

CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

NOTICE OF DECISION

Case Number: 243

Address: 161 First St, 182-200 First St, 195 First St, 80-122 Binney St, 41 and 77 Linskey Way, 87-143 Binney St, 242-276 Third St, 54-84 Rogers St, 126-144 Rogers St, 50 Rogers/200 Second Street, 167, 173 and 179 Second Street and 61 Rear Rogers Street (Tax Parcels 16-20, 16-25, 16-27, 16-15, 16-21, 16-22, 15-26, 16-1, 28-23, 15-11, 11-46, 15-28 and 15-25). To be re-numbered 50, 75, 100, 125 and 225 Binney Street, 161 First Street, and 270 Third Street.

Zoning: Industry A-1 / PUD-3A and PUD-4C; C-3A / PUD-2

Applicant/Owner: ARE-MA Region No. 21, LLC; ARE-MA Region No. 32, LLC; ARE-MA Region No. 34, LLC; ARE-MA Region No. 37, LLC; ARE-MA Region No. 39, LLC; ARE-MA Region No. 40, LLC; ARE-MA Region No. 42, LLC; c/o Alexandria Real Estate Equities, Inc., 700 Technology Square, Suite 302, Cambridge, MA 02139.

Application Date: December 17, 2009

Date of First Public Hearing: January 26, 2010

Date of Preliminary Determination: January 26, 2010

Date of Second Public Hearing: April 6, 2010

Date of Final Decision: June 1, 2010

Date of Filing Planning Board Decision: June 7, 2010

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OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

Application: Planned Unit Development Special Permit (Sections 13.40 and 13.50) and Project Review Special Permit (Section 19.20) for 1,533,200 square feet of commercial uses plus 220,000 square feet of residential uses

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:

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

DOCUMENTS SUBMITTED

1. Project Review Special Permit Application, Binney Street Project, dated 12/17/09, including Cover Sheet, Summary of Application, Ownership Certificates, supporting statement and narrative, Certified Traffic Impact Study dated 11/12/09, Tree Study, Binney Street Project Graphic Materials.
2. Planned Unit Development Special Permit Application, Development Proposal, dated 12/17/09, containing Existing Conditions, Proposed Development, Development Schedule, Future Ownership, Financing Plan, Utilities, Impact on City Services, Quantitative Data, and Market Analysis, with attachments including Graphic Materials (by reference), Legal Description of Development Parcel, Conceptual Marketing and Merchandising Plan, Conceptual LEED Checklist for 100 Binney Street.
3. Graphic Materials, Binney Street Project, dated 12/17/09, containing plans, elevations, streetscapes, and proposed uses and designs
4. Cambridge Planning Board presentation by the Applicant, dated January 26, 2010
5. Letter to the Planning Board from Stephen H. Kaiser, dated 1/26/10
6. Letter to the Planning Board from Nancy Stiening, dated 1/26/10
7. Memo to Robert Healy, City Manager, from George Fernandes, City Engineer, dated 1/15/10
8. Letter to the Planning Board from Susan Clippinger, Director of Traffic, Parking and Transportation, dated 1/19/10
9. Email to Les Barber, from Steven Lush, Manager of Engineering and Program Development, Cambridge Water Department, dated 1/22/10
10. Letter from Kevin J. Sullivan, Jr. to Community Development Department dated January 13, 2010 confirming the location and matter of installation of thirty-seven (37) public notification panels installed at the project site on January 12, 2010
11. Copy of letter to Ian Bowles, Secretary of MEPA, from Robert W. Healy, City Manager, dated 1/25/10
12. Memo to the Planning Board from the Cambridge Bicycle/Pedestrian Project Review Committee, dated 1/22/10
13. Planning Unit Development Special Permit Application, Final Development Plan, dated 3/15/10, containing Cover Sheet, Certificate and Application Summary, Planning Board's Notice of Preliminary Determination for PUD Development Proposal, dated 1/26/10, Applicant's Responses to Requests for Additional Information, Revised Marketing and Merchandising Plan, and PUD Development Proposal

14. Revised Graphics Materials, revised 3/15/10
15. Design Review Submission, 100 Binney Street and 41 Linskey Way, dated 3/15/10
16. Memo to the Planning Board from the Cambridge Bicycle/Pedestrian Project Review Committee, dated 3/24/10
17. Cambridge Planning Board presentation by the Applicant, dated April 6, 2010.
18. Letter to the Planning Board from Susan Clippinger, Director of Traffic, Parking and Transportation, dated 4/6/10
19. Letter from James J. Rafferty to Liza Paden, Community Development Department, dated April 20, 2010 regarding extension of deadline for issuance of Planning Board decision to May 28, 2010
20. Parking and Transportation Demand Management Plan approved by the PTDM Planning Officer on April 22, 2010

FINDINGS

1. Section 12.36 – Approval of a Final Development Plan

The Board finds that the Final Development Plan meets the evaluation criteria set forth in Section 12.35.3 of the Zoning Ordinance, as detailed below. The Board also finds that the Applicant has responded thoroughly and appropriately to the requests for modification to the Development Proposal expressed in the Planning Board Preliminary Determination.

(1) The Final Development Plan 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 Final Development Plan conforms with the General Development Controls listed in Section 12.50, as further described below in these Findings. The Development Proposal also conforms with the use and dimensional requirements of the PUD-3A and PUD-4C Districts listed in Sections 13.40 and 13.50, as further described below in these Findings.

(2) The Final Development Plan conforms with adopted policy plans or development guidelines for the portion of the city in which the PUD district is located.

The applicable development policies and guidelines for the project area were established in the Cambridge Zoning Ordinance by the Alexandria Rezoning Petition, adopted in

February, 2009, which established the PUD-3A and PUD-4C Districts by amending Sections 13.40 and 13.50 of the Zoning Ordinance. Additionally, the Eastern Cambridge Design Guidelines, adopted in 2001, provide guidance for City review of proposed development in the project area, except where those guidelines are modified by the zoning regulations for the PUD-3A and PUD-4C districts, in which case the zoning regulations supersede the design guidelines.

The Final Development Plan is in conformance with the applicable plans and development guidelines listed above, as described further below in these Findings. The design of each individual building will be reviewed by the Planning Board in the future, consistent with the procedures set forth in this Special Permit, to determine their conformance with applicable design guidelines.

(3) *The Final Development Plan provides benefits to the city that outweigh its adverse effects. In making this determination the Planning Board shall consider the following:*

(a) *The 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 seeks to transform an area dominated by surface parking and smaller-scale commercial office and laboratory uses into a mixed-use environment with larger-scale research and development uses, additional mixed-income housing, ground-level active retail uses, open space in the form of two new public parks and several smaller urban plazas, below-grade parking, and transportation infrastructure improvements to encourage travel by foot, bicycle, and public transportation.

This site plan is compatible with adjacent land uses and consistent with the City's expectation that former industrial districts will redevelop to accommodate new commercial and residential uses. In its mix and design of uses, the Final Development Plan supports the City's interest in promoting development that enhances the local economy, creates jobs, and strengthens Cambridge's role as a worldwide center of life science research. The Final Development Plan is consistent with the City's growth policies of locating new commercial development and employment opportunities in areas well-served by public transportation, designing buildings to be friendly to pedestrians and bicycles, and limiting the supply of parking in order to discourage automobile travel. The Final Development Plan is also consistent with the City's policies of increasing the supply of housing in Cambridge for a range of incomes, expanding the supply of public open space to be used by neighborhood residents, and providing a range of retail businesses that are pedestrian-accessible, serve the local community, and contribute to an active and safe urban environment at the sidewalk level.

(b) Traffic flow and safety

The Transportation Impact Study for the Final Development Plan and accompanying information from the Traffic, Parking and Transportation Department show that estimated traffic impacts exceed some of the traffic impact indicators specified in Subsection 19.25.11 of the Zoning Ordinance. The Final Development Plan includes efforts to reduce traffic or mitigate impacts by limiting automobile parking supply, incorporating public transportation services, providing facilities to support bicycle travel, fully redesigning a section of Binney Street and making other roadway and sidewalk improvements to enhance comfort for pedestrians and bicyclists and to enhance safety for all users, and implementing transportation demand management measures. The Board finds that these improvements, and the conditions regarding traffic mitigation and parking and transportation demand management imposed in Condition 3 of the Decision section of this Special Permit, will mitigate or offset the potential adverse traffic impacts of the proposed development. Traffic impact findings are described below in these Findings.

(c) Adequacy of utilities and other public works

The proposed development will conform to the standards of the Department of Public Works, the Cambridge Water Department, and any other applicable City departments with regard to the use of all public utilities, including standards for construction of new public utilities and tie-ins.

(d) Impact on existing public facilities within the city

Aside from utilities and transportation infrastructure, which are mentioned above and described further below in these Findings, the proposed development will not significantly impact public facilities. Moreover, the Final Development Plan includes the provision of land and funding to design and develop two new public parks, along Rogers Street and First Street (approximately 2.6 acres in total), along with a building to be conveyed to the City of Cambridge for municipal or community uses, thus providing expanded and improved facilities to serve the public.

(e) Potential fiscal impacts

The development described in the Final Development Plan will expand the City's tax base through the provision of commercial development to support the research and technology industry in Cambridge, as well as residential and retail uses.

2. Section 12.50 – General Development Controls

The Board finds that the Final Development Plan conforms to the General Development Controls for a Planned Unit Development, as detailed below.

(12.51) Applicability and Conformance with Existing Policy Plans

The Final Development Plan meets the zoning requirements and is consistent with the intent of the PUD-2, PUD-3A and PUD-4C Districts as described in Sections 13.30, 13.40 and 13.50 of the Zoning Ordinance, and is generally consistent with the Eastern Cambridge Design Guidelines, as detailed further below in these Findings.

(12.52) PUD Development Parcel Size

The Final Development Plan exceeds the required minimum Development Parcel size of two (2) acres in the PUD-3A and PUD-4C Districts.

