



CITY OF CAMBRIDGE, MASSACHUSETTS

PLANNING BOARD

CITY HALL ANNEX, 57 INMAN STREET, CAMBRIDGE 02139

NOTICE OF DECISION

Case No: PB#120

Address: 100-102 Mount Auburn Street, 91-93 Winthrop Street

Zoning: Business B/Harvard Square Overlay District

Owner: Eliot Square Enterprises, Inc.

Applicant: Eliot Square Enterprises, Inc.

Application Date: October 10, 1996

Public Hearing: November 19, 1996

Planning Board Decision: December 3, 1996

Date of Filing Decision: December 27, 1996

Application: Harvard Square Overlay District Special Permit to allow 80 foot height, waive parking and loading requirements, and waive setback requirements.

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 the 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 Office of the Community Development Department and the City Clerk.

Authorized Representative to the Planning Board

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CAMBRIDGE, MA.

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Application

1. The application was submitted on October 10, 1996, containing the application with a narrative description of the application, description of the current land uses, and photographs of the current conditions.
2. Plans and elevations entitled "Winthrop Square"; Tsoi/Kobus and Associates, architect; dated October 10, 1996; twelve sheets A-0.1 through A-3.3; scale 1" = 10' and 1/8" = 1'.
3. The Harvard Square Advisory Committee Report, for Case #47.

Other Documents Submitted

1. Letter to the Planning Board from Lauren M. Preston, Deputy Traffic Director, dated October 21, 1996, with comments regarding the proposed garage and loading area on Winthrop Street.
2. Letter to Whom It May Concern, from Kwang-Hyun Yoon, undated outlining the interaction between the tenant and owner.
3. Letter to L. Malenfant, from Dan Crane, dated 11/1/96, amending the application for a special permit.

4. Plans and elevations, entitled "Winthrop Square"; Tsoi/Kobus and Associates, Architects; dated October 10, 1996 with revisions dated 12/13/96; twelve sheets numbered A-0.1 to A-3.3; scale 1"= 10' and 1/8" = 1'; reflecting all changes requested by the Planning Board during the public hearing and at subsequent discussions

Public Hearing

The originally scheduled public hearing, on October 29, 1996, was rescheduled to permit the presence of a full 7 member Board to hear the application. It was agreed at that time that the Planning Board would hear the case on November 19, 1996.

On November 19, 1996, the Planning Board held a public hearing. Peter Palandjian, trustee representing Eliot Square Enterprises, the applicant, presented the application, outlining the history of the site and his family's involvement with it. Portions of the parcel have been owned for seventeen years; one hundred percent control of the site now subject to the special permit request was achieved with the acquisition of the church property two years ago. The process for reviewing the current plans began about a year ago with discussions between the proponents and neighbors, the Harvard Square Advisory Committee, the Historical Commission, the business community and the Harvard Square Defense fund.

He indicated that in those discussions several key issues were identified: the FAR of the proposal, the desirability of a residential component, preservation of the "quirkiness" aspect of Harvard Square development patterns, respect for the park, and the preservation of Grendel's and later the Tweeter's buildings. After more than seven meetings with the Cambridge Historical Commission and their staff, and with many other bodies, those early objectives have been met: the FAR is 83% (or 90% if the open space bonus is not calculated) of that permitted, residential use will occur on floors four through seven, there will be the ability to pass through the site from Winthrop Square Park to Winthrop Street, and both the Grendel's and Tweeter's buildings will be retained. The breakthrough came some three months ago when the Historical Commission indicated that they would permit replacement of the ground floor of Tweeter's when the structure is moved. The tradeoff for these considerable benefits is the request before the Board to permit the increase in height to eighty feet. This final project is the result of many contributions over the year of discussion

Ed Tsoi and Carol Chiles, architects for the project from Tsoi/Kobus and Associates, outlined the project and presented the various schemes that led to the present proposal. The project will be seven stories high on the back portion of the site. The existing driveway for the Wainwright Bank building will be used to provide access to the below grade garage and all parking provided to the development. An exterior loading dock will be provided on a widened sidewalk mostly on the proponents property where little sidewalk now exists. At this location the new building will be pulled back to both respect the retained Grendel's building and to provide a more generous sidewalk area. A new plaza fronting on the park is created to serve as entry to the residential portion of the development; that same entry provides public access to a partially covered walkway leading to Winthrop Street.

