



CITY OF CAMBRIDGE, MASSACHUSETTS

# PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

2018 FEB 22 AM 10:12  
OFFICE OF THE CITY CLERK  
CAMBRIDGE, MASSACHUSETTS

## NOTICE OF DECISION

Case Number:	243, Amendment #2 (Major)
Location of Premises:	100 Binney Street and 41 Linskey Way
Zoning:	Industry A-1 / PUD-3A
Applicant:	ARE-MA Region No.45, LLC and ARE-MA Region No.47, LLC, c/o Alexandria Real Estate Equities, Inc.
Owner:	ARE-MA Region No.45, LLC and ARE-MA Region No.47, LLC, c/o Alexandria Real Estate Equities, Inc 400 Technology Square, Suite 101 Cambridge, MA 02139
Application Date:	December 15, 2017
Preliminary Determination Date:	January 16, 2018
Second Public Hearing Date:	January 23, 2018
Decision Date:	January 23, 2018
Filing Date:	February 22, 2018
Summary of Proposal:	Major Amendment to Planned Unit Development (PUD) Special Permit (Sections 13.40 and 13.59) and Project Review Special Permit (Section 19.20) to allow 2,700 square feet of bank use at 100 Binney Street and to shift the approved location of an active use from 100 Binney Street to 41 Linskey Way. No reduction is proposed in the total amount of active use space in the PUD (Section 13.59.3) and the proposed location of active use is a desirable location identified in Section 13.59.32 (1).
Decision:	The Planning Board <b>GRANTS</b> the requested Major Amendment, 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 application are on file with the Community Development Department and the City Clerk.

Authorized Representative of the Planning Board: Swaathi Joseph

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

## **DOCUMENTS SUBMITTED**

### Application Documents and Supporting Material

1. Application for Amendments to PUD Development Plan and Project Review Special Permit, dated December, 2017, including Application Forms, Detailed Narrative of Proposed Amendments, and Exhibits A-C.
2. Presentation slides shown to Planning Board on January 16, 2018.
3. Final Development Plan submission received by the Planning Board on January 22, 2018, containing a revised plan dated January, 2018, illustrating revisions from the 2010 Special Permit.

### City of Cambridge Documents

1. Memorandum to the Planning Board from Community Development Department (CDD) staff, dated 1/9/2018.

### Other Documents

2. Letter to the Planning Board from Charles T. Hinds, President, East Cambridge Planning Team, dated 1/15/2018.
3. Letter to the Planning Board from Jason Alves, Executive Director, East Cambridge Business Association, dated 1/16/2018.

## **APPLICATION SUMMARY**

The approved PUD allows over 1.5 million square feet of commercial development and 220,000 square feet of residential development. The Application seeks a Major Amendment to Special Permit #243 first issued on June 7, 2010 and subsequently amended through a Minor Amendment filed on April 14, 2015. The current application seeks a Major Amendment to the PUD Final Development Plan authorized in PB #243 in accordance with Sections 12.37 and 12.34 of the Zoning Ordinance.

The Final Development Plan approved about 20,000 square feet of space devoted to active uses, as required in the zoning for the PUD district. Active uses mainly include retail, along with some other use categories, but do not include banks, which are classified as office uses. The approved Final Development Plan includes active uses at the northeast corner of 100 Binney Street and at the corner of Binney and Second Streets, in a new addition to the 41 Linskey Way building. The Application proposes to authorize a 2,700 square-foot bank use at the northeast corner of 100 Binney, which will result in the relocation of the required active use from 100 Binney Street to the existing 41 Linskey Way building, at the corner of Second Street and Linskey Way. The Application proposes no reduction to the total floor area for active uses.

## FINDINGS

Based on a review of submitted Application materials and testimony given at the public hearing, the Board makes the following findings with reference to the applicable criteria for granting the requested special permits.

1. Major Amendment to Planned Unit Development Special Permit (Section 12.37)

According to Section 12.37, the Planning Board shall consider approval of a Major Amendment according to the procedures and criteria applicable to a new PUD Special Permit Application. Therefore, the Major Amendment application was submitted as a Development Proposal, which received a Preliminary Determination granting conditional approval on January 16, 2018. The Planning Board finds that the Final Development Plan continues to meet the applicable criteria as set forth in the Preliminary Determination, as reiterated below, and finds that the Final Development Plan includes modifications and supplementary information provided in response to the requests set forth in the Preliminary Determination.

*Section 12.35.3 Approval of the Development Proposal shall be granted only upon determination by the Planning Board that the Development Proposal:*

- (1) *conforms with the General Development Controls set forth in Section 12.50, and the development controls set forth in the specific PUD district in which the project is located;*

The Board finds that, on the whole, the proposed amendment remains consistent with the General Development Controls set forth in Section 12.50 and the development controls of the applicable PUD zoning districts. This Final Development Plan is not changed in any significant way from the previously approved Final Development Plan. Banks are an allowed use in the PUD-3A district, and the proposed addition of bank use and relocation of active use represent only moderate shifts in the overall distribution of uses, and without any changes to the dimensional requirements of the approved development master plan. All environmental standards currently applicable to the Final Development Plan will continue to be met. The proposed bank use will not prevent the future use of that space for a different active use. Hence the proposed Major Amendment remains consistent with the applicable development controls.