(12.53) Standards for Construction of Roadways

The Final Development Plan will not result in the establishment of new roadways, although it does include the reconstruction of a section of Binney Street with roadway modifications, and will include additional improvements along city sidewalks and some roads adjacent to the Development Parcel. All improvements on City-owned property will be subject to approval by the Traffic, Parking and Transportation Department, the Department of Public Works, and any other applicable City departments or public agencies.

(12.54) Standards for Construction of Utilities and Public Works

The proposed Development will conform to the specifications of the Department of Public Works, the Cambridge Water Department, and any other applicable City departments or public agencies with regard to the construction of all public utilities.

(12.55) Landscaping

All open spaces except for vehicular driveways will be landscaped appropriately to provide visual enjoyment, pedestrian access, and in some cases space for sitting and passive recreation. Landscape design details will be reviewed by the Planning Board as final design approval is sought for each building in the Planned Unit Development. The Final Development Plan also includes two new public parks, whose design will be developed through a public process conducted by the City. With the exception of one residential courtyard, all landscaped open spaces will be accessible to the general public.

(12.56) Environmental Performance Standards

All development will undergo the required environmental permitting and licensing processes of any applicable federal, state and local agencies. All development will conform to the Cambridge Municipal Noise Control Ordinance and the additional standards for Rooftop Mechanical Equipment Noise Mitigation in Section 13.59.1. In accordance with Section 13.59.2, all buildings included in the proposed Planned Unit Development will be designed and constructed to be eligible to achieve a LEED rating of Silver or higher under the

applicable LEED Rating System in effect on January 1, 2009 or any higher standard to which new buildings in the City of 50,000 square feet or more are made subject by City Ordinance.

3. Section 13.30 – PUD-2 Requirements

The only portions of the Development Parcel within the PUD-2 District are located within the triangular block bounded by Binney Street, First Street, and Land Boulevard. The Final Development Plan proposes that the use of this block will be public open space, which the Board finds is consistent with the intent of the PUD-2 District and the East Cambridge Riverfront Plan and is specifically authorized by Sections 13.43.2 and 13.53.2. No buildings or parking uses are proposed in this District, and therefore the District Dimensional Regulations do not apply. However, the allowed non-residential development within this portion of the Development Parcel, at the maximum Floor Area Ratio of 3.0 allowed in the PUD-2 District, is counted as a portion of the total Gross Floor Area allowed on the Development Parcel. All such Gross Floor Area will be constructed only on portions of the Development Parcel within the PUD-3A and PUD-4C Districts.

4. Sections 13.40 and 13.50 – PUD-3A and PUD-4C Requirements

The Board finds that the Final Development Plan conforms to the specific requirements that apply to Planned Unit Developments in the PUD-3A and PUD-4C Districts, as detailed below.

(13.41 and 13.51.1) Purpose

The Final Development plan will provide larger-scale commercial development within the Binney Street corridor with contiguous public open space provided between that corridor and the residential neighborhood, consistent with the purpose of the PUD-3A and PUD-4C Districts, which were established contemporaneously for the purpose of allowing such development to be permitted within a single Planned Unit Development that may span both districts. Also consistent with the purpose of these districts, the Final Development Plan proposes to: minimize noise from rooftop mechanical equipment; contain environmentally sustainable buildings; promote pedestrian usage of the sidewalks, an improved pedestrian environment, pedestrian connections to public transit, and a sense of neighborhood continuity by providing an interesting, lively, and active presence at street level, by requiring a mix of residential, retail, and other uses and by providing attractive exterior through-block connector space; provide parking which is primarily located underground and is maintained at lower ratios than customarily required by the Zoning Ordinance, so as to eliminate surface parking lots and promote public transportation and other parking and traffic demand measures which will reduce automobile trips; be consistent with the Eastern Cambridge Design Guidelines dated October 15, 2001; and preserve certain existing structures which add to the character of the neighborhood.

(13.42 and 13.52) Uses Allowed in PUD-3 / PUD-4 Districts

The Final Development Plan includes technical office, residential, retail, and transportation uses that are all allowed in the PUD-3A and PUD-4C Districts.

(13.43 and 13.53) District Dimensional Regulations

The Final Development plan conforms to the dimensional regulations of the PUD-3A and PUD-4C districts, as described below:

(13.43.1 and 13.53.1) Maximum Floor Area Ratio (FAR)

The proposed FAR for non-residential uses, not including development capacity that is intended to be transferred to the Development Parcel from the site of the “Foundry” building at 101 Rogers Street (allowed by Section 13.59.10), is 3.0, which is allowable for a Planned Unit Development in the PUD-3A and PUD-4C Districts as well as the PUD-2 District (as described above in these Findings). The Final Development Plan also includes 220,000 square feet of residential uses that are not counted as Gross Floor Area for the purpose of calculating FAR, as permitted and required in Section 13.59.4.

(13.43.2 and 13.53.2) Minimum Development Parcel

The Development Parcel size is 11.3 acres, which exceeds the required minimum size of two (2) acres in the PUD-3A and PUD-4C Districts.

(13.43.3 and 13.53.3) Dwelling Unit Density

Approximately two hundred twenty (220) residential units are proposed, which results in an average dwelling unit density of about 2,233 square feet of lot area per unit, far exceeding the minimum of 300 square feet per unit required in the PUD-3A and PUD-4C Districts.

(13.43.4 and 13.53.4) Other

The proposed massing for all new construction within the PUD-3A District includes a building setback of 10 feet from the streetline of Binney Street at a height between 78 feet and 85 feet, meeting the requirements of Section 13.43.41. In the PUD-4C District, the proposed massing for all new construction facing the proposed Rogers Street Park includes a four-foot building setback, and the proposed massing for all new construction between Second Street and Third Street includes an eight-foot setback from Binney Street that is reduced to a four-foot setback above the second story, meeting the requirement of Section 13.53.4.

(13.44 and 13.54) Height

The proposed building heights detailed in the Final Development Plan are consistent with the allowable heights in the applicable sub-areas of the PUD-3A and PUD-4C Districts. No

building is proposed within the sub-area north of Rogers Street, east of Third Street and west of Second Street, where the maximum building height is 45 feet.

(13.45 and 13.55) Open Space

The total amount of open space proposed is approximately 3.16 acres, or approximately 28% of the area of the Development Parcel, which exceeds the minimum required open space ratio of 15% in the PUD-3A District and 20% in the PUD-4C District. 2.6 acres of that open space will be public open space to be conveyed to the City of Cambridge by the Applicant, subject to the right and obligation of the Applicant to use and maintain subsurface stormwater detention facilities under the proposed Rogers Street Park, the design thereof to be subject to the approval of the Department of Public Works.

(13.46 and 13.56) Perimeter and Transition

The perimeter of the proposed Planned Unit Development will be designed to harmonize with adjacent land uses, to complement existing and proposed open spaces, and to enhance the pedestrian experience along Binney Street.

(13.47 and 13.57) Parking and Loading Requirements

Proposed off-street parking meets the requirements of Section 13.59.5 with regard to parking for development in the PUD-3A and PUD-4C Districts, as well as other conditions set forth in this Special Permit. Pursuant to Section 13.59.5, the Planning Board may approve changes to the parking location, layout and design, which may deviate from the requirements of Article 6.000, through the design review process described in Condition 2 of the Decision section of this Special Permit. Proposed loading areas meet the requirements of Article 6.000 of the Zoning Ordinance.

(13.58) Relationship to MBTA Urban Ring Transportation Planning Project

The Final Development Plan includes transit facilities that would accommodate bus service of the type that has been conceptually proposed for the First Implementation Stage of the Urban Ring project. Although, at the present time, there is no specific plan being advanced for the Urban Ring, it is prudent to make provisions for improved service in the future.

(13.59) Special Requirements, Conditions and Standards Applicable to Certain Development Authorized by the Planning Board in the PUD-3A and PUD-4C Districts.

The Final Development Plan meets the special requirements for development in the PUD-3A and PUD-4C Districts that are listed in Section 13.59 of the Zoning Ordinance, as described below.

(13.59.1) Rooftop Mechanical Equipment Noise Mitigation.

Sound emanating from rooftop mechanical equipment on all new structures in the Final Development Plan will be minimized by the adoption of best available and feasible practices

regarding the location and sizing of equipment, the selection of equipment and sound attenuation measures. At a minimum, any noise or vibration will not be normally perceptible at ground level without instruments at a distance of one hundred (100) feet from the source lot line and buildings shall comply with the City of Cambridge Noise Ordinance.

(13.59.2) Sustainability.

All new structures within the Final Development Plan will be planned, designed and constructed to be eligible to achieve at least the level "Silver" using the applicable LEED Rating System of the United States Green Building Council in effect on January 1, 2009 (or any higher standard to which new buildings in the City of 50,000 square feet or more are made subject by City Ordinance).

(13.59.3) Active Uses and Pedestrian Activity.

The Final Development Plan includes the required 20,000 square feet of Gross Floor Area dedicated to Active Uses, which will be constructed and occupied in a manner that meets all requirements of Section 13.59.3. The Final Development Plan includes a mixed-mode transportation hub at the corner of Binney Street and Second Street as described in Paragraph (1) of Section 13.59.32. The Final Development Plan also includes a Marketing Plan as described in Section 13.59.34. The Final Development Plan also includes approximately 20,000 square feet of additional ground-floor space that may potentially be dedicated to Active Uses after the initial required 20,000 square feet is occupied.

(13.59.4) Required Housing.

The Final Development Plan includes 220,000 square feet dedicated to residential uses, which will be constructed and occupied to meet all requirements of Section 13.59.4 as well as the conditions of this Special Permit.

(13.59.5) Parking.

The Final Development Plan includes 1,902 off-street parking spaces, to be constructed in below-grade garages. Off-street parking will be provided in a manner consistent with the requirements of Section 13.59.5, such that the ratio of off-street parking to occupied non-residential uses will not exceed 0.9 spaces per 1,000 square feet, and the ratio of off-street parking to occupied residential uses will not exceed one space per dwelling unit. A small number of permanent surface parking spaces are permitted in Section 13.59.5.

(13.59.6) Consistency with Design Guidelines.