The new structure is seven stories and 80 feet to its roof; the first three floors are anticipated to be office or retail use with the upper four floors residential. The residential uses, with its smaller floor to floor height allows the project to meet the height limits in the ordinance. The narrow seven story element is connected by a glass link to the Tweeter's building. Materials are brick for the new building, with pre-cast or limestone details on the upper floors and penthouse. The loading dock is 10' by 30' with all but six inches of the width on the development site; if service vehicles park tightly they would be fully off the public way, unlike current practice where two wheels are usually on the public street.

The Board asked many questions with regard to the loading facility proposed. In response the architects indicated that that alternates were not very desirable: a conforming facility in the building would be difficult to access from the street, would eliminate much valuable retail space at that location in the new building, and would create a permanent, inhospitable physical element in the building. A typical service truck of eight feet could fit in the space provided. A roll over curb is proposed that could be flared at its ends to permit easier pedestrian and handicapped passage when a vehicle was in the space. Current pedestrian passage is now limited in the almost non-existent public sidewalk because a light pole now sits within the ca. 1 to 2 foot wide sidewalk. Loading in the basement is all but impossible because it would not be possible to allow for the turning around of a vehicle. Scheduling of service will principally be determined by the teamsters. There are severe limitations on locating service anywhere else on the periphery of the site. There was considerable discussion with regard to those hours within which it would be most appropriate to restrict service delivery.

Roger Boothe of the Community Development Department reviewed the history of the project with the Harvard Square Advisory Committee and summarized the Committee's report in support of the proposal. Charles Sullivan, Executive Director of the Cambridge Historical Commission, reported on the Commission's process in reviewing the proposal under the demolition ordinance and landmark ordinance. At the request of the Commission he reported that while all four buildings are contributing in the National Register District, the Commission was most concerned with the protection of the park. The Commission believes that this is the best solution in that it protects the setting of the park, sets the height back from it, keeps and restores two significant buildings, and creates what feels like an incrementally developed cityscape. Protection of the historic aspects of the project will be through the granting of a preservation easement to the Historical Commission. Mr. Daniel Crane, attorney for the petitioner, indicated that drafts of easements are circulating that will be executed after the Board approves the project; such easements will provide continuing review of the details of the project before it is constructed and after it is in place. The church building was never considered an appealing building, and while the loss of the theater building behind Grendel's is a real loss, the advantages of the project far outweigh its disadvantages.

The Board and several members of the public had questions with regard to the request for added height; one person objected that the additional height will block the view from the upper floors of a building farther down Mt. Auburn Street (115) and another one on J.F. Kennedy Street. The architects responded: the cornice line of the building is at 60 feet with a maximum height to 80 feet. There will be a 15 elevator override above the eighty feet but all other mechanical elements will be placed on the roof of the Wainwright building.

Other members of the public indicated concern for the impact of the project on the park. The proponents indicated that shadow studies had been done, which demonstrated that there was little new impact on the park because of the site's general south facing orientation. Whether further access to the park is ever provided (generally not favored by those in attendance from the public) is totally within the jurisdiction of the City, which owns the park.

Roger Boothe, in response to inquiries from the Board and public, indicated that when the Park had been renovated, exportations were made with regard to redesigning Winthrop Street. Such a redesign was considered possible but funds were not available at the time to explore

the options. In general the provision of a widened sidewalk for service was thought by all present to be the best of all possible solutions (reference was made to Palmer Street where a similar circumstance exists and works well to provide service while the street is actively used by pedestrians). No one wanted the provision of such a service facility to preclude changes to Winthrop Street at some point in the future.

With regard to other parking issue, it was indicated that the required dimensions will be provided and lights and mirrors will be installed to provide necessary visibility.

The Board, with the exception of the issued of mechanical equipment, expressed no strong concern for the request for additional height; the additional height makes possible the preservation of the Grendal's building, the moving of the Tweeter's building and its renovation. The relief from parking was not of concern, as it has been done frequently in Harvard Square; payment to the Harvard Square Improvement Fund will be required. Relief of the setback requirement for residential use for portions of the building facing onto Winthrop Street was viewed as acceptable and very minor in extent. The fourth element of relief sought was extensively reviewed: the loading dock on Winthrop.