- (2) *conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located.*

At the master plan level, this Final Development Plan is a moderate departure from the previously approved Final Development Plan and remains consistent overall with the Eastern Cambridge Design Guidelines and the Eastern Cambridge Planning Study. The revised Final Development Plan includes more detail on the proposed new use that will apply to building and public realm.

(3) *provides benefits to the city that outweigh its adverse effects; in making this determination the Planning Board shall consider the following:*

The Board finds that the Final Development Plan will continue to provide a net benefit to the city in light of the considerations below.

(a) *quality of the site design, including integration of a variety of land uses, building types, and densities; preservation of natural features; compatibility with adjacent land uses; provision and type of open space; provision of other amenities designed to benefit the general public;*

The Final Development Plan continues to provide a mix of uses at various densities, and provides open spaces, streets and retail uses that will benefit the general public, consistent with the plans and zoning requirements for the area.

(b) *traffic flow and safety;*

The proposed modifications are not anticipated to result in any additional impact on traffic flow and safety.

(c) *adequacy of utilities and other public works;*

Utilities and public works will continue to be designed and constructed in accordance with City standards.

(d) *impact on existing public facilities within the city; and*

The proposed modifications are not anticipated to result in any additional impact on other public facilities.

(e) *potential fiscal impact.*

The proposed modifications are not expected to result in negative fiscal impacts for the project or the City.

*Response to the requests set forth in the Preliminary Determination*

The Applicant provided illustrations of the proposed ground floor bank space, and explained that the ground floor at 41 Linskey Way, along with the rest of that building, remains subject to future design review and approval by the Planning Board pursuant to the conditions of the special permit. The Applicant also explained that while the proposed bank tenant cannot commit to providing community space compatible with the bank use, community art displays or other features will enhance the community-friendly nature of the use. Therefore, the Board is satisfied with the Applicant's response to the requests made in the Preliminary Determination.

2. Amendment to Project Review Special Permit (Section 19.20)

Because the original PUD Special Permit Decision also involved the granting of a Project Review Special Permit, the Board makes the following findings regarding the effects of the proposed Major Amendment on the criteria for issuance of a Project Review Special Permit.

*(19.25.1) Traffic Impact Findings. Where a Traffic Study is required as set forth in Section 19.24 (2)... 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...*

The proposed Major Amendment, authorizing a bank use in place of a retail use, will result in no substantive change to traffic impacts as they were assessed in the original special permit review. Hence, the Board finds that the Final Development Plan, as amended, will continue to have no substantial adverse impact on city traffic within the study area.

*(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 requested Major Amendment involves no substantive design changes to the PUD as a whole or to any component buildings or sites. As requested, the Applicant provided illustrations for the proposed fit-out of the bank space, and the building at 41 Linskey Way, where active use is proposed to be located and which is still required to undergo design review and approval by the Planning Board. Therefore, the Board finds that the proposed project remains consistent with the Urban Design Objectives set forth in Section 19.30.

3. 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, it appears that 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 ...*

As discussed earlier in these Findings, the proposed change will not create any new congestion, hazard, or change in neighborhood character. Patterns of access and egress have no change from the original PUD Special Permit Decision.

- (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 change of use will not affect the adjacent permitted uses.

- (d) nuisance or hazard would be created to the detriment of the health, safety and/or welfare of the occupant of the proposed use or the citizens of the City, or ...*

The proposed use change 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 ...*

The proposed use change fits the existing and anticipated pattern of development in addition to enhancing the integrity of the district.

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

The Board finds the project to be consistent with the citywide urban design objectives, as set forth above in 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 Major Amendment to a Planned Unit Development (PUD) per Section 12.37 of the Zoning Ordinance and a Project Review Special Permit per Section 19.20 of the Zoning Ordinance, subject to the following conditions and limitations. The provisions set forth in this Decision shall apply to the Permittee and to all successors in interest.

1. The Final Development Plan is hereby amended to allow up to 2,700 square feet of bank use at the ground floor of 100 Binney Street, and to authorize the relocation of active use from its previous location at 100 Binney Street to the ground floor of 41 Linskey Way, as shown in the amended Active Use Plan dated December, 2017 (attached as Appendix II to this Decision), provided that there is no reduction in the total amount of active use space in the Final Development Plan.
2. Condition 1.c of Special Permit PB #243 is hereby amended to read as follows:  
“Non-residential Gross Floor Area that is not occupied by Active Uses as described above shall be occupied by Technical Office uses as defined in Subsection 4.34(f) of the Zoning Ordinance or, in the case of the ground floor of the 100 Binney Street site, up to 2,700 SF of bank use as defined in Subsection 4.34(e) of the Zoning Ordinance.”
3. Except as set forth above, all development and public improvements shall be completed in accordance with the previously approved Final Development Plan and the Conditions of Special Permit PB #243, as modified by prior amendments.
4. The active use relocated to 41 Linskey Way shall remain subject to future Design Review by the Planning Board pursuant to the conditions of Special Permit PB #243.