The Final Development Plan is generally consistent with the Eastern Cambridge Design Guidelines, as described further in these Findings, except where those guidelines are in conflict with the zoning regulations for the PUD-3A and PUD-4C Districts, in which case the zoning regulations supersede the design guidelines. Individual building and landscape

designs will be reviewed for consistency with applicable guidelines through a process described in the conditions of this Special Permit.

(13.59.7) Preservation.

The Final Development Plan includes the preservation of the exteriors of the currently existing structures at 140-146 Sixth Street, 213 Binney Street (not including the building identified as 126 Rogers Street), 161 First Street (not including the three-story rear addition), and 41 Linskey Way for adaptive re-use during their useful lives, consistent with the requirements of Section 13.59.7.

(13.59.8) Letter of Commitment.

The Final Development Plan conforms with the provisions of that certain "Letter of Commitment" from the Applicant to the City of Cambridge dated February 9, 2009, which is included as an Attachment to this Special Permit.

(13.59.9) Required Public Open Space Features.

The Final Development Plan includes two dedicated public park spaces, one on the north side of Rogers Street between Third Street and Second Street, and another in a portion of the triangular block bounded by Binney Street, First Street, and Land Boulevard, which will be dedicated to the City of Cambridge in a manner consistent with all requirements of Section 13.59.9.

(13.59.10) Donation of an Existing Building with a preference for its use for Municipal or Community Uses.

The Final Development Plan includes the transfer to the City of Cambridge of the existing land and building identified as 101 Rogers Street along with the transfer of a portion of the lot identified as 249 Third Street, which will result in additional development potential being made available on the Development Parcel, consistent with the regulations in Section 13.59.10.

5. Section 19.25.1 – Traffic Impact Findings

The Applicant has submitted a Transportation Impact Study, which was certified complete and reliable by the Traffic, Parking and Transportation Department on November 19, 2009. The Final Development Plan, and the conditions regarding traffic mitigation and parking and transportation demand management imposed in Condition #3 of this Decision, includes mitigation measures intended to reduce the project's vehicle trip generation and improve safety for pedestrians, bicyclists and motorists within the area affected by the project.

The Board finds that the proposed mitigation measures and required conditions constitute a sufficient effort to reduce the potential adverse traffic impacts of the proposed project, and

that as a result, the project will not have a substantial adverse impact on city traffic within the area of the Development Parcel or the study area as analyzed in the Transportation Impact Study.

6. Section 19.25.2 – Urban Design Findings

The Board finds that the proposed project is consistent with the Citywide Urban Design Guidelines described in Section 19.30 of the Zoning Ordinance, as described below.

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

The proposed project is consistent with the zoning regulations and is compatible with the existing and anticipated uses in the area, as explained above in these Findings.

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

The proposed project includes many improvements to the pedestrian realm, such as sidewalk improvements, pedestrian through-block connectors, landscaping, and sitting areas. It also provides bicycle facilities, including a proposed cycle track on Binney Street and a substantial amount of indoor and outdoor bicycle parking for building users. The building entrances are sited to encourage pedestrian and bicycle access, and significant ground-floor retail and restaurant uses are intended to activate the streetscape.

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

The proposed project includes measures to minimize rooftop mechanical noise, as described further above in these Findings. Loading services will be sited and screened appropriately to minimize adverse effects on neighboring uses. The project includes satisfactory features regarding stormwater best management practices, shadow impact, landscaping, building scale, outdoor lighting and tree protection, as outlined in the Project Review Special Permit Application, and which will be subject to further design review by the Planning Board as per Condition 2 of the Decision section of this Special Permit. These features adequately mitigate adverse environmental impacts on neighbors.

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

The proposed project includes improvements to roadways and utilities that will be required to meet the standards of the Traffic, Parking and Transportation Department, the Department of Public Works, the Water Department, and other applicable City departments or public agencies. Traffic mitigation measures will be implemented to reduce traffic impacts on City roadways. The Final Development Plan will not create a burden on City infrastructure.

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

The new construction proposed will be consistent with the evolving character of the area, which includes preserved historic buildings and contemporary buildings used for research and development and other technology-related industries as well as other commercial and residential uses. The Final Development Plan also includes a significant amount of ground-floor retail and restaurant use to serve residents, employees, and visitors to the area.

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

The proposed project includes a total of 220,000 square feet of residential uses, as required by zoning for certain Planned Unit Developments in the PUD-3A and PUD-4C Districts.

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

The proposed project includes land to be conveyed to the City on which two public parks will be created by the City, as required by the zoning regulations in Section 13.59.9 for certain Planned Unit Developments in the PUD-3A and PUD-4C Districts, as well as other small private open spaces that will be accessible to the general public.

7. Eastern Cambridge Design Guidelines

In making its findings with regard to urban design, the Board takes into consideration the Eastern Cambridge Planning Guidelines adopted by the City Council in 2001. As described below, the Board finds that the Final Development Plan is generally consistent with the Eastern Cambridge Design Guidelines, except in those cases where they are superseded by the specific regulations for the PUD-3A and PUD-4C Districts described in Sections 13.40 and 13.50 of the Zoning Ordinance. Individual building designs will be further reviewed by the Planning Board according to the conditions of this Special Permit.

Goals (Transition Areas)

The Final Development Plan conforms to the special zoning regulations for the PUD-3A and PUD-4C Districts, which are meant to allow new commercial development for life science research and technical office use at a larger scale along Binney Street, while creating a public open space north of Rogers Street to provide a transition to the lower-scale residential neighborhood to the north. Residential and retail uses are also included. The Final Development Plan includes a set of pedestrian and bicycle improvements intended to help link area residents, employees, and visitors to the Charles River and other neighborhood amenities.

Street-Level Uses and Design for Mixed-Use Blocks (blocks that include housing and/or commercial uses, with a mix of active uses strongly encouraged on the ground floor)

The Final Development Plan maximizes the building frontage dedicated to active uses, and specifies façade designs that will create a distinctly pedestrian-friendly sidewalk-level experience with a significant amount of retail. Building entrances are located on ground floors, at corners where possible, and individual active use spaces have individual entrances to the sidewalk.

Building Height and Orientation on Major Public Streets [First Street]

Heights and setbacks of buildings are consistent with the zoning regulations for the PUD-3A and PUD-4C Districts. Vehicular entries and loading areas are located on side streets and will be designed to minimize their frontage on buildings and to ameliorate any negative visual impacts.

Building Height and Orientation on Other Streets [Second, Rogers, Bent, Charles, Hurley]

Heights and setbacks of buildings are consistent with the zoning regulations for the PUD-3A and PUD-4C Districts. Vehicular entries and loading areas are located on side streets and will be designed to minimize their frontage on buildings and to ameliorate any negative visual impacts.

Scale and Massing

The block sizes and massing of buildings in the Final Development Plan are consistent with the zoning regulations for the PUD-3A and PUD-4C Districts. Block sizes are generally consistent with existing block sizes in the area. The specified façade design types show articulated building exteriors with unique designs for ground-level space, variations in materials, colors, and fenestration, and attention to the design of rooftop mechanical penthouses.

Architectural Character (Residential)

The façade design types specified in the Final Development Plan for residential buildings include ample fenestration, articulated structural bays and canopies to define the ground level, Juliet balconies on upper floors where appropriate, and articulation in penthouse design to create variation in rooflines.

Architectural Character (Commercial)

The façade design types specified in the Final Development Plan for commercial buildings include well-defined and articulated structural bays at the ground level with ample fenestration and attention to building entrances, articulation through setbacks and projections on upper floors, detail features to help control daylighting and heat gain, and varied penthouse rooflines.

Environmental Guidelines

As required by the special zoning regulations for the PUD-3A and PUD-4C Districts, all buildings will be planned, designed and constructed to be eligible to achieve LEED certification at a level of Silver or higher. The special zoning regulations also include measures to minimize noise impacts from rooftop mechanical systems.

Parking

Off-street parking will be provided underground, and no vehicular entrances are located on the major public streets of Binney, First or Third Streets. The specific layout and design of parking facilities will be considered in the design review process for individual buildings within the Planned Unit Development.

Public Open Space

The Final Development Plan, consistent with zoning regulations, includes two parcels of significant size to be transferred to the City for use as public open space. The locations of the open spaces will provide connections to the residential neighborhood and to amenities such as the Charles River waterfront.

Semi-Private Open Space

Private open spaces, including courtyards and through-block connectors, will mostly be accessible to the general public. One proposed residential courtyard will be open only to building residents, but will be visually accessible in part from the sidewalk.

Streets and Sidewalks

The Final Development Plan includes a set of improvements to streets and sidewalks, including a reconstruction of Binney Street to include bicycle facilities and on-street parking as well as trees, landscaping and lighting improvements. The Final Development Plan also features street-level retail, bicycle parking, landscaping, street furniture, and other improvements intended to create safer and more welcoming pedestrian and bicycle access throughout the area. Improvements near the intersection of Binney Street and First Street, including a proposed new public park, will enhance pedestrian and bicycle access to the Charles River waterfront. These improvements will also enhance connections to the Kendall and Lechmere MBTA stations.

Transportation

The Final Development Plan includes a transportation center that could accommodate future Urban Ring bus service, a mixed-mode transportation hub integrated with retail use at the corner of Binney Street and Second Street, improved pedestrian crossings and bicycle lanes

on Binney Street, and indoor and outdoor bicycle parking for commuters and visitors throughout the project site.

8. Section 10.43 – General Special Permit 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.

The Board finds that the Final Development Plan meets the provisions of the Zoning Ordinance, and that the specifics of its location and use are consistent with the character of the district and the uses permitted within it, and that the proposed project will not be to the detriment of the public interest, based on the findings below.

(1) The requirements of the Zoning Ordinance can be met.

The proposed development meets all zoning requirements, as described above in these Findings.

(2) Traffic and patterns of access and egress will not cause hazard or congestion or change in neighborhood character.

The proposed development will include transportation improvements and other measures to mitigate potential adverse traffic impacts, as described above in these Findings.

(3) The operation or development of adjacent uses will not be adversely affected.

The proposed development is compatible with other existing and proposed uses in the area.

(4) No nuisance or hazard will be created to the detriment of the health, safety and welfare of future residents or citizens of Cambridge.