The hearing was then closed to further oral testimony but the petitioner was asked to return with additional information: shadow studies showing the impact of the additional height on the park, comments on whether and how the times of service to the facility can be handled, consideration of alternate plans that might reduce the height of the elevator penthouse override, consideration of more durable materials at the lower elevation of the building, illustration of the relationship of the project to 115 Mt. Auburn Street, further modifications to the loading space to accommodate pedestrian movement around a parked truck, and further description of the design of the housing entry.

On December 3, 1996 the petitioner returned to respond to the requests made by the Board at the public hearing. The flush curb for the loading space was extended for an additional five feet in either direction to permit pedestrian passage around a vehicle. The actual loading space would be demarcated with different materials. Several variations on the penthouse for the elevator were shown, with perspectives to illustrate how visible it might be. In general it would not be particularly prominent in any direction; in the end the Board merely asked that its height and bulk be minimized to the extent possible without mandating a specific solution. Granite will be used at the lower level in place of limestone or its

equivalent. The Board indicated that “best efforts” language should be put into leases and the decision to encourage adequate control of the time of deliveries and the unauthorized use of the loading space.

Roger Boothe reported on his discussions with Public Works and Traffic personnel with regard to Winthrop Street. There appeared to be no operations impediment to consideration of major changes to the character and use of the street in the future. Further exploration of the opportunities will be undertaken by the staff.

Findings

The Planning Board finds the proposed development consistent with the intent of the Zoning Ordinance generally, the objectives of the Harvard Square Overlay District, and with the requirements of each provision of the Ordinance by which relief is sought. as set forth below.

1. The proposal is in compliance with the general purposes of the Harvard Square Overlay District (Section 11.52)

a. Preservation and enhancement of the District’s functional environment and visual character.

The development preserves two structures now on the site that are important for their historic and urban design contributions to Harvard Square as determined by the Cambridge Historical Commission. The site design substantially upgrades the private edge abutting Winthrop Park, as well the edges along Winthrop Street and Mount Auburn Street, making those edges more hospitable for pedestrians walking along them and more appealing visually for anyone who passes by. The complex of buildings significantly improves the environment for the conduct of retail activities that will be expanded on the site.

b. Mitigation of the functional impacts on residential neighborhoods.

The development is well removed from residential neighborhoods and will have no direct impact on them. However, a significant portion of the development will be devoted to residential use, valuable in its own right for the contribution it will make to the life and activity of the Square and valuable as a substitute for alternate office uses that would have more negative impacts with

regard to traffic and congestion in the immediate vicinity and farther afield.

c. Maintenance of a diversity of development, open space patterns, and building scale.

Two small-scale buildings, already on the site, will be retained, one of which is of wood-frame construction. The smaller buildings will front onto Winthrop Square Park, which will insure that that park will not be overwhelmed by inappropriate building mass. Private open space within the development will extend and complement the amenities of the park and permit passage of pedestrians through the development. The Cambridge Historical Commission has reviewed the proposal and finds it an acceptable balance of preservation of the most important structures on the site, protection and enhancement of Winthrop Square Park, and the desire of the owner to make additional commercial use of the site. The larger, new building is sited so as to provide an effective transition between the existing large Wainwright Bank building and the smaller structures in front of it.

2. The proposal is in compliance with the general development guidelines outlined in ***Harvard Square Development Guidelines***.

a. Retention and upgrading of the existing inventory of old buildings.

The two existing buildings to be retained have been identified by the Cambridge Historical Commission as the most significant historically of those now on the site. Each will be significantly upgraded for continued commercial use as part of the larger redevelopment of the site.

b. Respect for the diversity of building form and scale.

The development will consist of a variety of buildings of different scales, architectural styles and building materials. Each will relate to its surroundings differently depending on its location within the site. The result will be a site that, while planned and developed as a single enterprise, will visually appear to have developed incrementally over a long period of time. This variability is consistent Harvard Square as it has evolved over time, and is

preferred as a development pattern both by the **Guidelines** and the provisions of the Overlay District.

c. Expansion of a high quality public environment.

The development will make significant improvements to Winthrop Street, which will reinforce its character as an historic remnant of the City's early street pattern and make it much more attractive to pedestrians who actively use it. Both the Winthrop Square Park and Mt. Auburn Street frontages will be greatly enhanced for the pedestrians who use those public spaces.

d. Expansion of the network of pedestrian walkways.