Voting in the affirmative to GRANT the Major Amendment and special permits were Planning Board Members Louis Bacci, Steven Cohen, H Theodore Cohen, Catherine Preston Connolly, Mary Flynn, and Associate Member Thacher Tiffany, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,

A handwritten signature in black ink, appearing to read "H Theodore Cohen". The signature is written in a cursive, flowing style with some overlapping letters.

H Theodore Cohen, Chair.

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, ARE-MA Region No. 45, LLC and ARE-MA Region No. 47, LLC agree to the conditions attached to this Decision approving the granting of a Major Amendment to PUD Special Permit #243.

ARE-MA Region No. 45, LLC and ARE-MA Region No. 47, LLC



By Thomas Andrews  
Executive Vice President, Alexandria Real Estate Equities, Inc.  
Their Authorized Representative

A copy of this decision #243 Amendment #2 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.

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ATTEST: A true and correct copy of the above decision has been filed on February 22, 2018 with the Office of the City Clerk, by Swaathi Joseph, duly authorized representative of the Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

Twenty days have elapsed since the above decision was filed in the office of the City Clerk and:  
\_\_\_\_\_ no appeal has been filed; or

\_\_\_\_\_ an appeal has been filed within such twenty days.

The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This certification shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the periods provided under the second paragraph of G.L. c. 40A, §6.

Date: \_\_\_\_\_, City Clerk

Appeal has been dismissed or denied.

Date: \_\_\_\_\_, City Clerk

**Appendix I: Dimensional Form**

	<b>Allowed/Required</b>	<b>Proposed</b>	<b>Permitted</b>
Lot Area (sq ft)	87,120 (2 acres)	491,320	No change
Lot Width (ft)	No requirement	N/A	No change
Total GFA (sq ft)	1,533,406 <sup>1</sup>	1,533,200	Consistent with Zoning Ordinance and Final Development Plan
Non-Residential	1,533,406 <sup>1</sup>	1,533,200	
Residential	220,000 <sup>2</sup>	220,000	
Total FAR <sup>1</sup>	3.00	3.00	Consistent with Zoning Ordinance and Final Development Plan
Non-Residential	3.00	3.00	
Residential <sup>2</sup>	N/A	N/A	
Lot Area / Dwelling Unit (sq ft)	300 minimum	approx. 2,233	Consistent with Zoning Ordinance and Final Development Plan
Total Dwelling Units	N/A	220	
Inclusionary Units	None <sup>2</sup>	None	None
Range of Building Heights (ft)	45–140 (Detailed in 13.44.4, 13.54.4)	78, 85, 140	Consistent with Zoning Ordinance and Final Development Plan
Range of Yard Setbacks (ft)	0–10 (Detailed in 13.43.41, 13.53.4)	Varies (see Final Development Plan)	Consistent with Zoning Ordinance and Final Development Plan
Total Open Space (acres)	1.7 (Section 13.45) 2.3 (Section 13.59.9)	approx. 3.16	Consistent with Zoning Ordinance and Final Development Plan
Public	2.3 (Section 13.59.9)	approx. 2.57	
Private (Usable)	N/A	approx. 0.59	
Off-Street Parking Spaces	1600 maximum (Section 13.59.5)	1,847 <sup>3</sup>	1,847 <sup>3</sup>
Handicapped	Consistent with Zoning Ordinance Section 6.34	Not shown	Consistent with Zoning Ordinance Section 6.34
Bicycle Spaces	247 minimum (Section 6.37)	435	435 (minimum)
Loading Bays	13 (calculated for all buildings per 6.83)	approx. 13 <sup>4</sup>	Consistent with Final Development Plan

<sup>1</sup> The total allowed Gross Floor Area includes GFA allowed at an FAR of 3.0 (491,320 x 3.0 = 1,473,960 square feet) plus additional GFA up to a total of 59,446 square feet allowed if the Permittee transfers to the City of Cambridge the property at 101 Rogers Street and a portion of the property at 249 Third Street in accordance with the requirements of Section 13.59.10 of the Zoning Ordinance.

<sup>2</sup> For a Planned Unit Development meeting all the requirements of Section 13.59, 220,000 square feet of residential uses are allowed and must meet the requirements of 13.59.4. Such residential use is not counted as GFA for the purpose of calculating FAR. Neither the Inclusionary Housing requirements nor the bonuses apply.

<sup>3</sup> The proposed parking includes accessory parking for buildings within the Planned Unit Development as well as the relocation of 302 surface parking spaces serving the Athenaeum Building, as allowed in Section 13.59.52.

<sup>4</sup> Exact number of loading facilities to be specified during design review, per Condition 1(i) of this Decision.

41 LINKSEY WAY  
APPROX. 3,400 SF

2,700 SF

100 Binney St

140' / 10 floors

Office/Lab

 Active Use

 Mixed Mode  
Transportation Hub

\*Cross hatching added for clarity

Skating 

1