The proposed development will be required to comply with applicable health, safety, and building code requirements. The proposed Development will be required to comply with the Cambridge Municipal Noise Control Ordinance and will include other noise mitigation measures as described further above in these Findings. Tenants and occupants will be required to comply with the City of Cambridge Biosafety Regulations and the Recombinant DNA Ordinance. No hazard or nuisance will be created.

(5) The use will not impair the integrity of the District or adjoining districts or otherwise derogate from the intent and purpose of this Ordinance.

The proposed development is consistent with the intended uses in the district and with the

purpose and intent of the zoning regulations for the district.

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

The proposed development is consistent with those objectives, as described further above in these Findings.

DECISION

Based on a review of the Application Documents, comments made at the public hearings, and the above Findings, the Planning Board grants the requested Special Permits for a PUD Final Development Plan and for a Project Review Special Permit, subject to the following conditions and limitations. Hereinafter, for purposes of this Decision, Permittee shall mean the Permittee and any successor or successors in interest.

1. Dimensional and Programmatic Conditions

All development authorized by this Special Permit shall be consistent with the Final Development Plan materials dated March 15, 2010, and the applicable regulations of the Cambridge Zoning Ordinance. In addition, as a condition of this Special Permit, all development shall occur in a manner consistent with and subject to the provisions of the Letter of Commitment from the Permittee to the City of Cambridge dated February 9, 2009, attached to this Decision. The following characteristics of the Planned Unit Development are specifically permitted and are summarized in the Dimensional Form in Appendix I of this Decision:

- a. The maximum Gross Floor Area of non-residential development permitted shall be 1,533,200 square feet. This amount includes the allowed Gross Floor Area on the Development Parcel, at a maximum Floor Area Ratio of 3.0, plus an additional 43,684 square feet of Gross Floor Area that shall be allowed if and only if the Permittee meets the requirements of Section 13.59.10 of the Zoning Ordinance and fulfills the obligations described in the aforementioned Letter of Commitment with regard to the transfer to the City of Cambridge of the property at 101 Rogers Street, plus up to 15,762 square feet of Gross Floor Area that may be allowed under Section 13.59.10 if and only if the Permittee transfers a portion of the lot at 249 Third Street to the City of Cambridge. If and to the extent that the requirements of Section 13.59.10 and the aforementioned obligations of the aforementioned Letter of Commitment are not met, then the additional Gross Floor Area (43,684 square feet plus 15,762 square feet) shall not be allowed.
- b. A minimum of 20,000 square feet of permitted non-residential Gross Floor Area shall be planned, designed, constructed and used as ground-floor Active Uses meeting the requirements of Section 13.59.3 of the Zoning Ordinance. Additionally, any non-residential Gross Floor Area located at the ground floor of a building may be occupied by

Active Uses. Additional conditions related to Active Uses are described further in Part 4 of this Decision.

- c. 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.
- d. 220,000 square feet of residential Gross Floor Area shall be required in accordance with Section 13.59.4 of the Zoning Ordinance. The required residential uses shall comply with all regulations in Section 13.59.4 of the Zoning Ordinance and shall conform to the obligations described in the Letter of Commitment from the Permittee to the City of Cambridge dated February 9, 2009. In accordance with Section 13.59.4, the required 220,000 square feet of residential uses shall not be counted in the calculation of Gross Floor Area for the Development Parcel and shall not be subject to the Inclusionary Housing requirements of Section 11.200.
- e. The locations of all new buildings and uses on the Development Parcel shall be as generally shown in the Final Development Plan, which indicates the following:
 - (1) Five new commercial buildings shall be constructed on the sites identified as 50 Binney Street, 75 Binney Street, 100 Binney Street, 125 Binney Street, and 225 Binney Street.
 - (2) One new mixed-use building with commercial Active Use at the ground floor and residential uses above-grade shall be constructed at 270 Third Street.
 - (3) The existing commercial building at 161 First Street (excluding the three-story rear addition) shall be adapted for re-use as a residential building, and a new residential-use annex shall be constructed to the west of the existing building.
 - (4) The existing building at 41 Linskey Street shall be adapted for re-use as a commercial building, with a new annex constructed on the building's north side to include Active Uses as defined in Section 13.59.31 of the Zoning Ordinance.
 - (5) The exterior of two existing buildings on the block containing the 225 Binney Street site, identified as 140-146 Sixth Street and 213 Binney Street (excluding the building known as 126 Rogers Street), shall be preserved for adaptive re-use.
- f. The number of accessory off-street parking spaces approved for this Planned Unit Development shall not exceed 1,902, which shall include accessory off-street parking to serve all buildings permitted in this Planned Unit Development as well as accessory parking to serve the "Athenaeum Building" at 215 First Street. Off-street accessory parking facilities shall be provided in the locations described and illustrated in the Final Development Plan.
- g. A minimum of 435 bicycle parking spaces shall be provided, as described and illustrated in the Final Development Plan.

- h. For all new and renovated buildings permitted in this Planned Unit Development, the Gross Floor Area, height, setbacks and building massing shall be as conceptually described and illustrated in the Final Development Plan. During design review (described below), the Planning Board may approve increases in GFA in particular buildings of up to 10%, provided that the applicable height and other dimensional requirements are complied with and the maximum total GFA authorized within the Development Parcel does not increase. As a Minor Amendment to this Decision, the Planning Board may approve increases in GFA in particular buildings in excess of 10%, provided that the applicable height and other dimensional requirements are complied with and the maximum total GFA authorized within the Development Parcel does not increase. The specific design of individual buildings shall be subject to Design Review by the Planning Board, as described further in this Decision.
- i. All building entrances, parking facility entrances, and vehicular loading areas shall be in the general locations described and illustrated in the Final Development Plan. The specific design of individual buildings, including those elements listed above and the number of loading facilities, shall be subject to Design Review by the Planning Board as described further in this Decision.
- j. In accordance with the Final Development Plan, a minimum of 3.16 acres of open space shall be required, which shall include a minimum of 2.5 acres of land to be conveyed to the City of Cambridge for the purpose of being developed into public open space as required in Section 13.59.9 of the Zoning Ordinance. The permitted sizes, configurations, and locations of all public and private open spaces shall be as indicated and illustrated in the Final Development Plan. With the exception of the indicated residential courtyard at 161 First Street, all private open space shall be free and accessible to the general public at all times, subject to reasonable closures for security, construction staging, and maintenance purposes. Private open spaces adjacent to buildings permitted in this Planned Unit Development shall be subject to Design Review by the Planning Board as described further in this Decision.
- k. The conceptual design of streetscape types, urban space types, streetwalls and massing, storefront design, service access design, and exterior lighting shall be as described and illustrated in the Final Development Plan. The specific design of individual buildings, including outdoor spaces adjacent to those buildings, shall be subject to Design Review by the Planning Board as described further in this Decision.
- l. Any improvements to be undertaken by the Permittee that will impact City streets, sidewalks, or other City-owned public spaces, as well as any work that will impact City utilities such as water, sewer, electric, or telecommunications service, shall be subject to approval by the applicable City departments, which may include but are not limited to the Traffic, Parking and Transportation Department, Department of Public Works, Community Development Department, Electrical Department, and Water Department.

2. Design Review

Consistent with Section 13.59.6, in granting a Project Review Special Permit under Article 19 for all buildings in the Final Development Plan, the Planning Board hereby approves buildings as presented in conceptual form, subject to later design review by the Planning Board. The Planning Board shall review and approve the specific design of each building contained within the approved Final Development Plan, including any landscape elements associated with that building, at a regular Board meeting at which the possible approval has been placed on the agenda, prior to issuance of a Building Permit for that building.

- a. For each building, the Permittee is required to provide the following materials to the Planning Board for review:
 - (1) A dimensional form describing the Gross Floor Area, building height, setbacks, size of open space, and vehicular and bicycle parking spaces, as well as cumulative dimensional information for all development that has been previously constructed or has received final design review approval from the Planning Board.
 - (2) A description of all uses intended to be located within the new or renovated buildings.
 - (3) Schematic design drawings of all new or renovated buildings and surrounding open spaces to be approved, including a site plan, plan drawings of all floors within the building, elevations, and contextual renderings consistent with the Final Development Plan.
 - (4) Illustrations of any planned roadway or sidewalk changes, as approved or to be approved in the future by City departments or other public agencies.
 - (5) A noise mitigation narrative with supplementary information to demonstrate how all buildings will meet the requirements of the Cambridge Municipal Noise Control Ordinance and the additional requirements in Section 13.59.1 of the Zoning Ordinance.
 - (6) In accordance with Section 13.59.2, a completed Leadership in Energy and Environmental Design (LEED) scorecard demonstrating that the building is eligible to receive certification at a level of Silver or higher under the most applicable LEED rating system in effect on January 1, 2009, or any higher standard to which new buildings in the City of 50,000 square feet or more are made subject by City Ordinance.
- b. During the design review process, the Board shall consider:
 - (1) The architectural design of building facades, with special attention to the ground level.
 - (2) The selection and placement of rooftop mechanical equipment, along with the design of penthouses and other features meant to screen such equipment, and any other exterior features within or surrounding the building site.

- (3) The configuration and design of pedestrian, bicycle and vehicular modes of access and egress.
 - (4) The design of open spaces, landscape elements, and modifications to abutting street or sidewalk rights of way, with attention to pedestrian and bicycle circulation and comfort.
 - (5) Any potential impacts of the proposed design on the public realm or on properties outside of the Planned Unit Development, including but not limited to visual impacts, noise impacts, shadows, and effects on the safety and comfort of pedestrians, bicyclists and motorists in the area.
- c. As described in Section 13.59.6, the Planning Board's review shall be guided by the design standards specified in the Final Development Plan and by the Eastern Cambridge Design Guidelines, provided that in the event of any conflict between such Design Guidelines and the provisions of Sections 13.40 and 13.50 of the Zoning Ordinance, the provisions of Sections 13.40 and Section 13.50 shall govern.
 - d. The Permittee may provide initial plans in schematic form for Planning Board review. The final Building Permit set of plans shall be approved by a majority vote of the entire Planning Board.
 - e. Before the issuance of a Building Permit for any building in the Planned Unit Development, the Community Development Department 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 Permit, including design approval, granted by the Planning Board.

