



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 344 BROADWAY, CAMBRIDGE, MA 02139

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS
APR 14 2015 3:19 PM

NOTICE OF DECISION

Case Number:	243 Amendment #1 (Minor)
Address:	Multiple Parcels on Binney Street (Alexandria Center – see Application Documents)
Zoning:	Industry A-1 / PUD-3A and PUD-4C; C-3A / PUD-2
Applicant:	Alexandria Real Estate Equities, Inc. 400 Technology Square, Suite 101 Cambridge, MA
Owner:	Multiple Owners c/o Applicant (see Application Documents)
Date of Original Special Permit:	June 7, 2010
Application Date:	March 4, 2015
Date of Planning Board Public Hearing:	March 31, 2015
Date of Planning Board Decision:	March 31, 2015
Date of Filing Planning Board Decision:	April 14, 2015
Application:	Special Permit to reduce residential parking requirement (Section 6.35.1) and accompanying Minor Amendment to the PUD Special Permit to amend the parking provided in the Final Development Plan (Section 12.37.2).
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

Application Documents and Supporting Material

1. Special Permit Application dated March 4, 2015 including Cover Sheet, Summary of Application, Ownership Certificates and Parking Analysis memorandum prepared by Susan Sloan-Rossiter and Meghan Houdlette, VHB.
2. Supplemental Memorandum received March 16, 2015 and attached Dimensional Form.

City of Cambridge Documents

3. Memorandum to the Planning Board from Jeff Roberts, Land Use and Zoning Planner, Community Development Department, dated March 24, 2015.
4. Memorandum to the Planning Board from Joseph Barr, Director, Traffic, Parking and Transportation Department, dated March 24, 2015.
5. Excerpts of Special Permit Criteria from Cambridge Zoning Ordinance prepared by Cambridge Community Development Department.

APPLICATION SUMMARY

The approved PUD allows over 1.5 million square feet of commercial development and 220,000 square feet of residential development. The PUD district requirements allow no more than 0.9 spaces per 1,000 square feet of non-residential development and the standards of Article 6.000 of the Zoning Ordinance require a minimum of one space per dwelling unit for residential development. In accordance with these requirements, the PUD Special Permit authorized a total of 1,902 parking spaces in the PUD, which includes the required parking spaces to serve new construction as well as the location of 302 parking spaces from an existing surface lot serving an adjacent building.

The original PUD Special Permit Decision (PB #243) encouraged the Permittee to study the demand for residential parking and, if warranted, to seek a special permit to reduce the parking requirement. The Applicant completed a study in accordance with this suggestion, and is now proposing a reduction in the residential parking rate from one space per dwelling unit to 0.75 spaces per dwelling unit, which requires a Special Permit pursuant to Section 6.35.1 of the Zoning Ordinance. As a result, the total parking would be reduced to 1,847 spaces. The Applicant is seeking approval of the reduction from 1,902 spaces to 1,847 spaces as a Minor Amendment to the Final Development Plan, which requires a written determination by the Planning Board.

FINDINGS

After review of the Application Documents and other documents submitted to the Planning Board, testimony given at the public hearing, and review and consideration of the applicable requirements and criteria set forth in the Zoning Ordinance with regard to the relief being sought, the Planning Board makes the following Findings:

1. Determination of Minor Amendment

Minor amendments are changes which do not alter the concept of the PUD in terms of density, floor area ratio, land usage, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to, small changes in the location of buildings, open space, or parking; or realignment of minor streets. (Cambridge Zoning Ordinance, Section 12.37.2)

The Board finds that the proposal changes the total parking in the PUD by about three percent, which the Board deems to be a minor change, particularly where such a change was envisioned in the original Planned Unit Development Special Permit.

2. Reduction of Required Parking

Any minimum required amount of parking may be reduced only upon issuance of a special permit from the Board of Zoning Appeals [in this case, from the Planning Board pursuant to Section 10.45]. A special permit shall be granted only if the Board determines and cites evidence in its decision that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood, including specifically, among other benefits, assisting in the provision of affordable housing units. (Cambridge Zoning Ordinance, Section 6.35.1)

The Application Materials analyze parking data from the American Community Survey and from study of the direct parking demand generated by nearby residential projects of a comparable size and type, demonstrating that the actual demand for parking spaces from residential households is less than one space per unit and, on average, less than 0.75 spaces per unit. A memorandum from the Traffic, Parking and Transportation Department dated March 24, 2015 supports these findings and further notes that limiting parking and providing Transportation Demand Management (TDM) measures, as required for the Alexandria project, serves the City's planning goals by reducing vehicle trips and encouraging sustainable modes of transportation such as walking, cycling and transit. Therefore the Board finds that the proposed reduction in off-street parking will not cause adverse impacts on the surrounding area and will benefit the City at large.