At its heart, the development will create a new open public plaza that will permit passage by pedestrians through the development from Winthrop Square Park to Winthrop Street and potentially, via interior retail space, to Mt. Auburn Street.

e. Expansion of residential living within the Square.

At least twelve residential units will be developed on the site. The Planning Board has long advocated for expansion of residential use in new development in Harvard Square. The presence of housing at this location carries many benefits, including the displacement of more traffic intensive, alternate commercial uses. In addition, housing use carries the benefit that it allows variability and flexibility in the architecture that contains it that is rarely possible the office use that it most directly displaces.

f. Creative solutions to the Square's parking problems.

The project shall provide the parking necessary for the residential units; a waiver of most of the parking required for the retail activity is requested. It is proposed to meet the delivery needs of the project through a sidewalk loading area that does not create a permanent, inhospitable loading element within the building. The waivers sought are similar to those granted elsewhere for development in Harvard Square.

The excellent public transit available in Harvard Square has made it possible for private development to proceed without the usual complement of accessory parking. The community benefits

because the additional traffic that additional parking spaces would generate does not occur, and the quality of the design of new buildings is enhanced because very costly underground parking can be minimized and the money saved can be expended in more visible ways.

3. The proposal complies with the specific guidelines for the JFK Street/Winthrop Square subdistrict as they are set forth in the ***Harvard Square Development Guidelines***.

At the time of publication of the Guidelines, the renovation of Winthrop Square Park was only a hope; it is now a rapidly maturing restored park. The guidelines do, however, suggest that renovation or upgrading of the private buildings fronting on the park would be of significant benefit. The proposed development makes a special effort to be respectful of the park and those who will use it; the restored historic structures are appropriate in scale to the park's small size and will be the new development's face to that space.

4. The proposal is consistent with the intent of the Special Permit for additional height [Section 11.54.2 (b)].

There are no special criteria set forth in Section 11.50 for the granting of this special permit. Additional height, above the 60 foot as-of-right threshold permitted in the Harvard Square Overlay District, has often been the subject of much discussion and controversy. In this instance, while the additional height to 80 feet is not considered one of the best features of the proposal, it is seen by the Board as an acceptable trade-off for the preservation of two significant existing structures on the site, which are less than 45 feet in height; the granting of additional height allows the flexibility to respond to the very varied environments that surround the development site effectively, allowing lower elements where that is critical, allowing greater setback from the property's edge to provide more generous pedestrian movement around and through the site, and permitting a more graceful pairing of the new tall building with the monolithic Wainwright building next door. In addition, the extra height may be of particular economic value to the desirable residential component proposed and therefore secure economically that use in preference to the alternate office uses that would be less desirable.

The Planning Board reviewed shadow studies presented by the applicant and finds that the additional height will not significantly increase shadow impact on adjacent properties, including Winthrop Park, from that which

would be experienced from a structure at the as-of-right height of sixty feet.

There was considerable discussion of the extent of penthouse mechanical equipment that will be placed above the zoning ordinance definition of height. Much of the equipment that would be located at the very highest point of the new building will be placed at a lower level on the roof of the Wainwright building, effectively eliminating it from public view at most ground level locations. The remaining equipment on the new structure will be the elevator override penthouse. It will be modest in extent and only occasionally visible. After considerable discussion the Board finds the penthouse as proposed acceptable, with the continuing encouragement that the architects work to minimize its size and height if it is reasonably possible.

As the project authorizes less than 30,000 square feet (29,174 square feet) of office or retail uses (Section 4.34 and 4.35), the waiver of the height (as well as parking) requirements in the Overlay District does not trigger the provisions of the Incentive Zoning Provisions, Section 11.200, of the Zoning Ordinance and a payment to the Affordable Housing Trust.

5. The proposal complies with criteria for the granting of a Special Permit to waive the parking and loading requirements [Section 11.54.4 (b)].

a. The lot is sufficiently small to contribute to a pattern of small scale new structures and the retention of existing structures.