3. Traffic and Parking

The Permittee shall be required to implement traffic mitigation measures and roadway and sidewalk improvements described in the memorandum by Susan Clippinger, Director of Traffic, Parking and Transportation for the City of Cambridge, dated April 6, 2010, which is attached to this Decision. These measures shall specifically include the following:

- a. Parking Supply
 - (1) Pursuant to Section 13.59.52, the Planning Board approves the relocation of the existing 302 surface parking spaces serving the "Athenaeum Building" at 215 First Street, which is owned by the Permittee, to be accommodated within the below-grade parking garage at 100 Binney Street, as described and illustrated in the Final Development Plan.
 - (2) Not counting the 302 parking spaces provided for the "Athenaeum Building" as described above, vehicular parking for the Planned Unit Development shall be provided at a maximum ratio of 0.9 spaces per 1,000 square feet of Gross Floor Area for non-residential uses and one space per dwelling unit for residential uses. At no time shall the supply of parking exceed this ratio for occupied development within the

Development Parcel. If, for purposes of efficiencies of construction, the constructed parking facilities result in a supply that exceeds this ratio, spaces shall be sectioned off and made unavailable for use such that the maximum parking ratio is met. The maximum number of off-street parking spaces shall not exceed 1,902. Subject to the foregoing, tenants and occupants of any of the commercial and residential buildings within the Development Parcel or in the Athenaeum Building may occupy any of the garages in the Final Development Plan from time to time.

- (3) The requirement above notwithstanding, if the 100 Binney Street site is occupied before on-street parking spaces have been made available along the southerly edge of Binney Street, then the Permittee shall be allowed to provide a maximum of fourteen (14) short-term parking spaces within an interim surface parking lot, located at the end of the 50 Binney Street site closest to Second Street. This parking shall be provided for the purpose of serving Active Uses, and the use of this surface parking shall cease when on-street parking spaces become available on the southerly edge of Binney Street.
- (4) As indicated in the Memorandum from Susan Clippinger dated April 6, 2010, after further study and consultation with the Traffic, Parking and Transportation Department and the Parking and Transportation Demand Management Officer, the Permittee is encouraged, if analysis warrants, to seek a Special Permit from the Planning Board to reduce the required accessory parking for residential uses, either by proposing a reduction from the minimum required ratio of one parking space per dwelling unit or by proposing a shared or pooled parking arrangement with the accessory parking for non-residential uses constructed in this Planned Unit Development.
- (5) The Permittee shall be required to provide a minimum of 435 bicycle parking spaces, including interior parking facilities within buildings and outdoor parking spaces located near entrances to all buildings and Active Use spaces, all bicycle parking facilities to be designed in a manner consistent with the requirements of Section 6.49 of the Zoning Ordinance and with the Final Development Plan.

b. Roadway and Sidewalk Improvements

- (1) The Permittee shall design and implement a reconstruction of the roadway and sidewalks of Binney Street between Third Street and First Street, in a manner to be approved by the Cambridge Traffic, Parking and Transportation Department, Department of Public Works, and Community Development Department. The timing of this work shall be consistent with the Memorandum from Susan Clippinger dated April 6, 2010, attached to this Decision. As specified in the aforementioned Memorandum, no Certificate of Occupancy shall be delayed or otherwise affected if the Permittee is unable to substantially complete the reconstruction of Binney Street due to factors outside of its control. (See Section 2.0, Paragraph 1 of the Memorandum.)
- (2) The Permittee shall propose 25% design drawings for changes to the intersection at Binney Street and Land Boulevard to accommodate two left-turn lanes, and shall

collaborate with the Traffic, Parking and Transportation Department to seek approval for the implementation of such changes from the Massachusetts Department of Conservation and Recreation or other agency having jurisdiction over that intersection at the time. If approved, the Permittee shall implement the designed changes. The timing of this work shall be consistent with the Memorandum from Susan Clippinger dated April 6, 2010, attached to this Decision. As specified in the aforementioned Memorandum, no Certificate of Occupancy shall be delayed or otherwise affected if the Permittee is unable to substantially complete these improvements due to factors outside of its control. (See Section 2.0, Paragraph 2 of the Memorandum.)

- c. The Permittee shall design and implement a Neighborhood Traffic Monitoring Program as described in the Memorandum from Susan Clippinger dated April 6, 2010, to be approved by the Traffic, Parking and Transportation Department prior to the issuance of the first Building Permit for development authorized by this Special Permit and implemented annually until one year after full occupancy of the project. (See Section 4.0 of the Memorandum.)
- d. As a condition of this Special Permit, the Permittee shall fulfill the requirements of the project's Parking and Transportation Demand Management Plan approved by the City's PTDM Planning Officer on April 22, 2010, in accordance with the City of Cambridge Parking and Transportation Demand Management Ordinance.

4. Active Uses

- a. The Planning Board approves the proposed location of required Active Use spaces as described and illustrated in the Final Development Plan. As described in the Final Development Plan, the approved Active Uses shall include a Mixed-Mode Transportation Hub as described in Section 13.59.31, Paragraph (3) of the Zoning Ordinance, at the corner of Binney Street and Second Street. Any change to the locations of required Active Uses shall be approved by the Planning Board in accordance with the procedures for approval of a Minor Amendment, so long as such a change does not violate the zoning requirements of Section 13.59.3.
- b. In accordance with Section 13.59.32, all non-residential ground-floor space in the permitted Planned Unit Development, whether or not it is at the locations identified for required Active Uses, shall contain design features which could accommodate future Active Uses. The Permittee shall make best efforts to ensure that the design, leasing and programming of such ground-floor space does not preclude the future viability of re-programming that space for Active Uses.
- c. Any non-residential ground-floor space approved within this Planned Unit Development may be converted to Active Use space as defined in Section 13.59.31 without amending this Special Permit. Any conversion of ground-floor space from an approved Active Use to any other use shall be approved by the Planning Board in accordance with the procedures for approval of a Minor Amendment, so long as such a change does not violate the zoning requirements of Section 13.59.3.

- d. The Planning Board approves the Marketing Plan submitted with the Final Development Plan as required in Section 13.59.34. As a condition of this Decision, the Permittee shall, until the later of three years after full occupancy of all required Active Use space or ten years after the issuance of the first building permit for a building in the Final Development Plan, make an annual report to the Community Development Department, through its Economic Development Division, which states the Permittee's progress in implementing the Marketing Plan along with any refinements or modifications that have occurred to the Marketing Plan over the course of the intervening year. The Permittee shall revise the Marketing Plan as necessary to achieve full occupancy of all required Active Use space within a reasonable period of time.

5. Construction Management

- a. Before issuance of the first building permit for construction within the Development Parcel, the Permittee shall prepare a Construction Management Plan consistent with the requirements of Section 18.20 of the Zoning Ordinance, which Plan shall be submitted to the Department of Public Works and the Traffic, Parking and Transportation Department for review and approval.
- b. Prior to the preparation of a Construction Management Plan, the Permittee shall develop a scope for such a Plan to be reviewed by the Community Development Department, the Department of Public Works, the Water Department, the Traffic, Parking and Transportation Department, the Inspectional Services Department, and other departments as deemed appropriate by the City. A draft Construction Management Plan shall be submitted to the departments indicated above for review prior to submittal to the Planning Board for approval.

6. Noise and Vibration

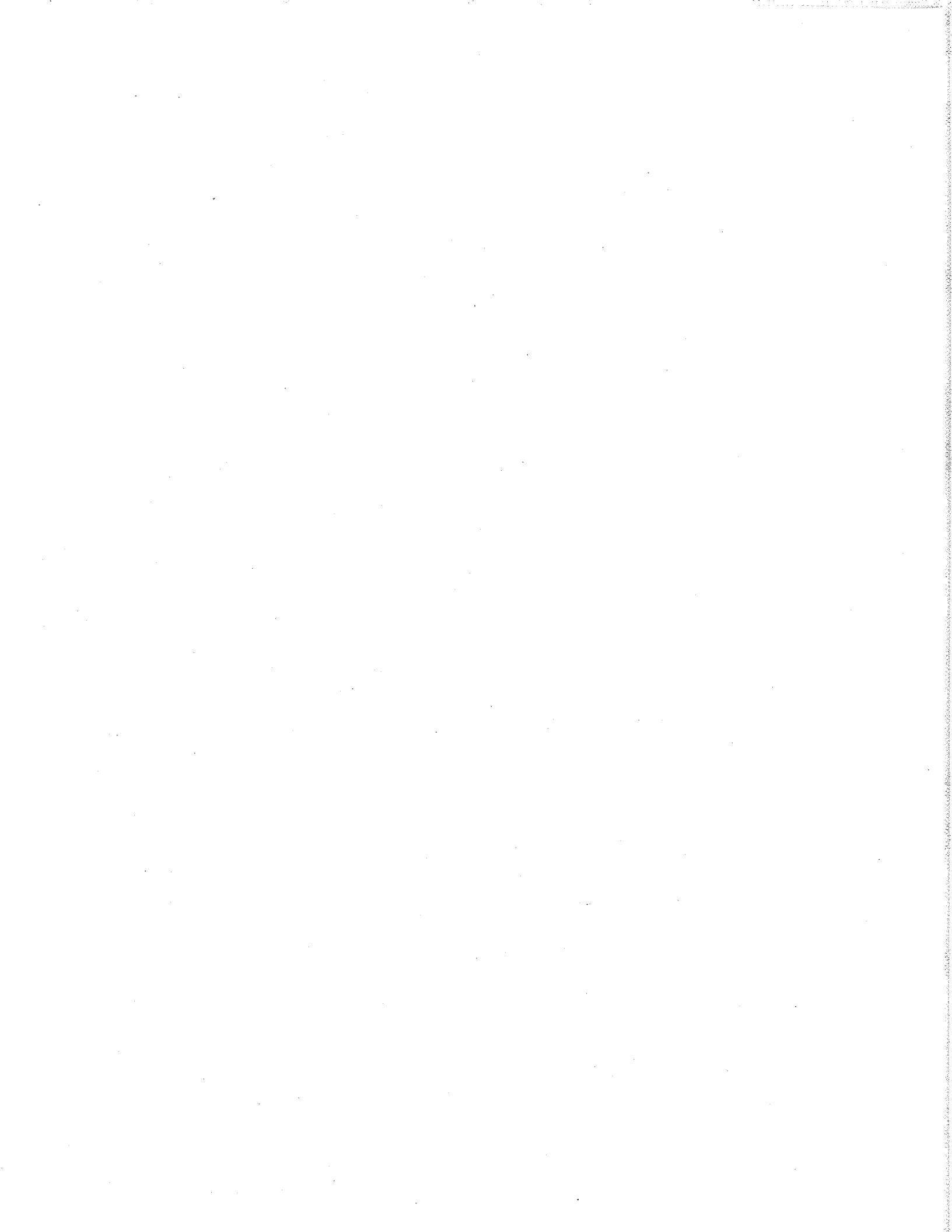
- a. All buildings and uses within the permitted Planned Unit Development, and all construction activity pursuant to this Special Permit, shall conform to the requirements of the City of Cambridge Municipal Noise Control Ordinance.
- b. Furthermore, in accordance with Section 13.59.1 of the Zoning Ordinance, at a minimum, any noise or vibration emanating from buildings and uses within the permitted Planned Unit Development shall not be normally perceptible at ground level without instruments at a distance of one hundred (100) feet from the source lot line.

