



Oaktree Development
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January 19, 2011

Les Barber, Director of Zoning
Cambridge Community Development
City of Cambridge
344 Broadway
Cambridge, MA 02139

Re: Saint James Redevelopment: Special Permit #241

Dear Les,

We are writing to request clarification and confirmation of a few minor points in the Special Permit Decision, rendered by unanimous vote by the Planning Board on December 15, 2009 for our Saint James Redevelopment project.

We are not requesting any change to the decision previously rendered, nor are we proposing any changes to our application or the design of the project. We seek only specific mention and clarifications of decisions previously made. This application regards the residential entrance on Beech Street and the 4th floor setbacks on the northeast side of the property, (adjacent to the Jehovah's Witness building- also known as the "Kingdom Hall"). Following is a summary of these issues citing the Zoning articles we would like to have clarified by the Planning Board, as worded by our legal counsel.

Oaktree 2013 Mass Ave LLC ("Applicant") hereby applies for special permits under the following provisions of the Cambridge Zoning Ordinance (the "Code") to allow the following:

1. Applicant seeks to locate the principal building entrance on Beech Street rather than Massachusetts Avenue. The property abuts both ways. Section 20.107.1.1 of the Code provides that principal building entrances shall face Massachusetts Avenue where a lot abuts that Avenue. However, Section 20.108 of the Code authorizes the Planning Board, by special permit, to allow divergence from the requirements of Section 20.107 upon a determination that the development proposed (with the entrance off Beech Street) will better serve the objectives of the Overlay District than by following the requirement that the entrance be off Massachusetts Avenue, provided also that the criteria set forth in Section 10.43 of the Code will be satisfied. The location of the entrance on Beech Street will not adversely affect traffic or create a nuisance for the neighbors or abutters. Applicant therefore seeks a special permit from the Planning Board under Section 20.108 to locate the principal building entrance on Beech Street.





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2. Applicant has designed the building to a height of 45 feet (4 stories), as generally allowed in the Business A2 District in which the building is located, within 50 feet of the Residence B Zoning District, but has set back that 4-story portion of the building by 50 feet off of Applicant's lot line. Section 5-3 of the Code, at footnote (k), limits the portion of a building that is within 50 feet of a residence district that has a 35-foot height maximum to 35 feet. However, Section 3.32.1 of the Code allows the Board of Zoning Appeal, **where more than one-half of a lot is in a less restrictive zoning district, to grant a special permit allowing any of the less restrictive regulations to extend up to 25 feet into the more restricted Residence District.** More than one-half of the property is in the less restrictive Business A2 District. Pursuant to Section 10.45 of the Code, because this application requires a special permit from the Planning Board for the building entrance as described above, **the Planning Board may allow this special permit under Section 3.32.1 without separate application to the Board of Zoning Appeal.** Finally, since Section 3.32.1 would authorize a special permit to build to the less restrictive regulation of 45 feet in height all the way to 25 feet on the other, more restricted, side of the zoning district line, that authority includes the right to build to 45 feet in the less restricted district (especially since such 45-foot requirement is normally the requirement in that district). The Applicant should not be penalized because the zoning district line is within its property; to require that the 45-foot portion of the building be set back from that zoning district line, which is on the Applicant's property, would actually impose a greater than 50-foot setback for the 4-story section from any abutting property that might be affected. It appears that the Code did not intend this result.