The lot is 14,800 square feet in area. For lots in excess of 10,000 square feet the Harvard Square Overlay District requires that there be a specific finding by the Planning Board that the objective of a development pattern of small scale new and existing structures is achieved. The new building proposed is not a small structure, but it is modest in size when compared to alternate schemes that could fill the entire site with a single monolithic, sixty foot building that might easily meet its required parking; comparison with the adjacent Wainwright Bank Building, which is actually sited on a smaller lot, is instructive in this regard. In addition, the combining of four smaller lots into a single development, has provided the flexibility necessary to save the two most important structures on the site, both of which are small in stature and valuable for their reflection of Harvard Square's past developmental history. The new building has been carefully detailed to visually break down its scale and massing and acts as an effective

transition from the more simply designed Wainwright Building. Great variety of character, size and materials is achieved in this coordinated design on a 14,800 square foot lot, as if it were a series of three smaller lots.

For practical development purposes, the new development site was combined with the adjacent Wainwright Bank building lot (held in the same ownership) to create an application lot in excess of 23,000 square feet. Within the meaning of this Section 11.54.4 (b), however, the 14,800 square feet lot is the relevant consideration.

b. The waiver will result in a more appropriate design for its location and the neighborhood.

For the center blocks in Harvard Square there is rarely a good solution to the provision of the required accessory parking or loading facilities. Providing those features nearly always conflicts with the alternate objective of providing pleasant and engaging building frontages along the public streets. This site in particular has no "back" side where such disruptive service elements can be located: Winthrop Street is a very valuable historic remnant from the founding of the city; the park provides no access; and Mt. Auburn Street is both a busy thoroughfare not well suited to additional disruption to accommodate truck and car access and, further, is in need of upgrading as a pedestrian friendly retail frontage.

The proposal makes use of the existing garage entry at the Wainwright Bank building to serve the new underground parking for this development. No new vehicular entry is thus created anywhere on the periphery of this development site while a reasonable complement of parking is provided.

Through widening of the sidewalk along Winthrop Street, a loading pull-off space has been proposed to provide service to the entire complex. No service is provided to the existing activities on the site, and this alternate proposal will provided considerable functional advancement over that which prevails now. The Board understands this to be a compromise, but one that is an advance over the current lack of any such facility and one that does not result in a permanent , inhospitable architectural service element that would be inappropriate on any side of the site, but most

inappropriate along the narrow, historically significant Winthrop Street.

The applicant has requested a waiver of the dimensional requirements for such a loading bay, as it is one half foot short of the width required. With expansion of the required curb to permit general pedestrian and handicapped pedestrian access around a vehicle when parked in the loading space and with a commitment from the proponent to undertake best efforts (1) to limit the times of day deliveries will be made to the site and (2) to prevent unauthorized use of the space by others along Winthrop Street, the Planning Board finds the loading space as configured acceptable.

However, from information provided to the Board from city staff, there is hope that, in the foreseeable future, the entire stretch of Winthrop Street in this block may be reconfigured to create a pedestrian precinct in which space is organized for service and loading to all activities fronting onto the Street. Therefore the Board is prepared to waive the loading space requirement entirely, with the provision that if it should be temporarily established, it shall conform to the layout shown on the approved plans.

c. No National Register or contributing building is demolished, or had been demolished in the preceding five (5) years.

All buildings on the site have been identified as contributing buildings within the Harvard Square National Register Historic District. However, the Cambridge Historical Commission has, in lieu of recommending landmark or preferably preserved significant building status for all the structures on the site, agreed to accept a preservation easement on both the Grendel's building and the relocated Tweeter's building. The remaining two buildings on the site will be allowed to be demolished.

d. The project shall be subject to the Cash Contribution payment to the Harvard Square Improvement Fund required in Section 11.54.4, Paragraph 2a for projects having a Gross Floor Area greater than 80% of that permitted in the district. The Planning Board has established a method by which this cash contribution shall be determined; that method is outlined in Special Permit #96, Major Amendment #1. It requires that the value of each waived parking space shall be the median cost of constructing a parking space in an underground parking facility which cost is adjusted for

the Boston Metropolitan Area, as determined by the most recently published edition of "Means Square Foot Costs; Residential, commercial, Industrial, Institutional" R. S. Means Company, Inc. (or its equivalent, approved by the Planning Board should that document no longer be published). Where the median cost is given on a square foot basis, that unit of measure shall be employed and a parking space shall be assumed to be 400 square feet in size.

6. The criteria for the granting of a Special Permit to waive setback requirements [Section 11.54.5 (b)] are met.

a. The design of the building conforms to the objectives of the Harvard Square Development Guidelines.