7. Project Phasing and Implementation

- a. In accordance with the Final Development Plan, construction of the permitted Planned Unit Development shall be complete within twenty (20) years of the date of issuance of this Special Permit, provided that if construction on a particular phase has commenced within twenty years, such phase shall be entitled to a Certificate of Occupancy so long as

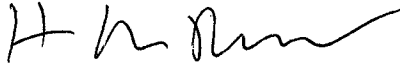
construction is continued through to completion as continuously and expeditiously as is reasonable.

- b. In accordance with the Final Development Plan, construction of the permitted Planned Unit Development shall occur in eight (8) Phases, each Phase to involve development on one of the building sites identified in the Final Development Plan (identified as 50, 75, 100, 125 and 225 Binney Street; 161 First Street; 270 Third Street; and 41 Linskey Way). The Permittee may proceed with the development of more than one Phase simultaneously.
- c. The Permittee is allowed flexibility in determining the order in which to proceed with the non-residential Phases of the permitted Planned Unit Development, and may decide when to proceed with the non-residential Phases based on market conditions and demand.
- d. For the residential Phases of the permitted Planned Unit Development, the Permittee shall fulfill the requirements of Section 13.59.4, which specifies that construction of the first 70,000 square feet of required residential uses must commence prior to the issuance of a building permit allowing non-residential Gross Floor Area in excess of 767,000 square feet in the aggregate, and construction of the remaining 150,000 square feet of residential uses shall commence no later than the later of (a) issuance of a building permit allowing non-residential Gross Floor Area in excess of 1,000,000 square feet of non-residential Gross Floor Area in the aggregate, or (b) eight years after the granting of this Special Permit.
- e. As a condition of this Special Permit, the Permittee shall fulfill the obligations identified in Section 13.59 of the Zoning Ordinance, in the Letter of Commitment from the Permittee to the City of Cambridge dated February 9, 2009 (attached to this Decision), and in the Memorandum from Susan Clippinger, Director of Traffic, Parking and Transportation, dated April 6, 2010 (attached to this Decision) in a manner and at a time consistent with those aforementioned documents. The aforementioned obligations and the timing within which they shall be fulfilled are summarized in the chart in Appendix II of this Decision.
- f. This Special Permit shall be governed by the provisions of Massachusetts General Laws, Chapter 40A and Section 10.46 of the Cambridge Zoning Ordinance, which establish the time within which construction authorized by the Special Permit must commence. With respect to the requirements of Section 12.40 of the Zoning Ordinance, the Planning Board grants to the Permittee the right to start construction within two years of the date of filing of this Decision with the City Clerk (not including the time required to pursue or await the determination of an appeal under Section 17 of Chapter 40A), hereby granting the extension permitted under Section 12.41 for good cause, such good cause having been demonstrated by the Applicant because of the unusually large size and scope of the Planned Unit Development and the need to obtain third party permits and approvals for infrastructure and mitigation for the project.



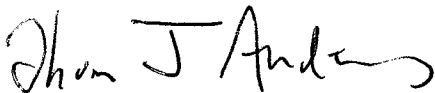
Voting in the Affirmative to **GRANT** the Special Permits were Planning Board Members Thomas Anninger, Theodore Cohen, Hugh Russell, Steven Winter, Pamela Winters, and Associate Member Ahmed Nur appointed by the Chair to act on the case, constituting at least two thirds of the members of the Planning Board, necessary to grant a Special Permit.

For the Planning Board,



Hugh Russell, Chair

Pursuant to Section 12.36.4 of the City of Cambridge Zoning Ordinance, the Permittee agrees to the conditions attached to this Decision approving the granting of a PUD Special Permit for Case #243.



Thomas J. Andrews
Authorized Representative

ATTACHMENTS

1. Appendix I: Dimensional Form
2. Appendix II: Timing of Required Project Benefits
3. Letter of Commitment from the Permittee to the City of Cambridge dated February 9, 2009.
4. Memorandum from Susan Clippinger, Director of Traffic, Parking and Transportation, to the Planning Board, dated April 6, 2010.



A copy of this decision #243 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 June 7, 2010, by Elizabeth Paden, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have been filed with the City Clerk on said date.

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

DATE:

City Clerk of Cambridge

Appendix I: Dimensional Form

	Allowed/Required	Proposed	Permitted
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 ¹	1,533,200	Consistent with Zoning Ordinance and Final Development Plan
Non-Residential	1,533,406 ¹	1,533,200	
Residential	220,000 ²	220,000	
Total FAR ¹	3.00	3.00	Consistent with Zoning Ordinance and Final Development Plan
Non-Residential	3.00	3.00	
Residential ²	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 ²	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)	1,902 ³	1,902 ³
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 ⁴	Consistent with Final Development Plan

¹ 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.

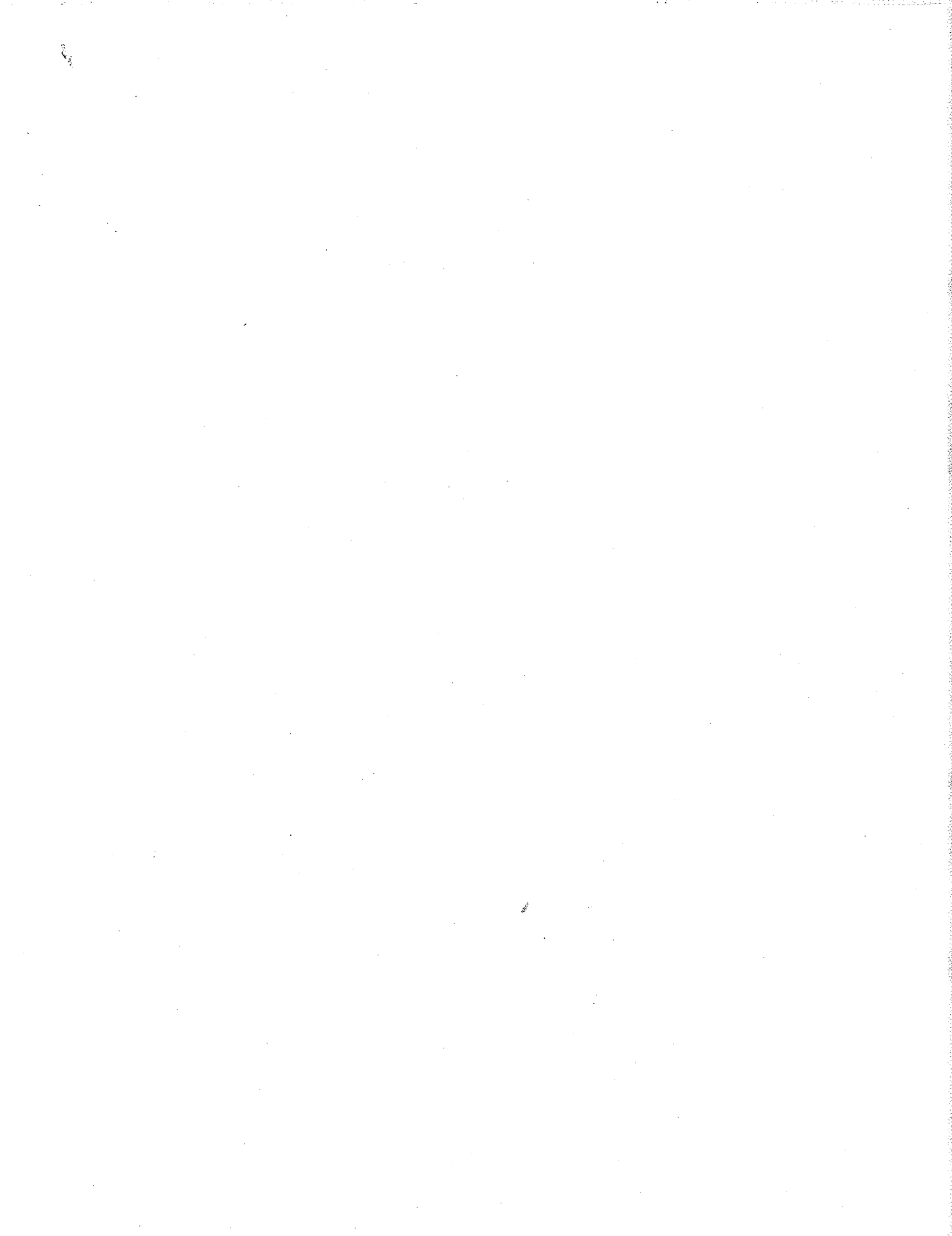
² For a Planned Unit Development meeting all the requirements of Section 13.59, 220,000 square feet of residential uses are allowed and must meet the requirements of 13.59.4. Such residential use is not counted as GFA for the purpose of calculating FAR. Neither the Inclusionary Housing requirements nor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

³ 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.

