

ORDINANCE NUMBER 1372

Final Publication Number 3380. First Publication in the Chronicle on October 1, 2015.

City of Cambridge

In the Year Two Thousand and Fifteen

AN ORDINANCE

In amendment to the Ordinance entitled “Zoning Ordinances of the City of Cambridge”

Be it ordained by the City Council of the City of Cambridge that the Zoning Ordinances of the City of Cambridge be amended as follows:

1. Rezone the area along Walden Street near the intersection of Garden Street and extending through the intersection of Sherman Street currently zoned Business A to newly created zoning district entitled Business A-4.
2. In Article 4.000 of the Zoning Ordinance, Section 4.31 “Table of Use Regulations,” add the words "Bus A-4" beneath the words “Bus A” in the seventh column heading.
3. In Article 5.000 of the Zoning Ordinance, Section 5.33 “Business Districts,” Paragraph 1, after the line with row heading “Bus. A-3” insert a new line with row heading “Bus. A-4” in Table 5-3 and contents as set forth below.

District Column: “Bus. A-4”

Column (1) Max. Ratio of Floor Area to Lot Area: “1.0 with superscript (“p”) /1.75” with superscript “(p)”

Column (2) Minimum Lot Size in Sq. Ft.: “5,000”

Column (3) Min. Lot Area for East D.U. in Sq. Ft.: “600”

Column (4) Minimum Lot Width in Feet: “50”

Column (5) Minimum Yard in Feet; Front: “H+L/4” with superscript “(p)”

Column (5) Minimum Yard in Feet; Side: “H+L/5” with superscript “(p)”

Column (5) Minimum Yard in Feet; Rear: “H+L/5” with superscript “(p)”

Column (6) Maximum Height in Feet: “35” with superscript “(p)”

Column (7) Min. Ratio of Private Op. Sp. to Lot Area: “none”

4. In Article 5.000 of the Zoning Ordinance, Section 5.33 “Business Districts,” Paragraph 2, insert a new footnote (p) as set forth below.
 - (p) For development in which all parking is provided entirely below grade, the following dimensional modifications shall be allowed:
 - (i) FAR may be increased to 2.0.
 - (ii) Front, Side and Rear yard requirements shall be modified to a minimum of ten (10) feet. Sites with two front yards that have a radiused front yard where two streets intersect may be considered as if the adjoining property lines are projected to intersect. Projecting bays and roof decks which are located on portions of a building below thirty-five (35) feet in height shall be eligible for the setback exception allowed in Section 5.24.2 even if the structure itself is greater than 35 feet in height.
 - (iii) Building height for a residential or mixed-use structure may be increased to a maximum of forty-four (44) feet provided that parking is located entirely below grade. However, for any portion of a structure that abuts a lot in a residential district, the height of the building shall not exceed thirty-five (35) feet within fifteen (15) feet of the lot line.
5. In Article 6.000 of the Zoning Ordinance, Section 6.36 “Schedule of Parking and Loading Requirements,” add the words “Bus A-4” within the third column along with the current districts listed: “Res C, C-1, C-1A, Off 1, Bus A (Comm), Bus A-1, A-2, Bus A-3¹⁴, Ind A-1, Ind B-2, Ind C”
6. In Article 19.000 of the Zoning Ordinance, Section 19.46 “Areas of Special Planning Concern,” add the words “and Business A-4” to read as follows:

19.46 Areas of Special Planning Concern. The following zoning districts shall be considered Areas of Special Planning Concern: Business A-1 and Business A-2 and Business A-4 Districts, the Parkway Overlay District, the Kirkland Place Overlay District, the Harvard Square Overlay District, the Central Square Overlay District, The Cambridgeport Revitalization Development District, the Massachusetts Avenue Overlay District, Special District 12, Special District 13, Special District 14 and the Memorial Drive Overlay District, Prospect Street Overlay District and the Alewife Overlay Districts.
7. In Article 19.000 of the Zoning Ordinance, Subsection 19.43.3, Paragraph (1), add Subparagraph (a) “Additional Criteria in Business A-4 District” to read as follows:

19.43.4 Review Criteria and Required Findings of the Large Project Review Procedure. In reviewing each application, the Community Development Department shall:

 - (1) Evaluate the proposal for general compliance with zoning requirements, for consistency with City development guidelines prepared for the proposal area, for appropriateness in terms of other planned or programmed public or private development activities in the vicinity and for

consistency with the Citywide Urban Design Objectives set forth in Section 19.30. The Department shall consider the proposal in terms of the specific and general impact of the use and/or dimensions proposed therein on the area of special planning concern and on adjacent neighborhoods and shall further take account of the following considerations: scale, bulk, density, aesthetic qualities, land use, traffic impacts and other functional characteristics; parking and loading; and impact on public services and facilities.