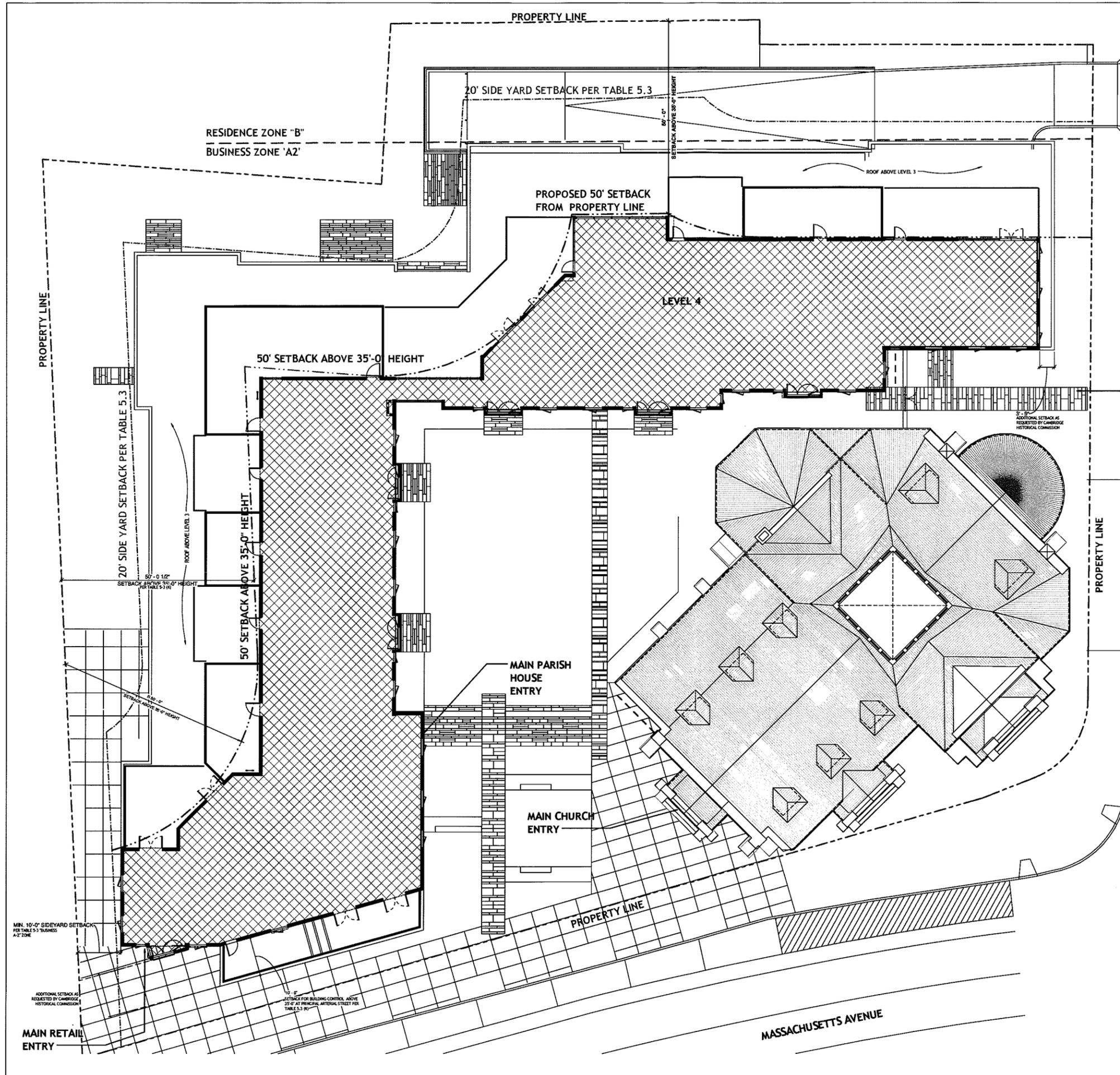
We appreciate the Planning Boards time and consideration in making these clarifications to our previously approved application.

Sincerely,

A handwritten signature in black ink, appearing to read "Gwendolen Noyes". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gwendolen G. Noyes,
Oaktree Development





ZONING RELIEF REQUEST:

ITEM #1
ALLOW MAJOR RESIDENTIAL
ENTRANCE OFF BEECH STREET
IN LIEU OF MASS AVENUE

ITEM #2
ALLOW 50' SETBACK TO BE
MEASURED FROM PROPERTY
LINE, IN LIEU OF ZONING LINE

MAIN RESIDENTIAL ENTRY

BEECH STREET

MASSACHUSETTS AVENUE

**SAINT
JAMES
PLACE**
AT PORTER SQUARE



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No.	Description	Date
01	DWG ISSUE & REVISION HISTORY	

Key Plan

CONSTRUCTION DOCUMENTS

**St James Place at
Porter Square**
Cambridge MA, 02140

Drawing Title
ZONING DIAGRAM

Project No: 04488.01 Scale: 1/8" = 1'-0"
Drawn By: Author
Checked By: Checker
Approved By: Approver
Date: 07/18/2011

Drawing No. **ZA.03**