink, appearing to read "H Theodore Cohen". The signature is fluid and cursive, with a large initial "H" and "C".

H Theodore Cohen, Chair.

A copy of this decision PB #310 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 April 8, 2016, by Swaathi Joseph, 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: Approved Dimensional Chart**

	Existing	Allowed or Required	Proposed	Permitted
Lot Area (sq ft)	152,868	5,000	No Change	No Change
Lot Width (ft)	495	50	No Change	No Change
<b>Total GFA (sq ft)</b>	<b>29,200</b>	<b>190,650</b>	<b>172,500</b>	<b>172,500</b>
Residential Base	N/A		0	Consistent with Application Documents and applicable zoning requirements
Non-Residential Base	29,200	190,650	172,500	
Inclusionary Bonus	N/A		0	
<b>Total FAR</b>	<b>0.19</b>	<b>1.25</b>	<b>1.13</b>	Consistent with Application Documents and applicable zoning requirements
Residential Base	N/A		0	
Non-Residential Base	0.19	1.25	1.13	
Inclusionary Bonus	N/A		0	
<b>Total Dwelling Units</b>	<b>0</b>		<b>0</b>	<b>N/A</b>
Base Units				N/A
Inclusionary Bonus Units				
Base Lot Area / Unit (sq ft)				
Total Lot Area / Unit (sq ft)				
<b>Height (ft)</b>	<b>35</b>	<b>35, 45</b>	<b>35, 45</b>	Consistent with Application Documents and applicable zoning requirements
Front Setbacks (ft)		0		
Side Setback (ft)		0		
Rear Setback (ft)		0		
<b>Open Space (% of Lot Area)</b>	<b>35</b>	<b>None</b>	<b>28</b>	Consistent with Application Documents and applicable zoning requirements
Private Open Space				
Permeable Open Space				
<b>Off-Street Parking Spaces</b>	<b>1,530 (garage); 14 (lot)</b>	<b>225</b>	<b>Shared parking in garage with cinema</b>	<b>Shared parking in garage with cinema</b>
Long-Term Bicycle Parking	0	38	59	Consistent with Application Documents and applicable zoning requirements
Short-Term Bicycle Parking	5	12	24	
Loading Bays	2	2	2	