In addition, the following considerations are noted.

(Section 6.35.1 continued) In making such a determination the Board shall also consider whether or not less off street parking is reasonable in light of the following:

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

The proximity of the Kendall Square MBTA station is clearly a determining factor that results in the observed low demand for on-site residential parking.

- (2) The availability of public or commercial parking facilities in the vicinity of the use being served provided the requirements of Section 6.23 are satisfied.*

As discussed above, additional parking facilities will not be necessary to meet the parking demands of the residential use.

- (3) Shared use of off street parking spaces serving other uses having peak user demands at different times, provided that no more than seventy-five (75) percent of the lesser minimum parking requirements for each use shall be satisfied with such shared spaces and that the requirements of Subsection 6.23 are satisfied.*

Shared use of spaces will not be necessary to meet the expected parking demands of the residential use.

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

Such occupancy restrictions are not necessary to ensure that the residential parking demand will be met.

- (5) Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, significant negative impact on the historic resources on the lot, impairment of the urban design objectives of the city as set forth in Section 19.30 of the Zoning Ordinance, or loss of pedestrian amenities along public ways.*

The proposal will have no impact on existing landscaping or any other physical aspect of the PUD since all parking is below grade.

- (6) The provision of required parking for developments containing affordable housing units, and especially for developments employing the increased FAR and Dwelling unit density provisions of Section 11.200, will increase the cost of the development, will require variance relief from other zoning requirements applicable to the development because of limitations of space on the lot, or will significantly diminish the environmental quality for all residents of the development.*

The PUD does provide Affordable Units pursuant to the PUD district housing requirements. Whether or not this is a factor, the evidence provided by the Applicant strongly suggests that the observed demand for residential parking is sufficiently low to accommodate the proposed reduction.

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

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

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

(a) It appears that requirements of this Ordinance cannot or will not be met, or ...

With the requested special permits, the requirements of the Ordinance will met.

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

The proposed reduction will not impact traffic patterns in the area.

(c) the continued operation of or the development of adjacent uses as permitted in the Zoning Ordinance would be adversely affected by the nature of the proposed use, or ...

The proposed reduction will not adversely impact adjacent uses.

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

No impacts on health, safety or welfare are expected to result. All applicable codes and requirements will continue to be met.

(e) for other reasons, the proposed use would impair the integrity of the district or adjoining district, or otherwise derogate from the intent and purpose of this Ordinance, and ...

The reduction in parking is consistent with the mixed-use character of the area and the City's overall planning goals, as well as the original PUD Special Permit.

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

The proposal will not have any impact on the urban design characteristics of the project.

DECISION

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

1. The ratio for residential parking shall be 0.75 spaces per dwelling unit and the maximum ratio for non-residential development in the PUD shall remain 0.9 spaces per one thousand (1,000) square feet of Gross Floor Area. The total parking in the approved Final Development Plan shall be reduced from 1,902 spaces to 1,847 spaces, as indicated in the attached Appendix I: Dimensional Form.
2. In accordance with the Memorandum from the Traffic, Parking and Transportation Department dated March 24, 2015, the Permittee shall ensure that the required parking ratios are maintained by either assigning 165 spaces for residential use only, or by demonstrating, as part of the Project's yearly PTDM monitoring report, that no more than 1,380 spaces are being used by the Project's commercial uses at any one time, plus up to 302 spaces authorized to serve the Athenaeum building which is located outside of the PUD.

Voting in the affirmative to GRANT the Special Permits were Planning Board Members Louis Bacci, Jr., H Theodore Cohen, Steven Cohen, Catherine Preston Connolly, Hugh Russell, and Associate Members Ahmed Nur and Thacher Tiffany, appointed by the Chair to act on the case, constituting at least two thirds of the members of the Board, necessary to grant a special permit.

For the Planning Board,



H Theodore Cohen, Chair.

A copy of this decision PB #243, Amendment #1, shall be filed with the Office of the City Clerk. Appeals, if any, shall be made pursuant to Section 17, Chapter 40A, Massachusetts General Laws, and shall be filed within twenty (20) days after the date of such filing in the Office of the City Clerk.

ATTEST: A true and correct copy of the above decision filed with the Office of the City Clerk on April 14, 2015 by Elizabeth M 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)	1,847 ³	1,847 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.