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

Appendix II: Timing of Required Project Benefits

Activating Condition	Permittee Obligation	Consistent With
Prior to first Building Permit for non-residential use	Contribute \$1,000,000 to City for planning and design of Rogers Street Park and Triangle Park	Letter of Commitment from Alexandria 2/9/09
Prior to first Building Permit for non-residential use	Begin traffic monitoring program	Memorandum from Susan Clippinger 4/6/10
Prior to first Certificate of Occupancy for non-residential use	Transfer land for Rogers Street Park to City in suitable condition for open space use	Zoning Section 13.59.91
Prior to first Certificate of Occupancy for non-residential use	Contribute \$8,500,000 to City for improvements to Rogers Street Park and Triangle Park	Letter of Commitment from Alexandria 2/9/09
On or before January 1, 2012, provided that construction of a building has commenced (otherwise upon commencement of construction of a building)	Transfer land and building at 101 Rogers Street to City	Letter of Commitment from Alexandria 2/9/09
Prior to Certificate of Occupancy for 500,000 SF of non-residential use (<i>including</i> 225 Binney)	Substantially complete construction of Land/Binney intersection improvements (if approval received by DCR/state)	Memorandum from Susan Clippinger 4/6/10
Prior to Certificate of Occupancy for 500,000 SF of non-residential use (<i>excluding</i> 225 Binney)	Substantially complete construction of Binney Street improvements	Memorandum from Susan Clippinger 4/6/10
Prior to Certificate of Occupancy for 700,000 SF of non-residential use	Transfer land for Triangle Park to City in suitable condition for open space use	Zoning Section 13.59.91
Prior to Building Permit for 767,000 SF of non-residential use	Commence construction of 70,000 SF of residential use	Zoning Section 13.59.4
Prior to the later of the following: Building Permit for 1,000,000 SF of non-residential use or 8 years after date of granting this Special Permit	Commence construction of remaining 150,000 SF of residential use	Zoning Section 13.59.4
After Certificate of Occupancy for 1,000,000 SF of non-residential use	Contribute \$12 per SF of non-residential use occupied above 1,000,000 SF, and up to a total of \$6,000,000, to City for East Cambridge Open Space Fund	Letter of Commitment from Alexandria 2/9/09
Within 20 years of the date at which this Special Permit is granted	All development completed as specified in Condition 7(a)	Final Development Plan 3/15/10



Alexandria Real Estate Equities
700 Technology Square
Suite 302
Cambridge, MA 02139

February 9, 2009

Mayor E. Denise Simmons
Vice Mayor Brian Murphy
Ordinance Committee Co-Chair David P. Maher
City Councilor Henrietta Davis
City Councilor Marjorie C. Decker
City Councilor Craig A. Kelly
City Councilor Kenneth E. Reeves
City Councilor Sam Seidel
City Councilor Timothy J. Toomey, Jr.
795 Massachusetts Avenue
City Hall
Cambridge, MA 02139

**SUBJECT: Commitments and conditions accompanying the substitute petition for
Binney Street Zoning attached hereto as Attachment A**

Dear Mayor Simmons, Vice Mayor Murphy, Ordinance Committee Co-Chair Maher, and
Councilors Davis, Decker, Kelly, Reeves, Seidel and Toomey:

The purpose of this letter is to describe commitments and benefits which Alexandria (hereafter
defined) is prepared to offer to the City of Cambridge, to facilitate and enable Alexandria's use
and development of key sites in East Cambridge in a manner consistent with the East Cambridge
Planning Study ("ECaPS"), subject to the satisfaction of the "Conditions" set forth below.

This letter is the "Letter of Commitment" referenced in Section 13.59.8 of the proposed
amendments to the Zoning Ordinance set forth in Attachment A (the "Binney Street Zoning").
All capitalized terms not defined herein shall have the meanings given them in Attachment A.

For purposes hereof, "Alexandria" refers to the entities listed below, who own, or have the right
to purchase, the land opposite each entity's name below, which land constitutes the land which is

eligible to be included in a Final Development Plan pursuant to the Binney Street Zoning. Such land is shown on the illustrative site plan attached hereto as Attachment B. Included within this is the land at which the so-called "Rogers Street Park" will be located, and the land at which the so-called "Triangle Park" will be located. The "Alexandria Land" means any land listed below which is included within an approved Final Development Plan which is subject to Section 13.59. Without limitation, it is expected that a portion of the property located at 249 Third Street will not be included in any such Final Development Plan, and any such property not so included shall be deemed excluded from the "Alexandria Land."

Alexandria Entity	Alexandria Land
ARE-MA Region No. 21, LLC	161 First Street (Parcel 16-20)
ARE-MA Region No. 32, LLC	54, 56, 57, 60, 61, 64, 65, 67, 68, 69, 71, 72, 74, 75, 79, 80, 83 and 84 Rogers Street; 87, 95, 101, 107, 80-122 and 143 Binney Street; 245, 247, 249, 264, 270, 276 Third Street; 167, 173, 179 Second Street; 61 Rear Rogers Street; 50 Rogers/200 Second Street (Parcel 16-25, Parcel 27-76, Parcel 16-27, Parcel 16-15, Parcel 16-21, Parcel 16-22, Parcel 15-26); also 242-248 Third Street (Parcel 16-1)
ARE-MA Region No. 34, LLC	241 Binney Street, 126-144 Rogers Street (Parcel 28-23)
ARE-MA Region No. 35, LLC	101 Rogers Street (Parcel 27-82)
ARE-MA Region No. 37, LLC	41 Linskey Way (Parcel 15-11)
ARE-MA Region No. 39, LLC	182-198 First Street (Parcel 11-32), 200 First Street (Parcel 11-46)
ARE-MA Region No. 40, LLC	195 First Street (Parcel 15-28)
ARE-MA Region No. 42, LLC	77 William "Doc" Linskey Way (Parcel 15-25)

This Letter of Commitment shall be binding upon and inure to the benefit of successor owners of the Alexandria Land. Alexandria recognizes and agrees that Section 13.59.8 of the Binney Street Zoning requires ongoing compliance with this letter as a condition to the issuance of building permits and certificates of occupancy, regardless of whether Alexandria is the owner of the Alexandria Land.

A. Alexandria's Commitments

1. The Binney Street zoning contemplates, in Section 13.59.9, the dedication to the City of the so-called Rogers Street Park, and the dedication to the City of the so-called Triangle Park, in the event that a Final Development Plan subject to Section 13.59 is approved and construction proceeds thereunder. As part of development under such a Final Development Plan, Alexandria shall contribute \$1,000,000 to the City to enable the City to plan and design improvements at the Rogers Street Park and the Triangle Park, such contribution to be made no later than the issuance of the first Building Permit for a building containing primarily non-residential use (the "First Commercial Building") within such a Final Development Plan.
2. Alexandria will contribute \$8,500,000 to the City to enable the City to construct park improvements at the Rogers Street Park and the Triangle Park, such contribution to be made no later than issuance of the base building Certificate of Occupancy for the First Commercial Building under such a Final Development Plan. The use of such funds will be restricted to the purposes for which they are contributed.
3. Reference is made to Section 13.59.4 of the Binney Street Zoning, pursuant to which a Final Development Plan must provide a minimum of 220,000 square feet of residential uses and must provide within such residential uses at least 47,000 square feet of Gross Floor Area of housing affordable to households whose total income does not exceed 120% of the area median income for the Boston area ("Middle Income Units"), and at least 33,000 square feet of Gross Floor Area of housing affordable to households whose total income does not exceed 80% of the area median income for the Boston area ("Low-Mod Units"). The 220,000 square feet of residential floor area shall be exempt from FAR calculations for the Final Development Plan and shall be exempt from the provisions of Section 11.200. Within the 220,000 square feet of residential uses, the developer shall use reasonable efforts to include a mix of unit sizes, including units of suitable size for families with children. Any other residential uses above this required minimum of 220,000 square feet of residential floor area shall be included in FAR calculations for the Final Development Plan and shall be subject to the provisions of Section 11.200.

Notwithstanding the exemption for the required minimum of 220,000 square feet of residential uses from the provisions of Section 11.200, Alexandria agrees that it will cause the Low-Mod Units to be constructed, that the marketing and selection process for the Low-Mod Units shall be done by the City, and that the Low-Mod Units shall be administered by the City using the same requirements, policies, and procedures used for

units subject to Section 11.200. Alexandria further agrees to cause the Middle Income Units to be constructed, and that it will establish a program which includes reasonable standards for marketing and selection (including, to the extent permitted by law, giving preference for such units to City employees and residents of contiguous neighborhoods).

4. In addition, Alexandria will make a separate contribution (the "East Cambridge Open Space Fund Contribution") to the City at a rate of \$12.00 per square foot (up to a maximum contribution of \$6,000,000) for each square foot of Gross Floor Area of space for which Certificates of Occupancy are issued in excess of the first 1,000,000 square feet of Gross Floor Area in such a Final Development Plan (excluding Gross Floor Area for residential uses). The use of any East Cambridge Open Space Fund Contribution shall be restricted to design, land acquisition and construction of Public Open Space (as defined in the Cambridge Zoning Ordinance) within the Eastern Cambridge Study Area (as defined in the Eastern Cambridge Planning Study dated October, 2001).
5. Reference is made to Section 13.59.10 of the Binney Street Zoning, pursuant to which a Final Development Plan shall provide for the transfer of ownership to the City of Cambridge of the existing building and lot identified as 101 Rogers Street (also known as 117 Rogers Street and as the Foundry Building) (Tax Parcel 27-82), with a preference for its use for municipal or community purposes. Alexandria agrees that such building and lot will be transferred in an environmental condition consistent with all federal, state and local laws, rules and regulations for the uses to which the building and lot are intended to be put. Alexandria agrees to transfer ownership on or before January 1, 2012, provided that it has commenced construction of a building pursuant to a Final Development Plan. Such conveyance shall be in fee simple absolute, subject to encumbrances acceptable to the City which do not interfere with the use of the land for its intended purposes.