(a) Additional Criteria in Business A-4 District. Ground Floor Retail uses of less than 2,000 square feet which will serve as an amenity for the surrounding residential neighborhood should be included in any building greater than 20,000 square feet.

(2) Make recommendations in a written report to the applicant including general approval or disapproval of the proposal and in connection therewith may suggest specific project adjustments and alterations to further the purposes of this Ordinance.

8. In Article 19.000 of the Zoning Ordinance, add a new section 19.44 to read as follows:

19.44

The Memorandum of Understanding (“MOU”) dated October 5, 2015, signed by Eric Hoagland on behalf of Observatory Hill Apartments, LLC (the “LLC”), acting on behalf of the LLC as developer of the proposed development at 253 Walden Street, identified as Map 272, Lot 17 in the records of the City of Cambridge (the “Project”), and the Neighborhood Review Committee (“NRC”), consisting of residents of the surrounding community, is incorporated by reference hereto and shall be binding upon the Project as set forth in the MOU. The issuance of any building permit or certificate of occupancy for the Project shall be conditioned upon certification by the Commissioner of Inspectional Services that the Project is in compliance with all provisions of the aforementioned MOU.

In City Council October 19, 2015.

Passed to be ordained as amended by a yeas and nays vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez
City Clerk

Letter to Cambridge City Council from the developer of the project at 253 Walden St.
~~253 Walden St~~ -05 October 2015

Dear Cambridge City Councilors:

This letter will serve as a Memorandum of Understanding (MOU) and confirms the understandings with respect to the proposed development at 253 Walden Street (the "Project") that have been agreed to by Eric Hoagland ("Hoagland"), Manager of Observatory Hill Apartments, LLC (the "LLC"), acting on behalf of the LLC as developer of the Project, and the Neighborhood Review Committee ("NRC"), consisting of residents of the surrounding community as enumerated below. This MOU, which Hoagland and the NRC enter into shall be a matter of public record, is intended to be binding.

1. **Design of Project.** The design shall be as shown in the so-called Scheme A that was presented to the community meeting on 12 May 2015 and shown on the attached Exhibit A, which is hereby incorporated by reference. All future plans, construction and related documents filed with the city related to this project shall be consistent with this MOU.

In conformance with Scheme A and further in accordance with the agreement of Hoagland and the NRC, the design is to include the following major features:

- Floor Area Ratio of not more than 2.0 prior to application of the City's Inclusionary Housing requirement. In no case will the building exceed 36,000 sf of Gross Floor Area, that figure including the 30% density bonus provided per the regulations of Article 11 Section 200 of the Zoning Ordinance.
- Unit count of not more than 26/27.
- All parking for this project shall be fully underground in a parking garage.
- One parking space per dwelling unit. Leases for each apartment shall include a parking space for the exclusive use of the Lessee(s), with a prohibition against sub-letting or otherwise assigning the parking space, except for occasional, non-regular use by visitors or guests. Notwithstanding the foregoing, if a lessee does not own or lease a motor vehicle and a parking space is unused then Hoagland shall be able to lease a second space to a tenant in the building. If the apartments are converted to and sold as condominium units in the future, each parking space will be deeded to each condominium and the master deed will prohibit the separate sale or transfer of parking spaces separate from residential units.
- Four stories not to exceed the agreed height of 40'8" to the roof-line break (per mansard design) as commonly measured and designated in the Exhibit A plan, but allowing a theoretical limitation of not more than 44' to the roof-line break (per mansard design) to accommodate potential calculated-height variations

derived using differing formulas or interpretations. Notwithstanding the 44' theoretical allowance, the physical building height will be per Exhibit A.

- Mansard step back is 2-ft on all sides, except at the street corner brick structure, where the set back is zero.
 - The side setbacks shall be no less than 10' as shown in the Exhibit A drawings. The side set back shall increase in dimension per Exhibit A on the north side of the project along the Sherman Street frontage.