See above discussion. The waiver is requested for a small front yard setback on Winthrop Street required for the upper, residential floors (4 and 5, and floor 3 should it be used for housing); unlike commercial use buildings residential use buildings are subject to the yard requirements of a Residence C-3 district. The Board finds that the setback required is small and is reasonably waived. With setbacks that are provided on the upper floors, reasonable efforts have been made to lighten the visual impact of the upper floors of the building.

b. No National Register or contributing building is demolished, or had been demolished in the previous five (5) years.

See above discussion.

7. The general criteria for issuance of a Special Permit are met.

a. The requirements of the Ordinance can be met.

The criteria for the issuance of the required special permits under the provisions of the Harvard Square Overlay District will be met.

b. Traffic patterns will not cause congestion, hazard, or substantial change in the established neighborhood character.

The provision of a substantial element of housing in the proposal will have a positive impact in this regard in that it will reduce the extent to which automobiles will be drawn to the site at peak hours of congestion in Harvard Square; and it replaces a use option (i.e.

general office) that would more likely contribute to peak-hour commuter congestion. The retail component of the site will, in all likelihood, serve the population of shoppers already within the Square (as the existing retail uses on the site do now) and not generate a significant additional vehicle trip burden on local streets.

Service will be provided along Winthrop Street, which is a narrow congested street now. However, there is a possibility that this street will be reconfigured, in the foreseeable future, in a way that will increase its safety for and appeal to pedestrians and rationalize its loading and service function for this and other commercial uses along the street; such a change would be desirable. In the interim, the project will provide a substantially conforming loading facility for its exclusive use.

c. Continued operation or development of adjacent uses will not be adversely affected.

Winthrop Square Park will be positively impacted by an upgraded environment at its periphery. The retail uses now operating within the subdistrict will be strengthened by development of a more integrated and pedestrian friendly retail component on this block.

d. No nuisance or hazard will be created to the detriment of the health, safety, and welfare of the occupants or the citizens of the City.

None will be created. Indeed, the inadequately and obtrusively handled refuse and waste from the current uses on the site will be handled efficiently in the new development, beyond the view of the general public.

e. The use will not impair the integrity of the district or adjoining districts or derogate from the intent or purpose of the Ordinance.

To a substantial degree the proposal advances the major objectives of the Harvard Square Overlay District and the Winthrop Square subdistrict.

8. The criteria for modifying the width of a curb cut as set forth in Section 6.43.5 are met.

The additional width of the curb cut from the 30 feet permitted in a business district, to the 55 feet proposed, will facilitate public safety and traffic management on narrow Winthrop Street by providing an opportunity for service vehicles to pull out of the narrow carriage way and permit pedestrians to move around that vehicle safely while it is parked there.

Decision

After review of the application documents, and discussions at the public hearing and at subsequent regular Board meetings, and based on the above findings, the Planning Board **GRANTS** a Special Permit for additional height in the Harvard Square Overlay District (Section 11.54.2 (b)), to waive all loading requirements and reduce parking to less than required (Section 11.54.4 (2)), to waive setback requirements for residential use (Section 11.54.5 (b)), and to waive the limitation on the width of a curb cut in a business district (Section 6.43.5) in order to permit the construction of a new building and relocation of two other buildings at 91-95 Winthrop Street and 100-102 Mt. Auburn Street totaling 12 dwelling units and 17,620 square feet of new retail space, as outlined in the above application documents, subject to the following conditions and limitations.


1. The project shall be subject to continuing design review by the Community Development Department. Final plans submitted for issuance of a building permit shall be generally consistent with the approved plans dated October 10 and revised December 13, 1996 and with the approved dimensional limitations as approved by the Board and set forth in Appendix I. Before issuance of a building permit the Community Development Department shall certify to the Superintendent of Buildings that the final plans are consistent with and meet all conditions of this Decision.
2. The project shall not be providing between 12 and 14 required parking spaces, which number shall depend on development of detailed engineering plans yet to be done. A payment to the Harvard Square Improvement Fund will therefore be required in the amount of \$97,076 (for 14 spaces), \$90,142 (for 13 spaces), or \$83,208 (for 12 spaces) [$(\$34.67/\text{s.f.} \times 400 \text{ s.f.}) \times 14, 13, \text{ or } 12 \text{ waived parking spaces} \times 50\%$], which payment shall be made before issuance of any Certificate of Occupancy for any portion of the building in fulfillment of the requirements of Section 11.54.4 of the Zoning Ordinance.