B. Conditions to Alexandria's Commitment

For purposes of clarification, Alexandria's commitments set forth above are offered if the following conditions (the "Conditions") are met:

1. The amendments to the Cambridge Zoning Ordinance set forth in Attachment A are duly adopted in the form attached hereto as Attachment A, and no challenge to the validity of the same shall have been made (or in the event of any challenge, such challenge shall have been finally resolved in favor of such validity.)
2. A Final Development Plan subject to Section 13.59 is approved for the Alexandria Land,
(a) allowing Alexandria to construct and/or renovate buildings containing a total of

commercial space of at least 1,530,000 square feet of Gross Floor Area (subject to any reductions proposed by Alexandria and subject to minor reductions which are required in connection with the approval of such a Final Development Plan, and together with additional square footage for required residential uses, as described in the Binney Street Zoning) (the "Project"), and (b) approving a phasing plan acceptable to Alexandria providing for completion of work in stages over a period of time no longer than 20 years (the "Phasing Plan"), and furthermore Alexandria shall have commenced construction under such a Final Development Plan.

3. The appeal periods for the zoning approvals and permits necessary for the buildings authorized by such a Final Development Plan, including without limitation Article 19 approvals and a PUD Special Permit, shall have expired without appeal having been made, or in the event that any appeal does occur, the outcome of said appeal shall not result in a change in the validity, or reduction in the development rights set forth in the permits and approvals. All time periods specified in this Letter of Commitment shall be tolled during the resolution of any appeal.
4. So long as Alexandria, its successors and assigns, is proceeding with development in accordance with the Phasing Plan and until the Project is completed, the City shall not have initiated or supported any rezoning or other ordinance changes that would have the effect of adversely affecting any of the uses or development authorized by the Binney Street Zoning or by such an approved Final Development Plan.

CONCLUSION

As Alexandria's duly authorized representative, I am pleased to commit to this significant mitigation on Alexandria's behalf.

Sincerely,

ARE-MA Region No. 21, LLC
ARE-MA Region No. 32, LLC
ARE-MA Regional No. 34, LLC
ARE-MA Regional No. 35, LLC
ARE-MA Regional No. 37, LLC
ARE-MA Regional No. 39, LLC
ARE-MA Regional No. 40, LLC
ARE-MA Regional No. 42, LLC

By: Alexandria Real Estate Equities, L.P.,
a Delaware limited partnership

By: ARE-QRS Corp.,
a Maryland corporation, General Partner

By: Thomas J. Andrews
Name: Thomas J. Andrews
Title: Senior Vice President

Attachment A - Form of Binney Street Zoning
Attachment B - Illustrative Site Plan




CITY OF CAMBRIDGE
Traffic, Parking and Transportation
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Susan E. Clippinger, Director
Brad Gerratt, Deputy Director

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MEMORANDUM

To: Cambridge Planning Board
From: Susan Clippinger, Director 
Date: April 6, 2010
Re: Binney Street Project, Alexandria Real Estate Equities, Inc.

Alexandria Real Estate Equities, Inc. submitted a Traffic Impact Study (TIS) on Nov. 12, 2009 for the Binney Street project. TP&T certified the TIS as complete and reliable on November 19, 2009. The TIS indicated that the project has 59 exceedences (summary sheet attached). TP&T submitted comments to the Planning Board on January 19, 2010. We have been continuing to work with the Proponent and city staff on the project and have reviewed the PUD Final Development Plan and Graphic Materials application, and 100 Binney Street and 41 Linskey Way design review submission, dated March 15, 2010. Below are our comments.

1.0 Parking

1. The PUD Final Development Plan should have an overall parking count of no more than 1,902 spaces, which will include approximately 665 below-grade parking spaces at the 100 Binney Street and 41 Linskey Way site. This garage will include the 302 existing Athenaeum surface parking spaces.
2. If the 100 Binney Street site is built before Binney Street is reconstructed with on-street parking, an interim surface parking lot, located at the end of 50 Binney Street closest to Second Street, may be created for retail customers with a maximum of 14 short term spaces, which is the number of on-street spaces to be located on the south side of Binney Street when reconstructed. Buildings to the north of Binney Street currently have much more existing metered parking to support retail than the south side. The 14 interim surface spaces should be the only retail parking allowed on the 50 Binney Street site once the 100 Binney Street garage is open. When on-street spaces on Binney Street are made available, the 14 interim retail spaces should be eliminated and there will be no retail surface parking on the 50 Binney Street site thereafter.
3. TP&T and the Proponent are in agreement that because the project is several years away from building the housing, the Proponent will work with the TP&T and PTDM Planning Office to analyze the residential and shared residential/employee parking demand prior to a building permit for the parcel with the parking garage that will serve the residents, and if the analysis warrants, the applicant is encouraged to seek a Special Permit to allow parking at a ratio which is less than 1 space/unit, and/or pooled and shared parking which can serve uses having peak parking demands at different times of day.
4. Parking supply for non-residential buildings should not exceed 0.9 spaces/1,000 sf for both existing and new buildings. The location of these spaces may shift to accommodate the construction of new buildings. During the phased construction of the PUD, any parking constructed in excess of this parking ratios should be sectioned off and made unavailable for use until such parking ratios are met.

2.0 Binney Street Project PUD Mitigation

1. The Proponent will reconstruct Binney Street as approved by TP&T, CDD and DPW. Because the reconstruction of Binney Street needs to occur all at once due to curblines changes, it should be substantially completed prior to the issuance of a Certificate of Occupancy authorizing, in the aggregate, the occupation of more than 500,000 square feet of commercial Gross Floor Area within the project (exclusive of any commercial Gross Floor Area attributable to the building to be constructed at 225 Binney Street), provided that the Proponent's receipt of a Certificate of Occupancy for any building not be delayed or otherwise affected if the Proponent is unable to substantially complete the reconstruction of Binney Street due to factors outside of its control. The reconstruction of Binney Street between Third Street and First Street will be as shown in Figure

- 15 and 16 in the Graphic Materials dated March 15, 2010 (i.e. concept plan 24) with review by the City as final construction plans are developed. The Binney Street plans will include the following as approved by the City:
- a. Cycle track from Third Street to First Street.
 - b. New controller, cabinet, loops and vehicle count station at the intersections of Third Street/Binney Street and First Street/Binney Street per TP&T specifications.
 - c. Relocate and/or modify traffic signal equipment at Second Street/Binney Street as needed.
 - d. Coordinate signals along Binney Street between Third Street and First Street and install conduit and fiber optic connection back to the Police Headquarters for communication back to TP&T's traffic control center.
2. When the Proponent receives their first Building Permit, the Proponent should create a 25% design for a double left turn, pavement marking, including crosswalks and signal timing and phasing improvements at the Land Boulevard/Binney Street intersection and work with us to obtain DCR (or the agency who has ownership of the road if different) approval for the design. If approved by DCR, the Proponent should implement the improvements prior to the issuance of a Certificate of Occupancy authorizing, in the aggregate, the occupation of more than 500,000 square feet of commercial Gross Floor Area within the project (inclusive of any commercial Gross Floor Area attributable to the building to be constructed at 225 Binney Street), provided that the Proponent's receipt of a Certificate of Occupancy shall not be delayed or otherwise affected if the Proponent is unable to substantially complete these improvements due to factors outside of its reasonable control. This improvement will mitigate the lane queue exceedence and help improve bike and pedestrians conditions at this intersection.
3. We recommend the Planning Board require the proposed 435 bicycle parking spaces for the PUD which is 157 more bike spaces than required by minimum zoning to make sure to support the 750 daily bicycle trips projected in the TIS. The bicycle parking will be located in a combination of indoor bicycle racks and outdoor adjacent to building entrances.

3.0 100 Binney and 41 Linskey Way Project Mitigation

1. TP&T supports locating the loading dock and garage driveway off of Linskey Way because it will minimize impacts on the mid-block pedestrian connection between 100 Binney and 300 Third Street. TP&T will work with the Proponent to make sure the curb cuts are as narrow as possible to minimize impacts on the sidewalk.
2. Because 100 Binney Street and 41 Linskey Way will be constructed before the reconstruction of Binney Street, prior to their first Building Permit, the Proponent should provide TP&T, CDD and DPW 1.) 40 scale plan of Binney Street including curb lines, sidewalk, street light, trees, street furniture, signs and landscaping when 100 Binney Street and 41 Linskey Way buildings are complete (i.e. Interim Plan) and 2.) Future Binney Street plan. The plans will help ensure the interim plan is coordinated with the future Binney Street reconstruction plan.
3. Design and construct the mixed mode transportation hub to include 500 square feet of indoor amenities to enhance the pedestrian and bicycling environment including, benches, bike racks and transportation information such as, transit schedules, car sharing programs and wayfinding maps that promote bicycle, pedestrian and transit facilities in East Cambridge.
4. We strongly support the 124 indoor bicycle spaces currently proposed and as shown in Figure 83 in the Graphic Materials dated March 15, 2010, which are significantly in excess of the 67 spaces required pursuant to zoning as well as necessary to meet the bicycle parking demand being generated by the project which could not be adequately served by zoning minimum. We also support the 36 short-term exterior bicycle parking spaces shown near building entrances and recommend final locations be approved by TP&T.

4.0 Neighborhood Traffic Monitoring Program

The Proponent should design a traffic monitoring program to measure the accuracy of estimated project traffic assignments. TP&T will work with Alexandria on the scope of the program, which should be approved by TP&T prior to the first Building Permit and implemented annually until one year after full occupancy of the project. The Proponent should spend up to a maximum of \$250,000 for implementation of neighborhood protection measures, during the periods approved by TP&T, should trip assignments (focused on west of Third Street and North of Bent Street) differ significantly from estimated assignments, in any given monitoring period, the terms of which payments shall be set forth in the traffic monitoring program.

cc: CDD/Rubenstein, Rasmussen, Barber, Booth, Dash, Paden, Groll, DPW/ O'Riordan, Watkins, Joe Maguire, Alexandria Real Estate Equities Inc., Susan Sloan-Rossiter, VHB.