 - Range of units from studios to duplex street accessible townhouses to three-bedroom flats.
 - Setbacks to Property Line as shown in the attached Exhibit A.
 - Retail space of approx. 1,600-SF at ground floor and outdoor patio space, to be fit out during construction for use as a café or comparable food service establishment. Fit out shall include systems infrastructure to accept future tenant commercial kitchen equipment such as a grease trap and exhaust ventilation with requisite vertical shaft to a roof top fan to enable onsite food preparation in retail space. Hoagland will use best efforts to lease the retail space to a café or comparable food service establishment.
 - Heating Ventilating and Air Conditioning equipment required by the project shall be located in an unobtrusive location so as to not be visible from abutters at ground level. Noise from this equipment shall be mitigated and minimized. The City of Cambridge Noise Ordinance shall be considered a minimum basis of design.
- 2. Materials.** Exterior materials are described in Exhibit A and below and will be shown on the material sample board prior to receiving a building permit, showing all exterior materials to be used and to be approved by the City, attached hereto as Exhibit B and incorporated herein by reference. Changes to materials shall require approval of the NRC. These include:
- Full size brick at corner structure
 - Pre-primed and pre-painted fiber-cement clapboard
 - Painted trim and cornice to consist of cellular PVC equivalent with no exposed fasteners.
 - Signboard and associated storefront detailing, most likely pre-painted metal, to be determined after consultation with and subject to the approval of the NRC.
 - Aluminum or vinyl windows with dimensional trim and muntins as shown for residential units.
 - Retail storefront to be typical storefront aluminum frame and glazing system.

- Mansard face to be either pre-formed metal or appearance similar to metal from “Sarnafil” membrane system:
(http://usa.sarnafil.sika.com/content/dam/USA/Sarnafil/01_General/Other_Documents/Decor_Roof_Systems_Brochure_05_12.pdf)
- Upper mansard is a standard membrane roof to match in appearance lower mansard roof.
- Balcony railings to be metal.

3. Construction Process. Hoagland agrees to conform to the requirements of Section 18.20 of the Cambridge Zoning Ordinance and submit a Construction Management Plan to Inspectional Services Department prior to the issuance of a building permit. Prior to submitting the Plan, Hoagland shall provide a copy to NRC for their review and comment. The CM Plan shall indicate:

- Contact construction person with phone number.
- Temporary sidewalk encroachments and measures taken to allow pedestrian movement.
- Truck access location.
- Contractor employee and subs parking locations.
- Hours of construction.
- Site securing measures.
- Rodent control measures.
- Temporary signage.

Prior to the completion and the submission of any building permit applications to the city, Hoagland shall submit such permit drawings to the NRC in a timely manner that allows the NRC to review the drawings to ensure compliance with this MOU, including exhibits.

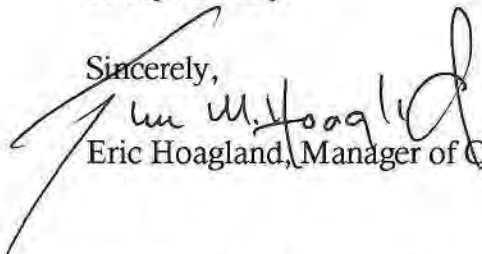
4. Support. Subject to the last paragraph of this Section, the NRC agrees to support the Zoning Petition filed by Councilor Cheung on June 15, 2015 including amendments mutually agreed upon between Hoagland and NRC.

Notwithstanding the foregoing, all obligations of the NRC under this Section 4 shall be subject to the following conditions: 1) compliance by Hoagland with the provisions of Section 3 above, and 2) the opportunity for the NRC to review any and all new Zoning Ordinance Amendments and applications of any kind prior to submission and to provide meaningful input as to their content to ensure compliance with the undertakings in this letter and, in the case of any new Zoning Amendments, to ensure that future construction in the zoning district is no denser and no larger than the Project.

5. Design Review The parties acknowledge that one of the proposed amendments to the Zoning Petition would subject Hoagland's project to the Large Project Review Procedure of Section 19.43.4. Notwithstanding any of the proposed filing and hearing deadlines set forth therein, Hoagland agrees that he shall submit a complete set of drawings to the NRC thirty days prior to the required Design Review hearing and shall meet with the NRC, if they so request, at least ten (10) days prior to the afore-mentioned hearing.

6. Ongoing Resolution The NRC acknowledges that the review process in which they have participated to date with Hoagland has been productive and marked by good faith on both sides and wishes to continue in that spirit. Toward that end, the NRC will act in good faith in connection with the approvals to be given by it under this letter, taking into account the basis stated by Hoagland for any departure from the undertakings contained in this letter, and shall not withhold any approvals arbitrarily or capriciously.

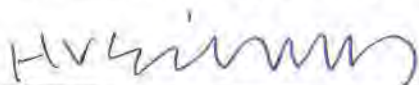
Sincerely,



Eric Hoagland, Manager of Observatory Hill Apartments, LLC

In Agreement to the Memorandum

Reviewed and approved by the undersigned Neighborhood Review Committee



Heddi Siebel

Heddi Siebel 41 Stearns


Name and Address

Andy Zucker



Ruth Allen

Ruth Allen 48 Fenno St.


Steve Bardige

Steve Bardige, 55 Stearns St,

Adam Mitchell

Alexander von Hoffman

James Mahoney

Virginia Coleman