3. For the time the loading space is provided on the site it shall be constructed as shown on the approved plans. The permittee shall make best efforts to restrict use of that facility to limited hours (which shall be determined in consultation with the appropriate city staff) to minimize conflict with pedestrians using the street and sidewalk and to prohibit use by vehicles not serving activities within the approved project.

4. Before the issuance of any Certificate of Occupancy for any portion of the building the permittee shall certify to the Planning Board the actual, total gross floor area in the approved project that is devoted to office and retail uses listed in Section 4.34 and 4.35 of the Zoning Ordinance. All provisions of Section 11.200 of the Zoning Ordinance shall apply to all gross floor area in excess of 30,000 square feet , including the required payment to the Affordable Housing Trust.

Voting to grant the special permit were P. Dietrich, H. Salemm, A. Cohn, H. Russell, S. Lewis, and W. Tibbs constituting at least two thirds the membership of the Board. C. Mieth abstained from voting.

For the Planning Board,

A handwritten signature in black ink, appearing to read 'Paul Dietrich', written over a horizontal line.

Paul Dietrich, Chairman

A copy of this decision 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 December 27, 1996, by Elizabeth J. Malenfant, authorized representative of the Cambridge Planning Board. All plans referred to in the decision have likewise been filed with the City Clerk on such date.

Twenty (20) days have elapsed since the filing of this decision.

No appeal has been filed.

DATE:

City Clerk
City of Cambridge

Dimensional Form

	<u>Allowed/Required</u> (1)	<u>Existing</u>	<u>Proposed</u>	<u>Granted</u>
Floor Area Ratio (Floor Area)	<u>3.0/4.0</u> <u>(95,380) sq.ft.</u>	<u>2.75</u> <u>(65,580)</u>	<u>3.61</u> <u>(86,010) sq ft</u>	<u>3.61</u> <u>(86,010) sf</u>
Max. Height	<u>60 feet</u>	<u>Less than 45 ft</u>	<u>80 feet</u>	<u>80 feet</u>
Max. Angle Above Cornice Line	<u>45°</u>	<u>45°</u>	<u>45°</u>	<u>45°</u>
Min. Lot Size	<u>5,000 sq ft</u>	<u>N/A*</u>	<u>23,854 sq ft</u> (2)	
Min. Lot Area per d. u.	<u>300 sq ft</u>	<u>N/A**</u>	<u>477 sq ft</u>	
Max. No. d. u.		<u>N/A**</u>	<u>12</u>	<u>18</u>
Min. lot width	<u>50 feet/none</u>	<u>N/A*</u>	<u>100.5 feet</u>	<u>100.5 ft</u>
Min. yard setbacks		<u>N/A*</u>		
Front	<u>22 feet/none</u>	<u>N/A*</u>	<u>24 feet</u>	<u>24 feet</u>
Side L	<u>22.6 feet/none</u>	<u>N/A*</u>	<u>18 feet</u>	<u>18 feet</u>
R	<u>22 feet/none</u>	<u>N/A*</u>	<u>N/A</u>	
Rear		<u>N/A*</u>	<u>0</u>	<u>0</u>
Ratio Usable Open Space (Area)	<u>10%/none</u> <u>(573 sq ft/none)</u>	<u>N/A**</u> <u>(-)</u>	<u>10% of 24% of lot area</u> <u>(592 sq)ft</u>	<u>10% of 24% of lot area</u> <u>(592 sf)</u>
Off-Street Parking				
Minimum No. Spaces	<u>32</u>	<u>None</u>	<u>18</u>	<u>18</u>
Maximum No. Spaces	<u>42</u>	<u>None</u>	<u>20</u>	<u>20</u>
No. Handicapped Spaces	<u>1</u>	<u>None</u>	<u>1</u>	<u>1</u>
Bicycle Spaces	<u>8</u>	<u>None</u>	<u>8</u>	<u>8</u>
No. Loading Bays	<u>1</u>	<u>None</u>	<u>0</u>	<u>0</u>

(1) 24% residential C-3/76% business B (2) includes open space bonus table 5-1/table 5-3

*Not applicable given 5 parcel assemblage with varying existing dimensions

**Not applicable given no dwelling units on site