



Oaktree Development
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February 22, 2011

Cambridge Planning Board
City of Cambridge
344 Broadway
Cambridge, MA 02139

Re: Saint James Redevelopment: Special Permit #241

Dear Planning Board Members,

Thank you for taking the time last Tuesday to consider our application for a new Special Permit for our Saint James redevelopment project. We have come a long way since we first presented the project to you almost two years ago, and we think that the public review process has yielded a much stronger design than the one we presented at that first hearing.

The Saint James site has presented great design constraints and challenges. Through the past two years, we have worked with neighbors in numerous meetings. We've also met with the Planning Board, the Cambridge Historic Commission and the Mass. Historic Commission to adjust the building design to satisfy various concerns. Some of the design changes we have made include:

- Increased setbacks on Mass. Ave. and Beech Street, to allow better views of the fire station and church.
- Greatly decreased the overall building area to maximize the size of the church garden.
- Removed balconies, relocated bay windows and added stands of trees to enhance privacy for the neighbors.
- Relocated trash storage areas and the children's playground to address odor and noise concerns of the neighbors.

The resulting design received unanimous approvals from both the Planning Board and Cambridge Historic Commission. The Mass Historic Commission has also approved it.

We are again appearing before the Planning Board because recent experience tells us that the Cambridge Inspectional Services Division may look for more specificity in the Planning Board's decision prior to issuing a building permit. We are therefore requesting the Planning Board amend the previous decision to include mention of the various zoning articles that support that decision.





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The points we'd like clarification of are related to the residential entrance on Beech Street and the setback of the 4th floor, (also at the Beech Street end of the building). With the help of our legal counsel, we offer below our reasoning from the Code.

Regarding the location of the residential entrance on Beech Street:

Article 20.107.1 (Mass. Ave Overlay District) states: *"Principal building entrances shall face Massachusetts Avenue where a lot abuts the Avenue"*. We believe we have achieved this objective by locating the more public church, parish house and retail entrances of the project on Mass. Ave.

The location of the private residential entrance on Beech Street is supported by Article 19.36, which states: *"Expansion of the inventory of housing in the city is encouraged. Indicators include: (1) Housing is a component of any large, multiple building commercial development. Where such development abuts residential zoning districts substantially developed to low-scale residential uses, placement of housing within the development such that it acts as a transition/buffer between uses within and without the development."* The residential building and its entrance serve as a transition/buffer just as intended by this article.

The Planning Board's authority to make this determination is supported by Article 20.108, which states: *"Divergence from the standards specified in Sections 20.105 - 20.107 may be allowed by issuance of a special permit from the Planning Board. The Board shall grant such a permit upon its determination that the development proposed will better serve the objectives of this Section 20.100 than if the standards were followed and that the criteria specified in Section 10.43 will be satisfied. The Board shall be guided in its determination by Northern Massachusetts Avenue Urban Design Guidelines and other such guidelines as may be established for this portion of Massachusetts Avenue. This Section 20.108 is intended for variations from the standards which may be appropriate in specific locations and circumstances and where careful design detail is a controlling factor."*

Regarding the setback on the 4th floor, as it relates to the Business A/Residence B line which runs through the Northeast side of the property:

We have proposed in our application that the 4th floor setback be measured from the property line in lieu of the zoning district line on our property. We feel that this is a reasonable interpretation of the intent of the Zoning Code, as set forth in the following articles (refer also to the attached drawing showing the proposed 4th floor setback) because the zoning district line is





within the property and the Code generally does not intend in such situations that the requirement be measured from the zoning district line rather than the property line (See, for example, footnote (g) to Table 5-3, which provides for measurement from the lot line where a Business C district is involved. Table 5-3 (g) states: “*Thirty-five (35) feet [or height permitted in the abutting residential district, but in no case higher than fifty-five (55) feet] within fifty (50) feet of a residential district line. Where the zoning district boundary splits a lot the fifty (50) feet shall be measured from the lot lines located in the residential district.*” The plans approved by the Board show a consistent 50’ setback from the property line for the portion of the building where the height is above 35’.

In any case, the Planning Board (acting in place of the Zoning Board of Appeal pursuant to Section 10.45 as discussed below) has the authority to grant a Special Permit under Section 3.32.1 allowing the building to be built to a height of 45 feet as shown for two reasons.

Article 3.32.1 states: “...*Where more than one-half the area of said lot is in a less restricted district, (either in terms of the district's overall regulations or a single regulation) the Board of Zoning Appeal may grant a Special Permit allowing any of the less restrictive **dimensional regulation(s)** to extend up to twenty-five (25) feet into the more restricted district. Uses not allowed in the less restricted districts shall not extend into the more restricted districts.*”

First, under the above provision, the Board clearly has the authority to issue a Special Permit imposing a less restrictive height requirement (45 feet instead of 35 feet) to allow the building, if part of it were located on the residential side of the zoning district line, to be built to a height 45 feet for up to 25 feet of building face in the Residential district. That authority includes the authority to allow the less restrictive requirement of 45 feet also on the Business side of the zoning district line. Otherwise, if the building straddled the district line, we would have the absurd result that the building could be 45 feet in height within part of the Business district, then would have to go down to 35 feet within 50 feet of the district line, then could go back up to 45 feet in the more restricted Residential district! The Code could not have intended this result.

Second, the board may by Special Permit under Section 3.32.1 treat the 50 foot requirement as a **dimensional regulation** that extends 25 feet into the Residential district. In our design we have followed the zoning regulations by setting our building areas that are higher than 35 feet back 50 feet from all Res B property lines. As stated, this includes a certain portion of our property that is located in an area of more restrictive dimensional regulation(s). But Article 3.32.1 describes a process that allows a 25 feet extension of the less restrictive dimensional regulation(s) into the more restrictive area. This 25 feet extension allows less restrictive dimensional regulations (setbacks) in an area that extends beyond our property line





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abutting Kingdom Hall. For this reason, the 50 feet setback from the property line is adequate if allowed by the Special Permit. The relationships between the property line and the zoning line were shown in our Special Permit application, and were approved. The application also shows that our building footprint is located completely within the less restrictive area.

The Planning Board has the authority to grant relief of the setback through application of Article 10.45: *“Any development application requiring a special permit from the Planning Board that contains elements requiring a special permit from the Board of Zoning Appeal may be allowed by the Planning Board within the scope of the Planning Board special permit and shall not require a separate application to the Board of Zoning Appeal.”*

We believe that the articles cited above support the Planning Board’s previous approval of the project design. We hope that including these articles as part of a revised decision will give the Inspectional Services Department sufficient information.

As a further note, within the past few days, it has come to our attention that a new zoning provision will apply to this project- Article 22, section 22.23. In response, Oaktree heartily embraces and upholds the LEED standards for our buildings, including this St James’s development. We have LEED certified professionals within our office who are currently preparing the LEED Silver checklist and narrative requested. With this letter we agree to conform to this standard, and as we were just recently informed that it will apply to this project, the checklist will be provided to CCDD in the next few days.

We appreciate the Planning Board’s time and consideration in making the above requested clarifications to our previously approved application, and trust this explanation will assist you in your decision.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gwendolen Noyes".

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

